

“What’s going on ‘ere, then?” An empirical exploration of the anatomy of rogue trading incidents

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This thesis is submitted as partial fulfillment of the requirements for the award of the degree of Doctor of Criminal Justice of the University of Portsmouth.

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I confirm that whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

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Abstract

This research uses a mixed methods Applied Thematic Analysis to investigate the ‘anatomy’ of rogue trading using records from the Thames Valley Police’s crime recording database, from 2013. One of few empirical studies into the phenomenon, this thesis situates the crime within the broader academic framework of white-collar crime, critically exploring whether the concept provides an adequate framework, and examining why it has been under-explored given the backdrop provided by extant literature which identifies the involvement of professional, organised criminals, and the victimisation of vulnerable individuals. Building on the author’s previous work (Day, 2015), this study investigates difficulties regarding the definition, recording and retrieval of rogue trading incidents, using distraction burglary (a similar offence in terms of offender and victim profiles) as a comparator. It also critically examines what police records reveal about the victimology and *modus operandi* of the crime type, and the police response it receives. This research finds that rogue trading is more financially damaging and prevalent than distraction burglary, and that an overlap exists between the two offences. It discovers that the majority of victims are categorised by police as vulnerable, and that financial losses are generally greater where vulnerable victims are involved. Service provision to victims is generally poor, with joint-working between police and Care Services inconsistent, and the installation of CCTV and use of statutory special measures particularly rare. Further, the findings depict a fluid and varied *modus operandi* commonly involving the carrying out of work (most frequently roofing) at victim’s properties and the repeated targeting of victims, sometimes transporting them to financial institutions to facilitate immediate financial gain.

This study also shows the response the police give to rogue trading to be routinely poor. This includes an almost complete absence of consideration of legislation introduced specifically to combat rogue trading, a wider failure to consider more mainstream offences such as theft and fraud, non-compliance with Home Office Counting Rules (HOCR) and National Crime Recording Standards (NCRS), and a frequent failure to assess the work carried out by suspects. This research suggests the current situation is inadequate from an investigative, enforcement and safeguarding perspective and that unless there are significant changes to the way the police deal with and record rogue trading, this is unlikely to improve. Finally, the study suggests that white-collar crime no longer provides an appropriate lens through which to view rogue trading and that contemporary fraud studies may provide a more suitable academic framework.

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Abbreviations

ABE Achieving Best Evidence

ACPO Association of Chief Police Officers

ACTSO Association of Chief Trading Standards Officers

Aggd Aggrieved (injured party)

ATA Applied Thematic Analysis

ATT At this time

CCTV Closed Circuit Television

CJA Criminal Justice Alliance

CJS Criminal Justice System

CPIA Criminal Procedure and Investigations Act 1996

CPS Crown Prosecution Service

CRI Crime Related Incident

CSE Child Sexual Exploitation

CSEW Crime Survey of England and Wales

CT Counter Terrorism

CTSI Chartered Trading Standards Institute

EWCA England and Wales Court of Appeal

H/A Home address

HMIC Her Majesty's Inspectorate of Constabularies

HMICFRS Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services

HO CR Home Office Counting Rules

HTMS Human Trafficking and Modern Slavery

IPA Interpretive Phenomenological Analysis

LEPH Law Enforcement and Public Health

M.O. Modus Operandi

NAO National Audit Office

NCA National Crime Agency

NCRS National Crime Recording Standards

NFA National Fraud Authority

NFIB National Fraud Intelligence Bureau

NICEIC National Inspection Council for Electrical Installation Contracting

NW3C National White-Collar Crime Center

OCG(s) Organised Crime Group(s)

Offloc Offence location

ONS Office for National Statistics

POCA Proceeds of Crime Act, 2002

PCC Police and Crime Commissioner

PTSD Post Traumatic Stress Disorder

PVP Protecting Vulnerable Persons

SMI Serious Mental Illness

SOCA Serious Organised Crime Agency

SOCO Scene of Crime Officer

Sus Suspect

Susknown Suspect known

TA Thematic Analysis

TIC Taken Into Consideration

TVP Thames Valley Police

VIPER Video Identification Parade Electronic Recording

VRI Video Recorded Interview

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Chapter 1: Introduction

There is little in-depth research exclusively exploring the issue of rogue trading, and fewer studies which examine the specific issue from a police perspective. This study therefore makes an original contribution by addressing this gap through the use of empirical research, the findings of which could enable evidence-based policy and practice decisions. In academic terms, the wider context in which rogue trading is situated is white-collar crime, with a focus too on victimology. As will be outlined throughout the thesis, terms which lack a definitive definition represent a significant barrier to the understanding and study of those phenomena both in academia and in practice. Rogue trading is one such term and to frame the phenomenon, its use, for the purpose of this study, is therefore defined as;

‘Any incident where an individual, or individuals, targets a consumer, deliberately overcharging for unsatisfactory goods and/or services. This includes charging for unnecessary work, damaging property in order to obtain money or work, charging for work not carried out, leaving work unfinished and intimidating behaviour in order to extort money’. (Day, 2015).

This definition borrows from and develops that coined by Barratt (2012, p 7) whose definition was restricted to cold-call incidents. The broader definition is important as it ensures the capture of instances where offenders utilise business cards, flyers and websites to attract consumers to call *them*

(ACTSO, 2014; Day, 2015), thereby capturing data relating to potentially more sophisticated and better-organised perpetrators (Day, 2015).

Scene setting

The researcher is a Trading Standards Practitioner, employed in a large, Shire County Local Authority Trading Standards department where he specialises in the investigation of doorstep crime. Trading Standards play an important role in the investigation and enforcement of doorstep crime and so a brief introduction to Trading Standards is required. Trading Standards is a Local Authority Service with statutory responsibility for the enforcement of criminal law in a wide framework of consumer protection legislation, comprising over 200 statutes (CTSI, 2013). Historically the Weights and Measures Department, Trading Standards now enforce areas including product and electrical safety, food labelling (Hutter, 2011), weights and measures, farmed animal health, welfare and traceability, feed labelling, counterfeiting and intellectual property, and the sale of age-restricted products. Each Local Authority Trading Standards Department is responsible for maintaining a fair trading environment for consumers and a level playing field for businesses. This is generally performed through intelligence-led action involving risk-based inspections of businesses, market surveillance, monitoring and responding to consumer complaints of criminal breaches, issuing business advice and guidance, issuing statutory notices, and prosecutions. Each Authority publishes an enforcement policy aimed at proportionate and effective action to ensure regulatory compliance and has, according to the needs and strategies, its own local priorities areas within the

regulatory framework. The National Trading Standards (NTS), funded by the Department of Business Energy and Industrial Strategy (BEIS), the Ministry of Housing, Communities and Local Government (MHCLG) and the Food Standards Agency (FSA), uses an intelligence-led approach to coordinate enforcement action on priority area cross-border cases regionally and nationally. The NTS key priorities are identified via a national Strategic Assessment and in 2018/19 comprised doorstep crime, fair trading issues, mass marketing fraud, product safety and intellectual property (NTS, 2018). Doorstep crime has been identified as a priority area annually since the establishment of the NTS in 2011/2012, and up to 80% of Local Authority Trading Standards give high priority to the enforcement of doorstep crime locally (ACTSO, 2015, p 8).

Trading Standards has experienced acute cuts to funding in the wake of Central Government's austerity drive, with spending nationally reduced from £213 million in 2009, to £124 million in 2015 (CTSI, 2017). Cuts have not fallen evenly, with some areas experiencing a greater than 60% reduction in their annual budget, resulting in four services receiving an annual budget of £200,000 (Silvester, 2016) and some services comprising just one qualified officer (NAO, 2016). This severely impacts the level to which Trading Standards can be expected to lead work on doorstep crime and has resulted in a postcode lottery of service provision, depending on the resources available in each Authority. The relationship each department has with the local police force is also impacted by geographical location and level of resources. For instance, the Thames Valley Police (TVP) force area includes separate County Council Trading Standards departments in

Buckinghamshire (itself a joint service with Surrey Trading Standards) and Oxfordshire, as well as Milton Keynes Trading Standards, and the boroughs of Slough, Reading, the Royal Borough of Windsor and Maidenhead, and the West Berkshire Trading Standards (run in partnership with Wokingham Borough Council). Not only are multiple contacts therefore required, depending upon which part of the force area in which an incident occurs, but there is likely to be little consistency and significant variability in the level of response the police can expect from each Trading Standards department. By contrast, the Hertfordshire police force need liaise only with Hertfordshire Trading Standards as their geographic remit is the same.

The researcher's Trading Standards practitioner experience, working with TVP, allowed the observation that knowledge of legislation relevant to rogue trading incidents amongst the police is generally low. Encountering police officers who perceive rogue trading to be a purely civil law issue, or a matter solely for Trading Standards enforcement is fairly common. The researcher is aware of instances where suspects have effectively been 'moved along' having already taken thousands of pounds from a victim by police officers investigating whether criminal offences have been committed, preferring instead to simply curtail further financial loss, whilst simultaneously labelling it a 'non-crime, welfare call for assistance' (HMIC, 2014). This response seems incongruous when compared with the levels of financial loss often involved, typically encountered victim demographics and the associated impact victims may experience, each of which will be discussed in detail throughout this study.

The legal framework which forms the backdrop for this crime type is such that the vast majority of incidents are recordable offences notifiable to the Home Office (Home Office, 2013). The researcher, questioning the appropriateness of the police approach sometimes encountered, wanted to explore more widely how police respond to rogue trading. From an academic perspective the study examines whether white-collar crime is the appropriate lens through which to view rogue trading.

A secondary data analysis was deemed the most effective way of exploring these questions, because as an outsider, gaining access to willing participants would be challenging. Moreover, as it is a necessarily self-selecting sample, those that responded may be more interested in rogue trading as a phenomenon and their responses may not be representative of wider attitudes, potentially calling into question the validity and reliability of the study. There is also the potential for the 'interviewer effect' (Landsberger, 1958) to impact responses, with participants giving model answers rather than it reflecting true practice. By contrast, the secondary data provide an accurate reflection of real-world incidents from the perspective of the responding officer.

Why the study is important

As discussed throughout this research, rogue trading is an under-explored crime from academic and practitioner perspectives. Examining police records enables an exploration of the circumstances surrounding incidents, thereby allowing for observations not simply on policing response, but also more broadly regarding victims, offenders, the offences and the academic backdrop.

As alluded to, these incidents are deemed sufficiently important by the Home Office for the majority to be classified as notifiable offences. The enactment of several laws has strengthened the nexus of legislation concerning rogue trading. The introduction of the Fraud Act (2006) brought most rogue trader incidents firmly into the realm of criminal law, where previously it had been more difficult to deal with the matter as anything other than a contractual dispute, despite precedent that deliberate overcharging can be a criminal matter (see for instance *R. V Goldman* [1997] Crim LR 894 and *R. V Silverman* [1998] 86 Cr App R 213). In practice, as the offenders routinely use false details, the victim's ability to successfully identify them (and their whereabouts) to recover their losses via the civil courts was all but impossible. By unambiguously criminalising deliberate false representations in order to make a gain, or expose another to a risk of loss (Fraud Act, sections 1 and 2), the situation changed immediately. Moreover, fraud is a conduct offence rather than a results offence, meaning it is not necessary for a victim to be taken in by the false representation in order for the offence to be completed.

The Fraud Act (Section 9) also contains a fraudulent business charge; highly relevant to rogue trading, as evidenced by the Crown Prosecution Service (CPS) explicitly recommending that the charge is considered in instances where, "rogue "cold calling" traders... submit inflated bills to customers for shoddy work (and who often target the elderly or vulnerable)." (CPS, n.d.). Subsequent legislation (Consumer Protection from Unfair Trading Regulations 2008) has further strengthened the hold of the criminal law on rogue trading matters by enacting an offence of misleading action, in large part mirroring the offence of fraud by false representation, except for removing the need to prove *mens rea*. It is therefore sufficient that a statement is false or likely to deceive

the average customer, even where it is not deliberately dishonest, for it to qualify as a recordable criminal offence (Consumer Protection from Unfair Trading Regulations, regulations 5 and 9). These Regulation also make illegal misleading omissions (Consumer Protection from Unfair Trading Regulations, regulations 6 and 10) and aggressive commercial practices (with a wide definition of 'aggressive' encompassing harassment, coercion and undue influence as well as outright aggression) where the trading practices are likely to cause the average consumer to take a transactional decision he would not have otherwise taken (Consumer Protection from Unfair Trading Regulations, regulations 7 and 11). The Regulations also list 31 banned practices which the law considers are in all instances unfair. This includes behaviours relevant to rogue trading such as displaying an unauthorised trust mark, or falsely stating that a product will only be available on particular terms for a very limited time.

Further legislation introduced in the same year (Cancellation of Contracts Made in a Consumer's Home or Place of Work etc. Regulations 2008) provided consumers a cooling off period of 7 days and an opportunity to change their mind and cancel the contract where the contract was formed with a trader away from the trader's place of business. The law also required that traders give notice of the right to cancel to consumers, creating an offence where they failed to do so (Regulation 17). Whilst this legislation has been superseded (by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013), the newer Regulations came into force only on the 13th June 2014, after the end date of the data, making the previous legislation applicable. Since the new legislation still requires a cooling off period (now increased to 14 days) and provides an offence (Regulation 19) where the

trader fails to give notice of the consumer's right to cancel, for the purposes of this study, the change is academic.

Combined with legislation that requires the traders to properly identify those behind the entity in business documentation (for instance, the Companies Act 2006) the legislative framework covering rogue trading is now formidable. Despite this, the most comprehensive research studying the police response to rogue trading (Steele et al., 2001) was conducted before the vast majority of the laws existed. Unsurprisingly the study concluded there was little police could do to combat rogue trading given the matter at the time mostly fell outside of the scope of the criminal law and therefore the police remit. As such, the focus turned instead to preventing the phenomenon by educating the public and disrupting the perpetrators through robustly enforcing criminal law in respect of distraction burglary, which fell more comfortably within the criminal law, and with which rogue trading seemingly overlapped (Steele et al., 2001; ACTSO, 2014). With the substantial changes to the relevant criminal law landscape subsequent to Steele et al's (2001) study, it is anomalous that rogue trading has not since been the subject of considerable further research. The detailed, empirical investigation of rogue trading, particularly the police response to it, is therefore overdue.

Aims and Objectives

This research aims to utilise the theoretical framework of white-collar crime to explore real-world empirical data to reveal findings that increase knowledge about the 'anatomy' of rogue trading. The overarching aim of the research is

to critically examine rogue trading and to consider whether the current conceptualisation of white-collar crime provides an adequate framework within which to situate this offence.

There are 3 objectives for the research: -

1. To explore, against a backdrop of academic and practitioner research describing fraud and white collar crime as under-researched, the research process and detail the retrieval of the relevant dataset and the associated barriers to research.

2. To critically examine, using a mixed methods Applied Thematic Analysis, what police records can reveal about rogue trader victimisation, the *modus operandi* employed by the perpetrators and the police response the incidents receive.

3. To situate the findings against the framework provided by extant literature to contribute to and advance current academic knowledge by addressing a gap in the literature and improving understanding of rogue trading, potentially allowing for evidence-based decision-making in policy and practice.

Thesis Structure

This thesis is broadly structured around the themes that are examined, exploring in turn the recording and retrieval process for incidents of rogue trading, the victimology, the *modus operandi* employed by the perpetrators, and the police response provided to such incidents against the backdrop of white-collar crime and victimology.

Chapter 1 introduces the study, research topic and the aims and objectives. It provides the definition employed during the research for the term 'rogue trading' and an outline of the chapters that follow.

Chapter 2 identifies the relevant extant literature, explaining where the study of rogue trading fits within a broader criminological framework of white-collar crime, victimology and fraud. It summarises the current state of knowledge regarding rogue trading and examines the police recording situation, the victimology, the *actus reus* itself and the police response that follows.

Chapter 3 examines the research methodology, the methods employed for the research and the rationale for their adoption.

The following four chapters then discuss the findings the data yielded, how they fit into the theoretical framework of white-collar crime and victimology, how they link back to the extant literature and how they challenge and support previous research, and advance our current understandings of rogue trading and doorstep crime. These chapters mirror the structure adopted in chapter 2, examining those phenomena revealed to be most interesting and rich for study as the research progressed, against the broadly-stated aims of advancing knowledge of the anatomy of rogue trading; the victimology, the *modus operandi*, and the enforcement response it receives. The structure of the chapters combines the results and the analysis within each theme. As the results and analysis are intrinsically entwined due to the research being theoretically informed and underpinned, separating them seemed arbitrary and they have therefore been presented together.

Chapter 4, the first results and analysis chapter, explores the difficulties encountered in data retrieval, and the real-world impact of this, in academia and practice.

Chapter 5, the second analysis chapter, explores the victimology of rogue trading. Utilising qualitative and quantitative methods the chapter explores whether (and to what extent) victims are deemed vulnerable by police as well as the nature of those vulnerabilities. As chapter 2 details, the field of victimology grew, politically at least, as a means of combatting an imbalanced public perception between the fear of crime and actual victimisation (Mayhew and Hough, 1988; Kearon and Godfrey, 2007; Walklate, 2007). Further, the more victim-centric focus allowed for a migration away from the police as solely or primarily responsible for crime prevention and detection, placing greater prominence on victim precipitation, with scholars and politicians casting individuals as ultimately responsible for their own protection and crime prevention (Mayhew and Hough, 1988; Daigle, 2013). The victim profile of rogue trading is explored against this backdrop.

Chapter 6, the third analysis chapter turns the focus to the offence itself, analysing different *modus operandi* and the extent to which it remains consistent with that identified in previous studies, despite their relative scarcity, especially within academic literature (Steele et al, 2001; Gordon and Buchanan 2013; ACTSO, 2014). As discussed in the Literature Review (chapter 2), the majority of studies either deal exclusively with distraction burglary (Home Office, 2002; Thornton, Hatton, Ralph and Owen, 2005, Lister and Wall, 2006), conflate rogue trading with distraction burglary (Steele et al,

2001; Gorden and Buchanan, 2013), or deal more generally with either white-collar crime (Edelhertz, 1970; Geis and Meier, 1977; Braithwaite, 1985; Daly, 1989; Croall, 1989, 1992, 2007; Coleman, 1994) or a wider fraud spectrum (Doig, 2006; Doing and Levi, 2009; Button, Lewis and Tapley, 2009; Gannon and Doig, 2010; Button et al 2012; Tunley, M, 2014; Police Foundation, 2018). Even where academic literature examines specific fraud typologies (see for instance; Levi, 1992; Rowlingson, Whyley, Newburn & Berthoud; 1997) the focus has not been on rogue trading. This chapter therefore examines the findings in respect of the victimology of rogue trading, as identified by the police, and in particular the term vulnerability, what it means and whether it has any effect on the way the crime is experienced or the response delivered.

Chapter 7, the fourth and final analysis chapter, examines the police response afforded to incidents of rogue trading, using both quantitative and qualitative techniques. This is an acutely under-researched area with few minor studies cursorily considering the area of enforcement, this chapter addresses this, focusing empirically upon the enforcement response provided, using police officers' own notes to illustrate in detail the findings. It ties into broader debates about the way police view and respond to certain crime types and victims (Smith and Freinkel, 1988; Mawby and Walklate, 2002; Walklate, 2007; HMICFRS, 2019a, 2019b), the nature of policing, and the police role and remit (Macpherson, 2001; HMIC, 2014; Punch and James, 2016; Westera, Kebbel, Milne and Green, 2016; HMIC, 2017; Police Foundation, 2018), particularly against a backdrop of deregulation and public sector austerity (Tombs, 2016) as discussed in chapter 2. This chapter uses officer's quotes to explore the

police response and discuss the implications of the response on enforcement, the safeguarding and wellbeing of victims, and crime reduction.

Chapter 8 concludes the thesis, drawing together the major findings, discussing their importance and situating them within the framework of current literature. It discusses whether white-collar crime provides an adequate conceptual backdrop by which to frame the study of rogue trading and offers key recommendations and highlights further research opportunities.

Chapter 2: Literature Review

Firstly, this chapter situates the subject of rogue trading within the broader academic literature. Using the lens of white-collar crime, it explores the discipline of victimology, to contextualise and provide a theoretical and historic perspective to this research. This promotes a wider understanding of the problems encountered in studying rogue trading (such as definitional difficulties, for instance) which are discussed throughout the study. The chapter explores the 'typical' victim in white-collar crime, fraud and rogue trading, and examines the resulting impact victimisation can have, along with the reasons for low reporting rates. The chapter then examines what is known of the anatomy of the crime and the motives of (and *modus operandi* employed by) perpetrators, before turning focus to the enforcement landscape; the agencies involved and their response to rogue trading, explaining how definitional and crime recording issues both impact and reflect policy and practice.

This chapter at times uses distraction burglary as a comparator to inform and illustrate the picture regarding rogue trading, and extensive reference is made to several Home Office and 'grey literature' reports, notably Steele et al. (2001), ACTSO (2014, 2015). These empirical, practitioner-driven reports are detailed and wide-ranging, helping to increase understanding of doorstep crime, rogue trading and the police response to fraud respectively. Whilst not peer-reviewed academic works they are thorough and methodologically sound, making the analysis and conclusions both valid and valuable. The more so because these are areas of study that academia has largely overlooked (Gorden and Buchanan, 2013). These reports therefore give tangible,

evidence-based findings, contributing to an under-explored area, providing a benchmark and comparator against which the results of this study can be measured that would otherwise be absent from the discussion. Nonetheless, it is telling that the one extensive report examining doorstep crime from the police perspective (Steele et al., 2001) is approaching two decades since publication, and predates legislative changes reinforcing the criminal law landscape in respect of this crime type.

Rogue trading and white-collar crime

Criminologically, the study of rogue trading stems from the sphere of white-collar crime and represents a sub-set of fraud studies (Smith, Button, Johnston and Frimpong, 2011), yet neither of these umbrella phenomena are 'mainstream' within criminology, and both remain under-explored to varying degrees (Box, 1983; Doig, 2006; Croall, 2007a; Levi, 2008a; Smith, Button, Johnston and Frimpong, 2011), resulting in a 'dearth' of literature (Gorden and Buchanan, 2013) relating to the more specific fraud typology of rogue trading. Indeed, white-collar crime was originally the subject of heated debate as to whether its study constituted (or was relevant to) criminology (Tappan, 1947; Box, 1983), which was at the time predominately concerned with working class and street crime. Whilst the study of white-collar crime has since been accepted it nonetheless remained "confined to the shadows" of criminological research, at least until the Global Financial Crisis of 2008 (Geis, 2016, p 25). In part, this may be because defining white-collar crime is problematic (Croall,

1989; Hartley, 2008; Smith, Button, Johnston and Frimpong, 2011), with most attempts proving insufficient (Green, 2004) and a split between offender (Braithwaite, 1985) and law-based perspectives on the definitions (Albanese, 1996). This difficulty in definitively defining white-collar crime (Newburn, 2007) is highlighted when one uses rogue trading as a practical example; it fits within some definitions employed for white-collar crime, but is excluded from others. Sutherland, who coined the phrase, defined it as “approximately a crime committed by persons of high social status and respectability in the course of their occupation” (1949, p 9). Rogue trading would not fit within this definition given the manual labourers, tradespersons and salespersons of home improvements such as double glazing which perpetrate the crime type would not traditionally be perceived as commanding a high social status, nor, (according to Sutherland) would the professional offenders since ‘wealthy members of the underworld’ are not ‘persons of respectability’. Indeed, Sutherland’s work can be said to have concentrated almost exclusively on corporate wrongdoing (Geis, 2016, p 32).

However, ‘unnecessary home repairs’ now fall squarely within the scope of study of The National White-Collar Crime Center (NW3C) in the United States of America (NW3C, 2006, 2010), despite it sitting uneasily within Reiss and Biderman’s (1980, p 4) definition of “violations of the law to which penalties are attached that involve the use of the violator’s position of significant power, influence or trust in the legitimate economic or political institutional order for the purpose of illegal gain”. This is because, again, it is hard to perceive rogue traders as occupying a position of significant power or influence within the legitimate economic or political order. More complicated still, rogue trading can simultaneously meet, and fall outside of, Croall’s definition (1992, p 9), due to

her use of the phrase “in the course of legitimate employment”. Here, those incidents where an otherwise legitimate trader succumbs to an opportunity to take advantage of a customer would meet the definition (so-called ‘crimes of everyday life’)(Felson, 2002; Gabor, 1994), whereas those where the ‘trade’ is merely a vehicle by which the career criminal perpetrates fraud would fall outside it. Ongoing disagreement as to whether white-collar crime includes corporate harms outside the criminal law realm (as argued by Tombs (2010)), state and environmental crimes captured by the regulatory or administrative law framework (Green and Ward, 2000) and even the ‘lawful but awful’ (Passas, 2005) ensures the breadth of study is vast, even whilst remaining under-explored. The potential wide scope of the discipline, coupled with its peripheral status, have ensured that more ‘traditional’ crimes such as rogue trading that sit near the borderline of definitions have received scant attention. Consequently, it is clear why debate over the definition of white-collar crime continues (Benson, Van Slyke and Cullen, 2016; Geis, 2016; Levi, 2019), variously being described as being too broad (Geis and Meier, 1977; Shapiro, 1990; Slapper and Tombs, 1999), too narrow (Edelhertz, 1970; Daly, 1989) or imprecise (Pearce, 1976; Albanese, 1995). This debate is mirrored in discussions of rogue trading, which also suffers from the same lack of a definitive definition (Day, 2015). Similarly, prior to the introduction of the Fraud Act it was “an impossible task for police forces to account statistically for ‘fraud’” (Gannon and Doig, 2010, p 45) more widely, because it also had no specific criminal definition. Defining fraud has also been problematic, with both legal and theoretical concepts coexisting (Smith, Button, Johnston and Frimpong, 2011) with the widest theoretical positions encompassing such a vast array of activity as to, in effect, criminalise lying (Ormerod, 2007). This

leaves existing sources of data with 'weaknesses and inconsistencies' (Levi and Burrows, 2008, p 298) resulting in the under-representation of criminological studies of fraud.

Even where fraud *is* the subject of study, there are often difficulties; the methodologies used by some of the professional consulting firms lack detail and are therefore difficult to assess in terms of validity or academic rigour (Levi and Burrows, 2008). This is particularly so regarding fraud against private individuals (i.e. most rogue trading incidents), which in addition to the problems identified above, (and despite losses estimated at £2.75 billion)(Levi and Burrows, 2008) receives very little attention (Shover, Coffey and Hobbs, 2003; Karstedt and Farrall, 2006; NW3C, 2006) due to it being "invisible" (Croall, 1999), and covered neither in the corporate fraud surveys nor in the public sector reviews." (Levi and Burrows 2008, p 309). This is compounded by the underrepresentation of fraud in official crime statistics, with only a small proportion of frauds recorded by the criminal justice system (CJS) (Great Britain. Home Office, 2005a), the absence of fraud (Sutton, 2007), until October 2015, from the Crime Survey for England and Wales (CSEW) (Office for National Statistics (ONS), 2016), and a lack of reporting in the media, unless depicting it largely as a form of 'infotainment' (Levi and Burrows, 2008). Similarly, concerns regarding the efficacy of police crime statistics and the deliberate and systematic under-recording of crimes in order to improve figures more generally (Peachey, 2014; Barrett, 2013; Doyle, 2014; BBC, 2018) also harm the validity of police crime statistics regarding fraud.

Levi and Borrowes (2008) also identify that neglect of fraud is not simply a media issue. Recent research supports the view that fraud is, despite making up a

third of recorded crimes, not prioritised by police (Button et al., 2007; Levi, 2008b; Doig and Levi, 2009; Smith, Button, Johnston and Frimpong, 2011; Button et al., 2013; Police Foundation, 2018; HMICFRS, 2019b). Levi and Jones' (1985) study showing that police officers perceive low detriment burglary (£20) as more serious than fraud, despite public perception to the contrary is supportive of this. In addition, low detection rates (just 3% of reported incidents, set against 13.5% for all police recorded offences)(Police Foundation, 2018 p 4 and 30) suggest the low priority afforded to fraud (Police Foundation, 2018) may be adversely impacting performance.

Latterly there has been greater attention paid, politically at least, to fraud, with its recent inclusion in the CSEW. This indicates fraud now accounts for 31% of all crime in England and Wales (Great Britain. ONS, 2016; 2017). The increase in rates of fraud can be attributed to the growth and increased accessibility of the internet, moving fraud from "being a corporate 'white-collar' crime dealt with by specialist law enforcement units to a volume crime affecting millions of individual victims, many of whom expect a local policing response similar to that taken in response to other types of crime." (Police Foundation, 2018, p 3). Whilst prevalence alone suggests that dealing with this fraud should be a core police function, the difficulty for police and enforcement bodies is that fraud does not adhere to tradition insofar as the vast majority of cases (78% in 2016-2017)(Police Foundation, 2018, p 3) involve a suspect and victim in different police force areas. Ownership of cases can become contentious, investigations may involve joint-working across force areas and the resources required to deal effectively with the investigation are often greater.

White-collar crime and victimology

It is widely accepted that victimology has “largely neglected victimization from white-collar crime” (Croall, 2016, p 59) and that many aspects of victimisation remain without systematic exploration (Croall, 2007b; Whyte 2007; McGurrin and Friedrichs 2010; Croall, 2016). In part this neglect may be a result of victimisation being largely invisible and unrecognised by victims themselves (Croall, 2007b), such as with air pollution, or food and product safety (Croall, 2016). Other incidents may be recognised but accepted without victims identifying as such and yet more may blame themselves and deal with the matter privately (Croall, 2016). Nonetheless, the scale of losses to white-collar crime is considerable with, for instance, £11 billion lost to the mis-selling of pensions in 1998 alone, and £130 billion lost as a result of 5 million mortgage frauds (Tombs and Whyte, 2010). Moreover, the wider impact of white-collar crime is said to be beyond that of conventional crime, with loss of employment, homes and retirement funds (McGurrin and Friedrichs, 2010; Croall, 2016). Also associated are health implications, such as pollution from environmental crime causing premature deaths (as well as habitat destruction and threats to biodiversity of the natural world), and unsafe food, products and working conditions resulting in deaths and injuries (Tombs, 2010), where the impact is said to fall “most severely on the poorest” (Croall, 2016, p 70).

The ‘typical’ victim profile and reasons why victimisation occurs is also contentious for consumer fraud more specifically. Considerable debate exists as to whether older persons are more likely to be victimised than those of a younger generation (Ross, Grossman and Schryer, 2014). However, the

“endless array” (Cross, 2016 p 61) of ways in which fraud can manifest mean generalised conclusions about fraud victims are largely unhelpful. Different methods of approach, from mass-marketed postal communication, telephone or internet fraud, to more traditional face-to-face communication are likely to appeal to different audiences. Equally, a multitude of fraud types, including but not limited to advanced fee frauds such as fake lottery wins, inheritance frauds; fraudulent investment opportunities such as wine, diamonds, precious metals and crypto currencies; romance scams; property rental scams; ticketing and recruitment frauds may vary in their appeal to different demographics (National Fraud Authority (NFA), 2011). Theories on the causes of victimisation also differ, however, the two dominant discourses surrounding the victimisation of older persons both depict a negative image of victims, reinforcing and perpetuating the stigma associated with victimisation (Cross, 2016; Cross, Richards and Smith, 2016), potentially amplifying the under-reporting of fraud as a result. One school of thought holds that inherent characteristics of older persons result in vulnerability; cognitive decline makes it difficult for victims to discern fraudulent attempts, and physical decline leads to increased social isolation and potential for associated loneliness, meaning greater susceptibility to approaches. The prominence of frailty and helplessness in this theoretical perspective promotes disempowerment and stigmatisation of victims (Green, 2007; Cross, 2013, 2015). The second discourse increases stigmatisation by casting fraud victims as gullible, greedy, or lacking in self-control and partly responsible for their victimisation (Cross, 2013, 2015), (see for instance Lee and Soberon-Ferrer, 1997; Holtfreter, Reisig and Pratt, 2008).

As outlined, the field of victimology, like white-collar crime, fraud and rogue trading, originally sat largely outside of the mainstream of criminology. Its origins and early focus on the extent to which victims could be said to be culpable or in part responsible for their victimisation (Daigle, 1998; Cross, 2013, 2015) served to marginalise the discipline. Its concentration on identifying types of victims mirrored criminology's early endeavours in attempting to identify types of criminal (Walklate, 2005). Latterly, the use of victimology for largely political means (Green, 2007) to highlight that public perception and fear of crime are often disproportionate to the likelihood of victimisation (Mayhew and Hough, 1988; Kearon and Godfrey, 2007; Walklate, 2007; Green, 2007), in particular of street crime specifically amongst older persons and the middle-class, may also have delayed its adoption to mainstream criminology. The re-casting of the individual as ultimately responsible for their own safety and crime prevention (Mayhew and Hough, 1988; Daigle, 2013) has proliferated, despite victimology being far more sophisticated and nuanced than in the discipline's early days where victim precipitation, or even blaming, was prevalent. Regardless of its aspirations of objectivity, there is still but a small conceptual step between studying the victim in order to facilitate crime reduction and prevention, and accepting a 'Just-World' thinking viewpoint (Staub, 1989) or harbouring "an unavoidable tendency toward victim blaming" (Karmen, 2013, p 132) and some have likened fraud victimology to that of rape and domestic abuse, in that victims can be perceived as "undeserving" (Button et al., 2009). Nevertheless, there is now a growing recognition of the "importance of studying the other half of the crime-victim dyad" (Daigle, 2013 p xvii). This is particularly true for offences such as doorstep crime incidents, since a similar victim profile is repeatedly

cited by researchers, and the fraudulent attempt requires that a victim engages in order for the crime to be successfully completed (Holtfreter, Reisig and Blomberg, 2006). Therefore, examining the behaviour of the perpetrator without also considering the reactions of victims is to miss an opportunity, in particular one that might have practical implications for crime reduction and victim safeguarding. Moreover, without concerted study and awareness raising, “victim services are likely to remain “precarious and under-funded” and their needs unassisted (Elias, 1992, p 91). A dynamic model is needed, “that takes into account initiatives and responses, actions and reactions, and each participant’s motives and intentions” (Karmen, 2013, p 120). Moreover, the field of victimology is broad, encompassing not just the causes of victimisation, but also the consequences, and how victims are dealt with by the police, CJS and even the media (Daigle, 1998). This has assisted in identifying the far-reaching effects that are rarely accounted for, including wider system costs such as those of the law enforcement and criminal justice response, and care costs (whether in the form of hospital and health care or social care and mental health). Likewise, there exists vicarious victimisation (Daigle, 1998) such as family members giving up work to provide care for an elderly family member experiencing a loss of independence as a result of victimisation.

Much victimological work has concentrated on violent and street crime, with white-collar crime victimisation receiving scant attention (Ganzini, McFarland and Bloom, 1990; Moore and Mills, 1990; Croall, 1999, 2016), leading Croall (1999, p 30) to conclude, “the recent focus on the impact of crime on victims and communities has by and large not included research on the impact of... fraud... or many other forms of white-collar offending.” Similarly, older victims

of crime have also tended to be overlooked (Brogden and Nighar, 2000; Powell and Wahidin, 2008) and, in keeping with many of the terms considered in this study, “definitional and conceptual ambiguity” (Powell and Wahidin, 2008, p 93) cause difficulties to the study of older persons and victimisation. Research which does concentrate on age as a factor in victimisation tends to conclude that older adults are generally less likely to experience crime than those that are younger (Great Britain. Home Office, 2002; Thornton, Hatton, Ralph and Owen, 2005). Examining victimology specific to rogue trading is complicated not only by the lack of a definition for the phenomenon, but also due to the lack of an identifier for the crime type on police systems; as will now be discussed, this makes identification and consistency problematic.

Lack of identifier for rogue trading in police systems

The ambiguity and lack of definitive definition for rogue trading is a problem not just for academic research, but also both the practical performance-management of, and enforcement response to, the criminality. It is a recurring problem within criminal justice, afflicting not only white-collar crime, doorstep crime and rogue trading (as already outlined) but areas as diverse as terrorism (Ridley, 2012, p 51) and stalking. Indeed, parallels between rogue trading and stalking are especially relevant considering recent findings from the HMIC (2017, p 7) that conclude stalking is misunderstood by police (and the CPS), often unrecognised and unrecorded; charges which have equally been leveled at rogue trading (Steele et al., 2001; ACTSO 2014, 2015; Aplin, 2015). For stalking, this lack of an “exhaustive definition” (HMIC, 2017, p 7) is credited as “a very significant contributory factor to the unacceptably low number of

recorded crimes and prosecutions” (HMIC, 2017, p 7) and again, rogue trading is analogous.

Additionally, research involving rogue trading tends to share focus with distraction burglary, or ‘burglary artifice’ (Home Office, 2003a), with little literature or research specific to rogue trading. The concentration of research on distraction burglary is anomalous given the belief that rogue trading is more prevalent and more lucrative than distraction burglary (Steele et al, 2001; Day, 2015). Furthermore, there is commonly a conflation of distraction burglary with rogue trading (Thornton et al, 2005; Gorden and Buchanan, 2013) perhaps understandably, given the considerable overlap identified between the two crime types (Steele et al. 2001; ACPO, 2011; Barratt, 2012). The ‘mischief’ of both offences is fraud, perpetrators of each are known to commit the other, and both are said to have a similar victim profile (Steele et al, 2001; Great Britain. Home Office, 2003b; Great Britain. Home Office, 2004a; Thornton, et al, 2005; Lister and Wall, 2006; ACPO, 2011; Barratt 2012; Gorden and Buchanan, 2013). However, this conflation may have resulted in an inaccurate or incomplete portrayal of each phenomenon, with the landscape far more nuanced than has been reported. For instance, the average loss resulting from distraction burglary has been calculated as £648.36 (Operation Liberal, n.d.), whereas average losses from rogue trading are £1000 (ACTSO, 2014, p 5) and £1280 for incidents reported to Trading Standards (ACTSO, 2015, p 13), and £3500 (ACTSO, 2015, p 14) to £4650 for those reported to the National Fraud Intelligence Bureau (NFIB) (ACTSO, 2014, p 5). In terms of evidence-based enforcement, the conflation of rogue trading and distraction burglary may therefore have led to limited resources being channeled to issues

potentially less serious or commonplace, at the expense of those of greater prevalence and severity. The preoccupation with burglary artifice is likely the result of the difficulties in measuring and studying rogue trading. Unlike rogue trading, distraction burglary benefits from a Home Office definition and a crime code for identification and classification on police systems. Consequently the retrieval of data on this distinct crime type is far simpler. The definition provides clarity and a definitive phenomenon to study, and the crime code enables the swift, accurate retrieval of a relevant dataset.

Rogue trading, as with white-collar crime, remains a more nebulous concept as a result of its lack of definition perpetuating uncertainty over what constitutes a criminal offence and what represents a civil law matter of sharp practice (Smith, Button, Johnston and Frimpong, 2011). Moreover, the lack of a crime code for rogue trading, or 'flag' to identify it on police databases, compounds matters resulting in problems with the retrieval of incidents (plus information and intelligence they may yield), leaving 62% of forces acknowledging they are currently unable to analyse and monitor its prevalence within their areas (ACTSO, 2015). Thousands of records need scrutiny to identify a small number of relevant incidents (Day, 2015) and police forces, crime researchers and intelligence analysts lack sufficient resources to make such searches feasible. A similar situation exists for Trading Standards where 16,900 rogue trader incidents were reported across England and Wales in 2014 (ACTSO, 2015), but again, conducting empirical academic research is problematic because of difficulties in filtering and retrieving relevant records. The analysis of trends, prevalence and *modus operandi* (M.O.) is therefore unfeasible, as is evaluation of any initiatives (or their effectiveness)

implemented to tackle the criminality (Eck and Spelman, 1987; Ekblom, 1990; Ekblom and Pease, 1995; Eck 2005). As Levi and Burrows (2008) suggest, what is and what is not collected in terms of statistics can give an indication as to which social problems are felt by the state to be important; and the lack of any detailed collation and reporting of information on fraud generally, and rogue trading specifically, speaks for itself. Furthermore, along with the consequently time-consuming nature of the research providing a practical barrier, there also exists considerable potential for collateral access to sensitive or personal data within the data population. Ethical and legal concerns therefore also create serious obstruction to academic research on the subject.

The concentration of research focused on distraction burglary as opposed to rogue trading may also result from the higher profile afforded the crime, in the media, public recognition and enforcement attention. This is in large part a result of the violent killing of an elderly distraction burglary victim in West Yorkshire in 1997 (Chartered Trading Standards Institute (CTSI), 2010). The case rapidly escalated from a distraction burglary to aggravated burglary, and on to murder when the victim did not acquiesce to the perpetrators' demands for money. It was the violent murder which garnered attention initially, rather than the attempted distraction burglary which precipitated it. Ultimately, the victim was identified as a repeat victim of rogue traders, with numerous cheque stubs indicating payments for home repairs to untraceable 'companies'; yet no such increase in profile of rogue trading resulted, beyond, perhaps, a failed private members bill to outlaw cold-calling (Home Office, 2004b). In the aftermath of the investigation into this violent death burglary artifice was given

a Home Office definition and crime code. It is partly this introduction which has afforded the opportunity to better empirically study the phenomenon. The increased enforcement attention and higher profile it received due to the crime code (alongside public awareness raising and crime reduction initiatives) may have led to offenders re-evaluating whether distraction burglary offers an attractive means by which to elicit criminal gain. Table 1 shows the longitudinal decline in the number of recorded distraction burglaries since the introduction of the crime code for the offence in April 2003 (Lister and Wall, 2006).

Table 1: Distraction Burglary offences in England and Wales (Day, 2015 p 192).

Distraction Burglary Offences in England and Wales			
Financial year	Number Recorded	Number Detected	Percentage Detected
2000	just over 16,000	-	-
2001-2002	18,664	747-1120	Between 4-6%
2003-2004	15,113	-	-
2006-2007	12,750	1,358	10.65
2007-2008	10,635	961	9.04
2008-2009	9,090	1,192	13.11
2009-2010	7,657	1,064	13.9
2010-2011	6,024	1,132	18.79
2011-2012	4,831	1,010	21.00
2012-2013	3,562	655	18.00
2013-2014	3,068	-	-

Importantly, at the time of the introduction of the definition and crime code for distraction burglary the legislative framework surrounding rogue trading was such that many incidents fell outside the scope of criminal law, therefore making the simultaneous creation of a crime code for rogue trading impossible. Latterly, as explained in chapter 1, this situation has altered with the introduction of legislation (such as the Fraud Act, and the Consumer Protection from Unfair Trading Regulations) ensuring the majority of incidents are now recordable criminal offences (Day, 2015) under Home Office Counting Rules (HOCR)(Home Office 2012a, 2012b). However, despite these changes to the legal landscape affording the opportunity, no crime code or definition has followed. The author posits the theory that the decline in number of distraction burglaries might have resulted in a corresponding increase in rates of rogue trading (Day, 2015) as there is an established overlap between the two crimes (Steele et al., 2001; Thornton et al., 2005; ACTSO, 2014), with offenders known to engage in both, and to switch method depending upon the situation. As discussed, rogue trading is typically more lucrative for perpetrators than distraction burglary (Steele et al., 2001; ACTSO, 2014, 2015; Day, 2015) and this might therefore have led to an increase in the use of rogue trading as a method of offending instead of burglary artifice.

In addition to the lack of definition and crime code, echoing white-collar crime (historically seen as outside of the scope of criminality, and low priority within the CJS (Tappan, 1946)), further recent changes in the way fraud is policed have led to the potential particularisation of reporting, recording and retrieval of rogue trading incidents. Nationally, since April 2013 (Action Fraud, 2013)(and since December 2012 in the Thames Valley Police (TVP) force

area)(TVP, no date) frauds categorised as 'in progress' are dealt with by the local police force, and recorded within that force area, whereas reports of frauds that have already occurred are directed to the NFIB, via the Action Fraud helpline and recorded centrally. The rationale for NFIB referrals was to have a single, central, national recording of fraud, to grow expertise about prevalent and emerging fraud *M.O.s*, and better gauge the extent of fraud nationally, rather than have it dissipated throughout each individual force. Whilst this recording protocol avoids 'double counting' frauds occurring across different force areas and may arguably help identify linked offences, the storage of information and reports in different locations dependent upon when they are reported (coupled with the lack of crime flag or code) causes further difficulties in the retrieval of information. Rather than centralise fraud recording, the move seems to have further fragmented it, with each individual force area recording local frauds in progress, and a further agency recording all completed frauds at national level. In practice the distinction may be even more problematic, with potential for variation and confusion as to what is retained and dealt with by local forces, and concerns regarding the performance of Action Fraud as a reporting route, with referrals being missed or delayed (Beckfor Thed, 2013; Police Foundation, 2018).

The change in protocol for the recording and counting rules for fraud might also have an effect on the public's attitude to reporting incidents of rogue trading. There is already concern regarding levels of under-reporting both for fraud generally (Button, Tapley and Lewis, 2013) and rogue trading specifically (Steele, 2001; Thornton et al, 2005; ACTSO, 2014; ACTSO, 2015), and if the multitude of report receiving bodies (Button, Tapley and Lewis, 2013) makes

it unclear for the public as to which agency a report should be directed, it further adversely impacts reporting. Similarly if an individual perceives being signposted elsewhere when they try to report an incident locally means it is not being deemed sufficiently important and is indicative of the police lacking interest, the reporting person may be deterred from reporting to the signposted agency (Button, Tapley and Lewis, 2013; HMICFRS, 2019a). This 'mixed economy of support' is all the more important given that those dissatisfied with the enforcement response experience more adverse effects through anxiety than those satisfied with the level of response provided (Great Britain. Home Office, 2003b). This also has a knock-on effect on the study of rogue trading, as has been previously recognised with elite deviance; "if there are undetected conspiracies, no one, no matter what their definition... will be able to study either the nature or impact of such deeds. All theories... rest on empirical measures, and without the data, there are simply no means available to study what takes place" (Simon, 1996, p 89). Whilst the prevailing backdrop is of a limited response to fraud and white-collar crime, and difficulties in studying the phenomenon of rogue trading have limited the current state of knowledge, nonetheless several themes appear consistently in the literature which indicate the topic of rogue trading requires further attention. This chapter will now identify these themes and discuss the findings, to contextualise the current state of knowledge around these crimes, beginning with the victim profile.

The victim profile of rogue trading

Despite the marginalisation of older persons in criminological research (South, 2014, Phillips, 2016a), a topic consistently raised, with regard doorstep crime

generally (Steele et al, 2001; Great Britain. Home Office, 2003b; Great Britain. Home Office, 2004a, Thornton et al, 2005; Lister and Wall, 2006; Gorden and Buchanan, 2013, Age UK, 2018), telemarketing fraud (Hines, 2001) more broadly, and rogue trading specifically (Steele et al, 2001, p 19; Kent Trading Standards, 2008; ACPO, 2011; Alzheimer's Society, 2011; Gorden and Buchanan, 2013), is the victimisation of older and vulnerable persons. Generally, crime rates indicate older people are less at risk of victimisation than younger individuals (Great Britain. Home Office, 2002; Thornton, Hatton, Ralph and Owen, 2005), but for fraud, those over 65 represent 35% of victims (despite making up only 18% of the population), and those aged 75 or over 22% of victims (8% of the population) (BBC, 2015b).

The age profile of rogue trader victims shows 65% of victims aged 75 and over, and more than 20% of all victims aged 80 to 84 years old. The gender split indicates females comprise 54% of victims, and 57% of victims lived alone, with 14% stating they did not have many people they can trust completely (ACTSO, 2015). Professional experience also shows a correlation between being a victim of rogue trading and being regarded as an 'at risk adult'. Thornton et al. (2006) highlighted that 80% of doorstep crime victims were already known to Adult Social Care at the point of victimisation. More recent data indicates that 14% had formal care provision and a further 16% stated they would like more care (ACTSO, 2015). In particular, those with cognitive impairments such as dementia seem disproportionately at risk, with surveys identifying that 26% of victims said they, or those close to them, had concerns about their memory, although only 12% had received a professional mental capacity test. 13% of victims were experiencing a cognitive impairment such

as dementia, and 13% had a mental health condition, such as depression (ACTSO, 2015). The increased risk of victimisation of those with mental health issues, in particular those that are severe, is generally in line with crime victimisation (and repeat victimisation) amongst those with severe mental illness (SMI) where 45% of people experiencing SMI were victims of crime in the last year (Pettit et al, 2013).

Those vulnerable to rogue trader victimisation are also vulnerable to repeat incidents, particularly given that 18% of victims indicated they would deal with cold callers in the future, and 23% believed they had been victim to fraud or a scam in the past. An additional concern is the propensity of doorstep criminals to share information with associates to facilitate further victimisation. Indeed, despite low rates of reporting and recording of repeat victimisation, 7% of rogue trader victims were already known to Local Authorities as repeat victims (ACTSO, 2015), calling into question the victim's ability to safeguard themselves, and the effectiveness of the Local Authority's response. Coupled with the fact that 69% of victims deemed the offenders friendly, 60% that they were polite and 45% that they were trustworthy (ACTSO, 2015), it is clear that a repeat of the scenario that led to their being victimised is possible.

Loneliness and social isolation are also factors in victimisation of older adults (Cross, 2016), particularly with regards repeat victimisation. The detrimental impact of loneliness on health is recognised (Goodman et al., 2015); in particular the likelihood of cognitive decline in later life (Tilves et al, 2004; Bennett, 2006; James et al, 2011), depression (Beeson et al., 2000; Golden et al., 2009), poorer sleep quality (Hawkley et al., 2010b), higher blood pressure

(Hawkley et al, 2006; Hawkley et al., 2010a) and an increased human stress response (Stephoe et al, 2004). The psychological and physical effects of loneliness are now understood to be “comparable with well-established risk factors for mortality... [such as] physical activity, obesity, substance abuse” (Holt-Lunstad et al, 2015, p 235) yet there is little research into the effects loneliness might also have on decision-making. Lee and Geistfeld (1999) and Hines (2001) posit that lonely older adults are more likely to engage with cold-callers, thereby making them more susceptible to victimisation as a result, and Cacioppo and Patrick (2008, p 16) argue that, “when loneliness is protracted...distorted social cognition... [means] we may become less able to evaluate other people’s intentions, which makes us vulnerable to manipulation by anyone trying to conceal ulterior motives.” It is also difficult to gauge to what extent the arrival of a social contact to a lonely and isolated individual may be welcomed irrespective of the recognition of their intention to deceive. Some victims “perversely see being defrauded as worthwhile by dint of the human interaction it offers” (Phillips, 2016b p 616). Again, victim impact surveys (ACTSO, 2014; 2015) illustrate the high proportion of reported victims who suffer from loneliness, with (41%) stating they experience loneliness, and (26%) describing being lonely everyday (ACTSO, 2015). Whether or not there is a causal link is uncertain, but social isolation and a lack of peers with whom to discuss decisions could be factors that increase vulnerability (Cross, 2016). The figures may also be skewed by offenders deliberately targeting those they deem to be most attractive and least able to repel their attempts due to vulnerabilities (Reiboldt and Vogel, 2003). Informed offenders exploiting loneliness is noted by Steele et al. (2001), and is discussed further in chapter 6.

In terms of physical health, 43.5% of rogue trader victims had a long-standing illness such as cancer, diabetes or heart disease, 63% a physical impairment, such as mobility issues and 39% a sensory impairment and 38% of victims reported having falls, with 23% of those unable to get up themselves (ACTSO, 2015). 43% of victims had a handrail, key safe or ramp providing visual indicators of potential vulnerability (ACTSO, 2015) and daily tasks were difficult for victims, with 24% unable to clean their homes, 22% unable to get to and from medical appointments and 20% unable to manage their shopping showing a significant proportion of rogue trader victims are clearly struggling to cope, whilst retaining a relatively high level of independence and not necessarily qualifying for social service support. The impact victimisation can have may amplify victims' struggles, triggering increased dependency, physical and mental health problems and financial hardship.

Victim impact

In common with every facet of rogue trading the victim impact is not well understood and there is little literature exploring the issue. The financial cost of rogue trading has been considered (ACTSO, 2015), but the caveat that some 90% of incidents go unreported casts doubts upon the reliability of these figures. The study also highlights the variance in cost according to which agency the incident was reported to, with an average loss calculated from police records higher than those reported to Trading Standards (£4650 to £1000 respectively in 2014 and £3500 to £1280 respectively in 2015) suggesting a public perception of police as the more appropriate reporting agency for higher-value criminality. The figures also illustrate fluctuation year-

to-year, though as no other data exists it is impossible to conclude whether they are anomalous, indicative of a longer-term trend, or which of the figures might be more representative of the 'normal' average. The clouded figure of impact, in terms of financial loss and the wider harm is reflective of the situation with fraud of all forms, with impact "more the subject of rhetoric than of serious empirical investigation" (Levi and Burrows, 2008, p 294).

As discussed (see p 42), there is a greater financial loss associated with rogue trading than distraction burglary. Again, the validity of the average is difficult to gauge without annualized comparators, notwithstanding the high levels of under-reporting that might also undermine the figure, but nevertheless, as a snapshot, it bolsters the belief that the conflation of distraction burglary and rogue trading may obscure important information, causing confusion and precluding evidence-based decisions on either crime type. Intuitively, given house price variation nationally, there could also be wide variation in the cost of rogue trading depending upon geographical location, but testing this theory would require comparative analysis. The difficulties in average loss calculations raised above are due to the under-reporting, the difficulty in retrieving records from police (ACTSO, 2015) and the unlikelihood of Trading Standards, if a repeat victim is identified or financial investigation unearths multiple additional victims, to update their database with additional information regarding the detriment (ACTSO, 2015). Conversely it is also difficult to illustrate the financial benefit, to professional offenders, of this type of crime as a consequence. Thus an accurate evaluation of whether it constitutes serious organised crime is challenging. The calculations for average losses in respect of rogue trading also fail to account for any additional costs incurred by victims

requiring remedial work to their property, following 'work' carried out by rogue traders. This 'work' is often poorly executed, uses cheap materials (to maximise criminal gains) or results in deliberate damage as a method of convincing the victim of the need for further work (and additional payment). Moreover, there are instances of victims transferring ownership of properties to rogue traders in lieu of payment, when savings and funds have been exhausted (*R. V Tomney and others*, [2012] EWCA Crim 2545; Hull, 2013; Carswell, 2015; CTSI, 2016). It is unknown how widespread such a practice is, but easy to envisage the impact on the financial loss. It is likely therefore that the figures underestimate the true financial costs to victims. These additional costs are absent from burglary artifice offences (and most fraud typologies) further increasing the gap between the average losses of the two crime types (Day, 2017), again highlighting both the difficulty, and potential dangers, of conflating the study of the offences.

In terms of impact, victims often suffer beyond the financial cost to the victim in distraction burglary and rogue trading cases. Having cautioned against the conflation of the crime types, given the premise for rogue trading and distraction burglary is the same, drawing a parallel is useful nonetheless, because research on the impact of rogue trading alone is sparse and the impact of victimisation might manifest similarly. Previous studies have shown that, as with any fraud, victims of doorstep crime suffer personal costs (Button et al., 2010), including the humiliation of being duped (Great Britain. Home Office, 2003b). The realisation of vulnerability in an environment previously regarded as safe can have a significant detrimental effect upon victims (Sixsmith, 1990), with fraud victimisation affecting their confidence, physical

and mental health (Spalek, 1999) and their ability to remain living independently in their own home (Sixsmith, 1990; Steele et al, 2001; Great Britain. Home Office, 2003c; 2005b; Thornton et al, 2006, Daigle, 2013). Doorstep crime victimisation has, in some cases, been reported as having such a profound impact on victims that it has been a cause of, or contributing factor in premature deaths (Steele et al, 2001, p 19; Hillingdon Times, 2015). Other research finds victims are nearly two and a half times more likely to have died or gone into residential care in the two years following an incident than non-victim peers (Great Britain. Home Office, 2003c). Older burglary artifice victims tend to decline more rapidly in health than non-victim peers (Great Britain. Home Office, 2003c; Barratt, 2012), with 10% of victims going on to need a hospital admission within three months of the incident (Thornton et al., 2006) and repeat victimisation results in some victims developing post-traumatic stress-disorder (Barratt, 2012). Moreover, the police response a victim receives also seems to have an effect on the level of impact they experience. Research shows that provision of information from, and being kept informed by, the police can help alleviate distress (Great Britain. Home Office, 2003c) and that those dissatisfied with the response they receive experience greater anxiety, and for longer, than those who are content with the response (Great Britain. Home Office, 2003b). Other research has indicated that callers to police “were primarily concerned with how they were treated and... that the most memorable and helpful components of their calls to the police were the ways in which call-handlers conveyed empathy, understanding, interest, sensitivity and politeness” (Stafford, 2016, p 375). For this reason the wishes of fraud victims should be considered, and an understanding, interested and empathic response provided to avoid revictimisation and mitigate harm. As

well as the economic and social costs (Great Britain. Home Office, 2000a; Home Office, 2005b; HMICFRS, 2019a), Karmen (2013, p 168) warns of victims potentially becoming “bitterly disappointed with the performance of law enforcement agencies... if officers are reluctant to respond, don’t believe their accusations, [or] conduct superficial investigations”. It is worthy of note that 90% of participants felt a single point of contact and a single official place where they could obtain information were both very important and that more than 90% of victims placed great importance on getting their money back (Button et al, 2013, p 55). Other important considerations for victims were getting their case investigated; hearing progress on their case; the fraudster being found guilty and tougher penalties for perpetrators (Button et al, 2013, p 55). Confirming Stafford’s (2016) findings, a sympathetic response was very important to over 80% of victims (Button et al, 2013, p 55). Those factors which were most important to the victims are, however, unlikely to be met in light of reports to Action Fraud being lost, staff being ‘rude and unhelpful’ (Beckfor Thed, 2013), only 40% of calls being passed to police to investigate (Police Foundation, 2018) and an average of 54 days between a receipt of a report of fraud and it being allocated for investigation (Police Foundation, 2018, p 4).

Whilst the offence in both burglary artifice and rogue trading involves deception, the specifics of rogue trader victimisation make it likely the impact will be felt more keenly. In distraction burglary cases, the victim need only be convinced of the need for the offender(s) to enter the property, consequently the deception and interaction are fleeting and the victim’s role essentially passive. This is not the case with rogue trading, where the close, personal nature and longevity of deception is far beyond that necessary in burglary

artifice and it is not unreasonable to posit that the impact to rogue trader victims, particularly the anger, anxiety or humiliation associated with having been duped (Spalek, 1999), will often be more acute (Holtfreter, Reisig and Blomberg, 2006) as a result. In rogue trading offences a level of affinity and trust needs to be garnered by the offender in order to persuade the victim not only of the need for property maintenance, but also that the offender is the person to perform it. Following that, the offenders may then attend the victim's property for some time (often many days) to carry out 'work', during which time rapport is built with the victim. The victim must then be sufficiently convinced, either willingly or through coercion, to pay for the work and hand over the money, making them an active agent in their own deception. Additionally the higher average financial loss resulting from rogue trading might cause greater anxiety to these victims, particularly older victims who typically lack opportunities to recover lost funds (Reiboldt and Vogel, 2003; Phillips, 2016b; HMICFRS, 2019a).

Victim impact surveys (ACTSO, 2015) show that 23% of rogue trader victims stated the incident affected their health, 26% said it left them feeling down or depressed and 38% that it had reduced their confidence. 12% of victims said they were left feeling afraid at home and 13% felt more afraid of crime because of the incident (ACTSO, 2015). 13% of victims told no-one about the incidents, and of those 44% said that they kept it to themselves as a result of feeling ashamed or embarrassed (ACTSO, 2015); key factors in the under-reporting of this type of criminality. Alternatively, it may be that victims do not tell anyone because the social contact with the offender is welcomed and the victim is content with the arrangement (Phillips, 2016b), whilst also being aware that

their family (should they find out) may not be. In such cases, it is important that authorities are cognisant that removal of welcomed (albeit financially abusive) contact has the potential to intensify feelings of loneliness and lead to associated physical and mental health implications. It may also increase the victim's susceptibility to future rogue trader offending, if they seek to replace this loss of social contact. With the impacts on victims' health, the detriment to some victims' ability to continue to live in their own home, and the financial loss they experience, Local Authorities and Social Care providers may incur a cost liability where victims require additional care. With residential care being estimated at an average £30,000 annually (Alzheimer's Society, 2011), this constitutes a considerable liability for public services already facing difficulties in funding and a political backdrop of cuts, austerity and anti-regulation (Tombs, 2016).

Whilst the impact of fraud and rogue trader victimisation is often considerable, each individual will experience it differently (Button, Lewis and Tapley, 2014), depending upon their personal resilience, financial situation, support networks (HMICFRS, 2019a) and myriad other factors (Thornton et al, 2005; Gorden and Buchanan, 2013). Viewing victims as inherently and inevitably vulnerable risks disempowering them and reinforces social stigma (Elias, 1992; Smith and Freinkel, 1988; Green, 2007; Gorden and Buchanan, 2013), and older victims of crime generally are too often "treated paternalistically as helpless and frail and thus robbed of power and self-reliance" (Elias, 1992 p 92). In an effort to recognise the heterogeneity of older victims, Thornton et al. (2005) drew a distinction between what they describe as the young-old and the old-old, though this still risks somewhat stripping nuance from the discussion, crudely

categorising older victims into two, rather than one group, whose principle characteristic remains that of their age.

Special measures

Bearing in mind the reported typical victim profile and demography, it is worth noting the provision in law (Youth Justice and Criminal Justice Act 1999) of special measures for which vulnerable and intimidated witnesses (and victims) can qualify. The aim of these measures is to allow qualifying witnesses “who might previously have been considered unable to give evidence in criminal proceedings, or at a disadvantage in giving evidence... a proper opportunity to do so” (Macpherson, 2001 p 230). The measures (Youth Justice and Criminal Evidence Act, Section 18; Macpherson, 2001) include the witness being screened from the defendant whilst in Court, or having their evidence video-recorded (known as an Achieving Best Evidence (ABE) interview), or giving their evidence via video-link (thereby not requiring their attendance at Court). The measures are available to any witness whose “quality of evidence is likely to be diminished by reason of a mental disorder, significant impairment of intelligence and social functioning [or] physical disability”, or whose evidence is ‘likely to be diminished by reason of fear and distress’ (Youth Justice and Criminal Evidence Act, Section 16 & Section 17; Macpherson, 2001 p 231). In determining whether a witness’ evidence is likely to be diminished by fear and distress, courts consider the alleged circumstances of the offence, their age, social and cultural background, religious or political

beliefs, any behaviour towards the witness by the defendant, their family or friends, and the witness' own views. The nature of rogue trading, the fact it is linked to organised crime groups (OCGs)(Barratt, 2012; ACTSO 2014; Day, 2015; Day, 2017), and the demography of victims (Barratt, 2012, ACTSO 2014; ACTSO, 2015) suggests the majority of rogue trader victims are likely to qualify for special measures under either the vulnerable or intimidated gateways outlined above. In addition to the aim of benefitting the evidential value of witness testimony, the measures may, due to their increased sensitivity, also help to alleviate some of the adverse impact of victimisation (Steele et al, 2001; Great Britain. Home Office, 2003c; ACTSO 2014; ACTSO, 2015; HMICFRS, 2019a) since the greater attention to witness or victim needs tend to accord with the qualities that those reporting crime value most (Stafford, 2016), yet there is concern the measures are not routinely employed, especially for older and vulnerable victims (HMICFRS, 2019a).

Under-reporting

The underreporting of rogue trading echoes that of fraud. As Button et al (2013, p 39) detail, “Many victims do not report... [fraud], some are often too embarrassed and feel foolish for having fallen victim to a scam, while others may try to report, but do not know who to report it to or [cannot] find a body willing to accept it”. Moreover, with fraud generally there are ‘alternative statutory structures’ (such as civil systems and multiple private systems which rarely link to the CJS, for example banks refunding victims of credit card fraud).

Whilst this might result in a complex landscape for victims (and victim trajectories illustrate it is unusual for fraud to result in satisfactory conclusion) (Button, Tapley and Lewis, 2013), it at least offers the opportunity for victims in some circumstances to recover losses, even where the fraud is not dealt with by the police. In rogue trading incidents, however, these alternative structures are all but absent. As explained, identifying and finding the offender is very often beyond a consumer's ability meaning the civil system, as well as the myriad 'private systems' are inaccessible to victims. The police propensity to dismiss it as a civil issue (Steele et al, 2001; Aplin 2015; Police Foundation, 2018) regardless means rogue trading is unlikely to be dealt with effectively at all. Compounding low rates of reporting for fraud generally, and rogue trading and doorstep crime more specifically, "the hidden nature of many frauds also means many victims do not realise they are such" (Button et al, 2013, p 47). As such, often the incident remains undiscovered unless or until identified by a third party such as the police, a financial institution, or a friend. With all frauds, 40% of victims were unaware of their victimisation until contacted by a third party, with a further 8% aware they had fallen victim, but still choosing to do nothing until contacted. Therefore almost half of fraud victims were brought into the fraud justice network by the involvement of a third party (Button et al, 2013, p 47), leading Button et al (2013 p 48) to conclude that "victims of fraud and the development of services to support them have remained obscured by the relative invisibility of the crime and hindered further by the reluctance of victims to report or tell anyone of their victimisation." Given the demography of rogue trading it is reasonable to assume reporting rates may be even lower; frauds such as credit card fraud, for example, are more likely to be noticed and reported due to the indiscriminate nature of the crime, the ease of detecting

them via scrutiny of bank statements, and the likelihood of a refund from a financial institution, none of which apply in rogue trading cases.

Reporting levels of between 1% and 10% (ACTSO, 2015) for rogue trading give another indication why offenders view the criminality as low risk. Exacerbating these low rates of reporting, the often unsatisfactory enforcement response (Aplin, 2015) to reported incidents, combined with the scarce use of the Proceeds of Crime Act (POCA), 2002, means perpetrators can carry out career criminality, largely without fear of detection or meaningful sanction. Moreover, the unsatisfactory response of enforcement agencies amplifies the low rates of reporting; not only can dissatisfaction lead to anxiety for those victims experiencing the inadequate response (Great Britain. Home Office, 2003b), it also discourages victims, and potentially their peers, from reporting incidents in the future. Indeed, 'believing it is futile to report' and considering it inappropriate to report, are identified as major barriers to reporting (ACTSO, 2014). A poor service from enforcement agencies only heightens this perception. If those that do report are treated as having invited their own misfortune (Staub, 1989; Cross, 2013; Aplin, 2015; Cross, 2015) through poor decision-making or lack of judgement, victims may believe it pointless to report (Mawby, 2007; Cross, 2016), especially if those responsible for protecting them are perceived as revictimising them and failing to fully investigate the matter (Mawby, 2007). The particularisation of rogue trader investigation discussed earlier, with local police, NFIB and Trading Standards all involved also seems to have manifested in victims not knowing which agency to report it to (ACTSO, 2014) providing another reason why rates of

reporting are so low. As Button et al's (2013) examination of boiler room victims shows, this is a situation faced by myriad frauds.

The fear of repercussions from offenders or their associates (ACTSO, 2014) is also a key reason for under-reporting; due to the nature of the criminality, the offender(s) know where the victims live and short of moving home, there is little the victims feel they can do to eliminate this. Victims therefore do not report incidents in the hope there is no reprisal (ACTSO, 2014, 2015) suggesting they perceive the ability of the police and other enforcement agencies to protect them inadequate. The additional harm to victims' confidence and wellbeing, knowing that criminals have preyed upon them and know where they live might contribute towards 13% of victims saying their fear of crime had increased and 12% being afraid in their home (ACTSO, 2015). The fear of getting involved in the CJS is also raised as a factor in under-reporting of rogue trading (ACTSO, 2014). It is not only the criminals of whom victims are afraid, but also the court process (Criminal Justice Alliance (CJA), n.d.), and agencies designed to uphold the law are either feared, or not trusted to be able to protect them from harm. Greater awareness, amongst enforcement professionals and the public of the availability of the special measures available to assist in achieving best witness evidence for vulnerable or intimidated witnesses might help mitigate some of these fears (CPS, n.d.; HMICFRS, 2019a).

With the high proportion of victims telling nobody of their victimisation (ACTSO, 2015), it is evident there is considerable underreporting. Earlier in this chapter it was established victims are predominately elderly, and often infirm. Whilst

this group are most in need of support, conversely the fear of the loss of their independence if they are perceived to be unable to cope is a key factor in incidents going unreported. This has a wider effect as these victims self-exclude from support agencies and services designed to protect them, negatively effecting their ability to perform their statutory function to provide safeguarding and social care to this client group. Indeed, lack of mental capacity is also cited (ACTSO, 2014) as a reason for low rates of reporting indicating the need for agencies to be more proactive in terms of engagement, support and effective crime prevention work. If people with support needs sufficiently severe to render them decision-specific mentally incapacitous lack the ability to either recognise their victimisation or to report incidents are being preyed upon, it is a failure of the care system if they are unprotected and open to victimisation. The prevailing public sector budgetary backdrop is only likely to increase this, with an estimated £2.8 billion funding gap in adult social care by 2020 (Richards, 2016), despite the Care Act 2014 (Section 14), compelling local authorities to safeguard those with care and support needs at risk of financial abuse.

Victims often do not accept they have been victimised (Barratt, 2012; ACTSO, 2014) and therefore have no call to report the crime. It is unclear whether this is because of a lack of capacity; an unfamiliarity with the method of criminality, or the cost, necessity and quality of property maintenance and repairs; a genuine belief that the offender is their friend, or simply a refusal to accept their victimisation courtesy of “emotionally motivated self-deception” (Fenton-O’ Creevy, 2016 p 26). In practice it is likely to be a combination of any number of these and other reasons, but irrespective of the exact cause, the scenario

perpetuates low levels of reporting for rogue trading, leading to a large 'dark figure' (Coleman and Moynihan, 1996) of unrecorded fraud (Tunley, 2014). Careful consideration needs to be given to how this is addressed because whilst education about this type of criminality may increase reporting and safeguard some victims, it might harm the self-image of others who wish to refuse to believe they are victims. Care must also be taken not to disproportionately raise fears of victimisation (Gorden & Buchanan, 2013). Moreover, if the level of enforcement response to reports is currently inadequate, increasing reporting is unlikely to have any benefit and may only serve to further negatively impact victims whilst creating additional demands on already-stretched resources, potentially further adversely affecting service provision.

Social isolation and loneliness, as well as being factors in victimisation, are also factors in incidents going unreported. The impact to health and wellbeing of loneliness and social isolation, coupled with the increased likelihood of victimisation, and internalising incidents creates considerable scope for harm, and implications for social care, safeguarding and enforcement. However, as another factor in non-reporting of incidents is victims want to forget about and ignore it, overstating the impact and harm on these groups may encourage the perception of victims as a homogenous group, all profoundly affected by the experience, whereas, as with older persons generally (Thornton et al, 2005; Gorden and Buchanan, 2013), victims of this crime (and fraud more broadly) are a varied and heterogeneous group, with diverse needs, situations and levels of resilience (Button, Lewis and Tapley, 2014). Whilst this section has considered the victim in rogue trading incidents, it is recognised that motivated

offenders will strike their chosen target, particularly if they perceive them vulnerable, whether or not the victim unwittingly makes this task easier (Karmen, 2013). Therefore, though victimology is important in increasing our understanding of rogue trading, this must not slide into victim-blaming and there must be an equal focus on the acts and behaviour of offenders to fully understand the crime type. As such it is to the perpetrator the chapter now turns.

Offenders and their *Modus Operandi*:

The activity of 'rogue trading' is hard to define succinctly (ACTSO, 2015; Day, 2015) and clarity about the term is further hindered by its dual use to describe unauthorised bank trading (Day, 2015) as well as the phenomenon explored here. Rogue trading (as defined for the purposes of this research), encompasses a wide range of criminal activity and offences (hence the need for a 'flag' by which to identify it in police databases)(Day, 2015) and whilst there are distinct patterns and preferred *modus operandi* easily identifiable as rogue trading, there remains (despite legislative change strengthening the criminal law framework) a grey area betwixt criminality, and the civil law issue of poorly executed and overpriced work. It can therefore be difficult to assess, particularly for consumers (more so for those that are vulnerable or experience cognitive impairment) whether a trader is legitimate or fraudulent.

Many rogue traders are professional offenders (Steele et al., 2001; Barratt, 2012; ACTSO, 2014, 2015; Day, 2015) who are equally adept at being both opportunistic and targeted in their offending. Perpetrators are known, for

instance, to exploit current events such as flooding, preying on those in need at times of change or emergency (BBC, 2013), as well as to target their offending against preferred victims, namely older and vulnerable individuals (Steele, 2001; ACPO, 2011; Gordon and Buchanan, 2013; Phillips, 2016b), especially those that live alone. Latterly it has been posited that the discriminate nature of victimisation may have been overplayed, with some offenders refuting they hone in on the vulnerable, claiming instead they would leaflet-drop all houses in an area and carry out their offending on anyone (Phillips, 2016a). Set against this, recent changes to defined contribution pension rules (Pensions Act 2014), including the removal of the requirement to purchase an annuity, and allowing for the release of entire pension pots, potentially makes the targeting of older persons a yet more attractive proposition for fraudsters (Olivier et al., 2016), including doorstep criminals (Age UK, 2014).

The anatomy of rogue trading

In conventional wisdom the 'normal' rogue trader incident unfolds thus: the offender cold-calls and either identifies problems with the property, 'you have some missing tiles' or offers a deal based on mutual convenience and benefit 'I have some tarmac left over from another job'. The offender negotiates an upfront fee, and disappears with the money without carrying out any work. This is indeed a recognised *M.O.*, and has been divulged by convicted rogue traders; "Sometimes I just ask for a deposit, or for money to buy materials and then never go back and do the job" (Steele, 2001, p 60). However, this *M.O.* is generally associated with the less professional offenders, who are

characterised as chancers, or apprentices (ACTSO, 2014; 2015, Phillips, 2016b). Rather than disappear with ‘just’ a deposit, rogue traders will also carry out work for an overinflated price, aware that doing so is often an effective means of avoiding prosecution, however poor, expensive and/or unnecessary the ‘work’ is, as prisoner interviews make clear,

“Make sure you do a little bit of work. It doesn’t really matter how poor the work is. As long as you’ve done a bit you can claim it’s not a crime, just that the householders had a poor deal. The police won’t get involved...” (Steele et al., 2001, p 61).

Furthermore, by carrying out work, it is likely the home owner may also be reassured that they are receiving the expected service, potentially making reporting to the authorities less likely than were the offender to simply abscond with their money. A more involved technique comprises undertaking work for an initially reasonable sum, then ‘bouncing’ the job (*R. V Tomney and others*; Carswell, 2015; Phillips, 2016a); identifying to the homeowner, once trust had been established (Phillips, 2016a), further work they claim is required but is in fact unnecessary or overpriced. In this final scenario, the cycle of identifying further work and taking payment can be carried out repeatedly, until such time as the homeowner becomes suspicious. Moreover, where the victim is reluctant to accept the claim that work is required, perpetrators are known to covertly cause criminal damage to the property making the work ineluctable and the homeowners feel pressured to have the damage repaired by the offenders (Steele et al., 2001).

The repeat victimisation of vulnerable victims (Phillips, 2016b), and the

exploitation of loneliness through 'grooming' (Evans, 2014; Pennells, 2015; Phillips, 2016a) and befriending (ACTSO, 2014), is a calculated tactic ruthlessly employed by rogue traders, as shown by the prisoner quotes that follow;

"People living on their own are easier to persuade. It doesn't really matter whether it's a man or a woman. If you smile with them and talk to them they're glad to have your company. You can keep going back and take their money bit by bit and really you're making them happy 'cos they're lonely." (Steele et al, 2001, p 60).

"What I really like is people who live on their own and have no-one to confide in. We can just keep going back to their house, talking to them and making them happy and pretending to do a bit of work. We can take thousands off them in a matter of weeks without anyone finding out and stopping us." (Steele et al, 2001, p 61).

Furthermore, on how to trick victims out of the larger sums of money, offenders report;

"It's always by getting a confused gimmer [older person] with a poor memory. We just keep going back and getting paid over and over again for the same job... Some you need to keep liking you and you keep

saying you've found new faults at the house. You keep their trust and friendship and you can take all they've got, with others you have to be more forceful saying the work's got to be done and you want paying only for what you've done. Make them feel stupid and that you're doing the best for them. It's a matter of judging how best to control them." (Steele et al, 2001, p 61).

The technique of 'bouncing' jobs (*R. V Tomney and others*; Evans, 2014) makes it harder for enforcement agencies to prove fraudulent intent from the outset (Maguire, 2003); if the original work undertaken by the offenders was done to a reasonable standard and reasonable price, it is in practical terms no different from an ordinary, legal, home improvement contract. Indeed, this offending type can also be opportunistic, rather than premeditated; if an otherwise legitimate trader recognises the vulnerability of a particular homeowner they may decide to exploit this on a whim, part-way through a job. This sits squarely within Coleman's (1994, p 5) definition of 'elite crime': "a violation of the law committed by a person... in the course of an otherwise respected and legitimate occupation", perhaps a crime of everyday life (Felson, 2002; Gabor, 1994), more akin to a criminology of the self, than a criminology of the 'other' (Garland, 2001). Equally though, career offenders are often known to each other, forming part of a complex network of criminals willing to share information about vulnerable consumers, behaviour associated with OCGs and a criminal 'other', as the below quote from prisoner interviews demonstrates:

“Another team may have been and done work there and found them to be a soft touch... They’ll sell us the house for a cut of our take or we might give them a soft touch of our own in exchange.” (Steele, 2001 p 61).

It is apparent from Steele’s (2001) prisoner interviews that offenders were able to ‘justify’ their actions. The ‘techniques of neutralisation’ (Sykes and Matza, 1957) routinely employed in interviews included denial of injury and denial of the victim, focusing on the victims’ perceived lack of need of the money and the perception that no physical harm was caused to them (Phillips, 2016a), thereby rationalising their actions and protecting their own self-image (Goffman, 1990). As Steele (2001) noted, where such offences are seen by the perpetrators, and those within their community and peer group as ‘morally legitimate’, successful rehabilitation will prove extremely difficult, particularly if there exists a “moral climate that encourages such types of behaviour” (Karstedt and Farrall, 2006, p 1030; Karstedt and Farrall, 2005). The fact that offenders also spoke with great clarity about incidents that occurred many years prior to the interviews (Steele et al., 2001), displayed a pride about their ‘work’ (Steele et al., 2001), their ‘criminal talent’ (Phillips, 2016a), and some of the thrill of deception (Phillips 2016b) reinforces this belief. The video, made by the offenders (and subsequently played in Court)(*R. V Tomney and others*), showing the perpetrators laughing and gloating about an ‘expensive chemical driveway sealant’ they claimed to be using, which was in fact diluted milk (Daily Mail, 2011) also illustrates that for some offenders, there is a level of status and seduction (Katz, 1988) beyond the purely financial gain.

The price of the work offenders quote is often dependent not on the work itself, but rather on the credulity of the victim, with offenders defrauding the victims of the highest amount they deem possible without arousing potential suspicion or risking detection. Again, this tactic makes it difficult for enforcement agencies to prove outright dishonesty. If offenders can highlight other jobs they have carried out of requisite standard for a reasonable price (where they were perhaps dealing with more robust and astute consumers), this can be used to portray the higher value frauds as simply a 'mistake' with the quotation, or an anomaly, rather than a deliberately dishonest attempt to make an illegitimate financial gain indicative of a fraudulent business. Conversely, if a victim is vulnerable or perceived as gullible, the increases in demands for payment can be escalated to hugely disproportionate sums. Demands for tens and hundreds of thousands of pounds are not uncommon (Bayley, 2012; CPS, 2013; Hunter, 2013a; Hunter, 2013b; Evans, 2014; BBC, 2016a; Hearne, 2016; Phillips, 2016a) and some rogue traders will continue until they have ownership of the victim's home transferred to them (*R. V Tomney and others*; Carswell, 2015), though the prevalence of this practice is unknown. The reluctance of enforcement agencies to involve themselves in complex investigations, (addressed in more detail in chapter 7), is also well recognised (Steele, 2001); its exploitation forming a recurring theme in prisoner interviews (Steele, 2001, p 62) as the following quotes demonstrate;

“The trick is never admit anything if you get arrested.
Always claim to be legit. Say it must have been
someone else that swindled them. Ask for an
id[entification] parade. The more you wriggle the less

chance of the police pushing it.”

“Discredit the complainant’s ability. Pick holes in their accounts. It makes the police more likely to drop it and say it’s a civil dispute.”

“Old people are rotten witnesses. Dispute what they say. The police won’t want to try a case on their evidence alone.”

Offenders are also known to transport their victim to the bank or financial institution in order to facilitate an immediate financial gain (Steele et al., 2001). This is attractive to the perpetrator as it does not allow the victim time to consider and ultimately decline to provide payment (either in part or in full), nor does it allow them to consult with, or report the incident to, other parties (whether a peer, or enforcement body). As a response to the tactic of transporting victims to the bank, the ‘Bank Job’ (Surrey County Council, 2004), a partnership initiative involving police, Trading Standards and financial institutions) was introduced. The initiative encouraged banking staff to be alert for customers, especially older persons, withdrawing large amounts of cash. Where staff noticed unusual account activity they were empowered to make discreet enquiries of the customer to ascertain whether the withdrawal might be the result of a fraudulent attempt, and report concerns to Trading Standards whilst the customer was present. Latterly, the initiative has been re-branded and re-launched as the ‘banking protocol’ (Financial Fraud Action UK, 2017), with greater involvement from the police, including a pledge by them to

respond to any such calls, potentially enabling a more rapid and robust response to reports.

New techniques of offending continue to emerge and the criminality is developing, becoming more sophisticated. Whilst offenders rely on being difficult to identify; “I make sure I’m difficult to identify. I have business cards and magnetic signs on my van but they’re just mobile numbers and can’t be traced to me” (Steele, 2001, p 61), they also use professional-looking flyers (posted through consumer’s doors to advertise and increase their ‘trade’), ‘company’ websites, liveried vehicles and uniforms. This gives them a legitimate appearance and they are also known to ascribe to approved-trader schemes and/or use logos of professional bodies to boost their professional appearance and volume of ‘business’ (ACTSO, 2014; 2015; Phillips, 2016a). This more complex *M.O.* has been termed ‘legitimate guise’ (ACTSO, 2014; 2015; Phillips, 2016a) and mirrors Friedrichs’ (1996) definition of ‘contrepeneurial’ white-collar crime; aping legitimate business practice, in order to avoid raising suspicion and make it more difficult to bring enforcement action (Steele, 2001, p 61). Moreover, ‘career offenders’ (ACTSO, 2014; 2015) have also been identified as present within the area of rogue trader offending (Steele, 2001; ACTSO, 2014; 2015). Such perpetrators form OCGs (ACTSO, 2014; 2015; Phillips, 2016a) and routinely launder criminal proceeds through third parties to avoid detection and distance themselves from the offence, making prosecution challenging (CPS, 2013; Colley, 2016). Quotes from prisoner interviews aptly highlight this tactic;

“Some people think they have a chance of keeping control if they pay by cheque. I just have them make the cheque payable to someone else. It might be a licensee or a friend. They get a cut for handling the cheque and they will never name me as being involved. They’ll just say the cheque was for a debt they were owed and give a false name.” (Steele, 2001, p 60).

The use of ‘labourers’ to undertake the work, once it has been agreed, is also deployed by professional offenders to distance themselves from the offence, particularise each element of it and make proving *mens rea* or deliberate dishonesty more difficult. For example, if the matter is investigated, a rogue trader can argue that the claims he made to the homeowner when forming the contract were not deliberately dishonest, that at the time of making them he intended to provide the contracted service, and that he was subsequently let down by a rogue employee who was responsible for the shoddy work. It is very difficult to prove beyond reasonable doubt the enterprise was fraudulent from the outset in this scenario. The use of multiple labourers also allows offenders to make more money, with less effort from themselves, running more than one ‘team’ simultaneously making it more difficult to detect the true extent of their criminality. With different names and descriptions provided by victims and witnesses, it is difficult for enforcement agencies to link offences, even where the lead offender is the same, especially where the offender also uses multiple business names and aliases. The use of labourers by criminal gangs engaged in rogue trading has also raised concerns that the labourers can be exploited, forced into servitude, working without pay for years, suffering threats and

violence if they do not comply with the instructions of those exploiting them (Serious Organised Crime Agency (SOCA), 2013; ACTSO, 2014; Bayley, 2012; ACTSO, 2015). Recent high profile cases indicate the extent of the exploitation of enforced servitude by some criminal gangs engaged in rogue trading (see for instance *R. v Josie Connors and Others* [2013] EWCA Crim 1165; *R. V Connors* [2013] EWCA Crim 324; BBC, 2015a; Watkins, 2015; Keen, 2016; BBC, 2016b; Herts Advertiser, 2016; Grierson, 2017; BBC, 2018a; BBC, 2018b). SOCA (2013) identified that 7% of human trafficking victims identified in 2012 (156 people) worked in block paving, tarmacking and construction. The involvement of professional offenders, OCGs and modern day slavery, as well as the defrauding of some of the most vulnerable members of society suggest this type of crime should be high on the priorities of police forces, the Home Office and the National Crime Agency (NCA) alike. However, as the chapter now discusses, literature (and the offenders) question the efficacy of enforcement in relation to rogue trading. Police seemingly regard the crime type as low priority and it may, in practice, suffer from a degree of 'decriminalisation' (HMIC, 2014; BBC, 2014).

The enforcement response

Any discussion about police priorities and performance must acknowledge the political backdrop in terms of the public sector and its funding. Since 2010, the number of police officers in England and Wales has fallen by more than 20,000, from 141,669 to 117,456; the equivalent of 12 forces (Great Britain. Home Office, 2010, 2018). Not only are police hindered by cuts to their own

service, this is compounded by a concomitant increase in service demands, particularly from the cuts and reduced provision of *other* public services, notably in the area of out-of-hours mental health provision (College of Policing, 2015; Police Federation, 2018). Trading Standards has arguably fared worse from budget reductions, with total annual spend on the profession reduced from £213 million nationally in 2009, to just £124 million in 2015 (CTSI, 2017). Some areas have experienced cuts greater than 60% (National Audit Office (NAO), 2016) and four services now receive an annual budget of less than £200,000 (Silvester, 2016). Tombs (2016) argues that not only have public service budgets been reduced, but that successive UK Governments have adopted and promoted a hegemonic narrative in which public and social regulatory protections amount to an unnecessary and bureaucratic barrier to trade, prosperity and individual freedoms. The popular refrains of ‘health-and-safety-gone-mad’, councils’ ‘snooping’ and the ubiquity of the term ‘red tape’ (accompanied by the call to cut or reduce it) to describe regulation demonstrate this. This anti-regulation/anti-enforcement narrative has created an environment in which Trading Standards’ budgets have reduced to the point where some services now comprise just one qualified officer (NAO, 2016). These factors undoubtedly make enforcement of rogue trading more challenging and create inconsistencies in different geographical locations. Police face competing demands for higher profile crime types, such as counter terrorism (CT), county lines, knife crime, child sexual exploitation (CSE) and human trafficking and modern slavery (HTMS). Similarly, Trading Standards departments are stretched, with statutory duties in over 200 pieces of legislation (CTSI, 2013) and other priority and high-profile work areas including product and food safety in the wake of deaths and injuries. Resources and

competing demands make partnership working challenging. As identified in combatting organised crime internationally, similarities exist with joint-working on rogue trader cases where, despite a “recognition of the need and virtue of sharing information and intelligence”, concerns (whether real or perceived) especially around data protection, often “inhibit information-flows” (Ridley, 2008, p 213).

The literature already discussed in this chapter has identified the involvement of professional offenders, OCGs and the use of forced labour, priority issues for the NCA and the Home Office (Press Association, 2013; Home Office, 2014, p 6), and individual police forces (TVP, 2013; Greater Manchester Police, 2013). However, the limited literature on the enforcement of rogue trading outlines that, despite it falling within priority areas, police are often reluctant to fully investigate crimes of this nature (Steele, 2001; Aplin, 2015). The “overriding emphasis on ‘results’ [and] the imposition of performance indicators... operate only to reinforce the pervasive... mindset” (Loftus, 2010 p 16); even where policy and practice changes have been attempted, these have been said to have been overstated, still shaped as they are by the broader policing culture. Consequently, enforcement of crime types not afforded priority becomes marginalised, in a culture Steele et al (2001 p 15) describes as ‘what is not measured does not get done’. With the more recent “ideological climate of anti-regulation and severe cuts to enforcement possibilities resulting from the austerity agenda” (Phillips, 2016b p 16), the drawing back of resources from all but the highest priority areas is inevitable. The reluctance to investigate complex and resource consuming cases (Levi, 1986) is not limited to the United Kingdom, it has been seen in white-collar crime in the United States, where, “most law enforcement agencies tend to

focus upon traditional index crimes, ... [making it] difficult for an agency to devote the resources, time, and attention required to deal with a complex white-collar crime case" (NW3C, 2006). Nonetheless, it is curious that officers' stated perception of what the job of policing is, or should be – primarily fighting crime (Charman, 2017, p191), making a difference and helping people (Charman, 2017, p 254), as well as their preference for helping 'genuine victims' (Charman, 2017, p 335), is so at odds with the enforcement response rogue trader crimes seemingly receive.

The instruction to refer cases other than ongoing incidents to NFIB via Action Fraud may exacerbate the perception (amongst both police and the public)(ACTSO, 2014) that investigation of rogue trader incidents is not an issue for local police forces, negatively affecting rates of reporting and recording. This may result in and further legitimise a 'signposting' approach by individual force areas, rather than an investigative one, create confusion about the level of response required amongst local officers, and dilute the ownership of investigations (Police Foundation, 2018). Moreover, even where no such confusion exists, the existence of Action Fraud may be being used by overstretched local officers as a convenient signposting mechanism in order that they can avoid responsibility for cases that they perceive as low-priority, complex and lengthy investigations which they do not feel they have capacity to take on. It also inevitably splits reported incidents between the agencies, making prevalence estimates difficult and downplaying the level of the crime type. Coupled with a backdrop of concerns over some criminality being effectively 'decriminalised' (HMIC, 2014) through a lack of police response, due to other priorities and limited resources, and crimes involving older victims being ignored or reframed as a welfare issue (Green, 2007, p 97; HMICFRS,

2019a) the appetite for in-depth investigation of rogue trader incidents may be scarce. The practice of offending over wide areas, comprising different police force areas, also plays a part in the reluctance to invest resources in rogue trader investigations, as has been noted with fraud more broadly and police services lacked an overall strategic response to such crime, primarily as a result of management reluctance to commit resources to 'out of force' investigations (Phillips, 1996).

Whilst Sklansky (2007, p 20) believes researchers sometimes experience 'cognitive burn-in' and continue to report previous negative cultures despite the situation having since changed, Aplin (2015), is acutely critical of the police response to rogue trading. She argues that rather than either legal ambiguity or budgetary and resource constraints, it is negative police culture that results in a superficial investigation of rogue trader incidents. This includes the premature finalisation of investigations due to both low priority and complexity, filing incidents as civil disputes, failing to comply with National Crime Recording Standards (NCRS), and middle-management complicity in poor practices; resulting in an inadequate provision of service to vulnerable, elderly victims of crime. This led to dysfunctional outcomes such as placing culpability on the victims for having been duped, in a parallel with the 'denial of the victim' (Sykes and Matza, 1957) and victim precipitation, and legitimising the offenders via describing them as "roofing contractors" and 'tradespersons'. The perpetrators' belief, identified earlier, that carrying out 'work' provides an opportunity to avoid prosecution is, unfortunately therefore, borne out in this police response. This is despite all the most common offences involved in rogue trading being notifiable, recordable crimes (Home Office, 2011a; 2011b; 2012b; 2013). The only legislation covering offences common in rogue trading

incidents absent from the list of notifiable offences (Cancellation of Contracts Made in a Consumer's Home or Place of Work etc. Regulations), relates to non-provision of the statutorily required cancellation rights and cooling off period. Furthermore, this absence is inconsequential in practice since the same conduct is a recordable offence *mutatis mutandis* by virtue of it being a misleading omission (Consumer Protection from Unfair Trading Regulations, Regulations 6 and 10).

The Trading Standards response to rogue trading has also been examined (ACTSO, 2014; ACTSO, 2015), and the very low number of prosecutions of offenders (an average of one per authority, per year)(ACTSO, 2015) means the effectiveness of Trading Standards responses must also be questioned. Whilst there are pockets of good practice (Phillips, 2016b), with fewer than 20 local authorities (out of 166 in England and Wales) regularly prosecuting doorstep criminals (ACTSO, 2014) and just 15% of all Local Authorities having taken two or more prosecutions against rogue traders (ACTSO, 2015), broadly, Trading Standards enforcement mirrors that of the police in that it does not demonstrate a high-priority area. There appears therefore a similar dissonance within Trading Standards as with the police between stated priorities and actions in practice, with only 11% allocating 21% or more of their budget to it, despite 80% claiming it to be a high priority area (ACTSO, 2014). Additionally, resource constraints experienced by local authorities led to a reduction to 62% in the number of authorities giving high priority to doorstep crime enforcement, although 96% stated they would like to allocate high priority to it, if resources allowed (ACTSO, 2015). The police's lack of ownership (Police Foundation, 2018) of rogue trader cases and the 'batting off'

of serious fraud offences to Trading Standards (Aplin, 2015) seems even more questionable in light of this lack of efficacy of the response then provided by Trading Standards. Moreover, the number of local authorities using POCA (2002) is a concern, with just 46% (ACTSO, 2014; 2015) utilising the confiscation provisions and only 31% conducting money laundering investigations (ACTSO, 2015). The police use of POCA is unknown, however, because asset recovery is easier via drugs than fraud (Gannon and Doig, 2010) it may be uncommon. Given the primary motivation for rogue traders is financial gain, the authorities' failure to routinely use relevant legislation (POCA, 2002) seriously damages the opportunity to provide a meaningful deterrent or effective sanctions, particularly when coupled with the very low number of prosecutions. Compared with bank robberies, for example, where on average perpetrators are caught on the fourth robbery, having gained more than £36,000 (Reilly, Rickman and Witt, 2012), it is easy to see why rogue trading, from a rational choice theory perspective (Homans, 1961; Scott, 2000; Hochstetler, 2005), makes a less risky, more lucrative criminal career.

Crime prevention initiatives have often been the go-to response to rogue trading, in recognition perhaps that crime control options are limited by low rates of reporting, and the opportunity for offenders to reap substantial financial gain. Whether crime prevention activity is conducted by Police, Trading Standards, or Community Safety and Crime and Disorder Reduction type partnerships, the strategies employed are rarely evidence-based or assessed in terms of effectiveness or outcome, and there exists a gap between academic findings and police practice (Buerger, 2010), even where relevant findings have been published. Gordon and Buchanan (2013), for instance,

argue that the prevention strategies may have the effect of disproportionately increasing the fear of crime amongst older people and simultaneously erroneously giving the impression the criminals are easily identifiable 'monstrous figures', or 'bogeymen', with the unfortunate result that the very initiatives employed to reduce victimisation are more likely to increase it.

In conclusion, the 'dearth' of literature (Gorden and Buchanan, 2013) and research specific to rogue trading, estimated reporting of only 1 in 10 incidents, routine premature closure and non-recording by police (Steele, 2001; Aplin, 2015; ACTSO, 2014; ACTSO, 2015, Fisher and Hamilton, 2017) of those incidents which are reported (coupled with a paucity of research into 'non-crime' incidents and the focus by practitioners and policy-makers on crime and crime control)(Kenny, 2016), means that the current state of knowledge is confused and incomplete. As a result of under-reporting, the available evidence base upon which to draw is likely to be considerably lower than 10% of incidents, making firm conclusions difficult. However, the involvement of professional criminals, OCGs and forced labour on the one hand, and the demography of those routinely targeted and victimised and the harm (financial, and to victims' mental and physical health) on the other, make this an area in need of further research. The disconnect between the high priority that police (and Trading Standards) claim they give these issues compared with the actual response provided (including the resources allocated and low prosecution rates) is also worthy of closer examination.

Of the number of incidents that do get reported, only a small percentage (around 3%) can expect to result in successful detection (Police Foundation,

2018). Even where the incident does lead to prosecution, the time it can take to arrive at this decision is lengthy (an average of 514 days from report to charging decision in fraud cases)(Police Foundation, 2018). When one factors in the time it can take to get a court date and progress to and through to a conclusion of any trial, it is likely that, owing to factors such as the demography of the typical victim (the majority of victims are over 75 years old)(ACTSO, 2014) and the adverse impact of victimisation on the health of victims, many victims may have died prior to any case concluding. Given that the response victims receive from enforcement agencies is crucial in mitigating the harm caused by victimisation, it is eminently possible the current level of response provided is responsible for aggravating the victims' harm. As this literature review highlights, drawing on relevant research in fields as diverse as neuropsychology, medicine, social care, public health, the emerging field of law enforcement and public health (LEPH)(Van Dijk & Crofts, 2017; Punch and James, 2016) and of course, criminology and criminal justice, there is an opportunity within a single study to create a substantive contribution to research across a range of fields.

Conducting the Literature Review

The process of identifying relevant extant literature initially began via searches of Google, Google Scholar, Ethos (to search for any related emerging research in the form of theses and dissertations) and Discovery, as well as consulting the considerable amount of 'grey' sources compiled in my professional role. Keyword searches were used (doorstep crime, rogue trading, rogue trader, bogus caller, distraction burglary, burglary artifice) to identify relevant

literature, before the search was broadened to a wider academic base with the inclusion of fraud, victimology and white-collar crime. Individual Journal archives in fields relevant to crime, criminology and criminal justice, community safety, older adults and victimology were also searched, and websites of criminal justice and third sector organisations viewed. Each time a relevant piece was identified, the bibliography was examined for further relevant literature, in a type of snowball sample, augmented by repeated searches and wider reading around fraud, white-collar crime plus conference attendance and networking amongst academic and non-academic contacts. The literature review proved an important tool in identifying key research topics (Hart, 2001, p 3), and the relative paucity of literature as well as in informing the research design and methodology. It also enabled identification of white-collar crime as the overarching academic foundation for its study, albeit it one that has its limitations and that there was scope for the objectives of the research to be met in making an original contribution to knowledge relating to the academic framework and the anatomy of rogue trading.

Chapter 3: Methodology

The chosen method for this research was a secondary data analysis of the records from the TVP crime recording database, using a mixed methods Applied Thematic Analysis (ATA). The data, provided by TVP as a spreadsheet, comprised notes from crime records in the crime recording system (CEDAR) from 2013, and contained information about the incident, the date and time of the case, and how it was recorded and disposed. Each case was then categorised by the researcher along various criteria that would assist in the analysis of the incidents and identification of relevant and appropriate themes, such as whether the victim was recorded as vulnerable, whether the incident involved work being conducted to the property and so on (further discussion regarding the mechanics of undertaking the study is provided later, see p 93 - 97). The categorised data were then uploaded to Nvivo to facilitate further exploration and analysis from both a quantitative and qualitative perspective. As Thematic Analysis (TA) is a method widely applicable across the epistemological and ontological spectrum, this chapter explores its philosophical and methodological underpinnings. It also critically discusses the research design, methods employed to undertake the research, the rationale for the choice and the ethical considerations inherent in conducting the research.

At the outset, it is important to acknowledge that all methods have both strengths and weaknesses, and this body of work by no means claims to be without limitations. Firstly, it is difficult to generalise from the findings or make bold claims as to the findings being representative (Bowen, 2009) because the

data comprises records from only one police force area, resulting in a localised study. Consequently, the findings and the conclusions that can be drawn are more cautious as a result. Secondly, as the research involves a degree of interpretation, there is the potential for others to disagree with the findings and/or adopt alternative conclusions based on different interpretations of the data. Nonetheless, relative to the aims of the research, the desire to influence policy and practice, the intended audience and the nature and scope of the data, a qualitatively-driven mixed methods ATA was considered to be the most suitable and appropriate method of analysis. The logic for choosing which methods to select was thereby, “governed by the questions [or aims] that drive the research” (Mason 2006, p 14). This chapter documents why the decision was made, and the steps taken to make the study as strong and as valid as possible.

The objectives of the research, as outlined in the introduction, were to use the lens of white-collar crime to explore, against a backdrop of academic and practitioner research describing fraud and white collar crime as under-researched, the retrieval process of the relevant dataset and the associated barriers to research. Alongside this, the research aims to critically examine, using ATA, what police records can reveal about rogue trader victimisation, the *M.O.* employed by the perpetrators and the police response the incidents receive. Finally, the findings from this research are situated within the framework provided by extant white-collar crime literature to contribute to and advance current academic knowledge, addressing a gap in the literature and improving understanding of rogue trading, potentially allowing for evidence-based decision-making in policy and practice.

Methodology and methodological position

Ontologically, the research ascribed to the social concept theory – believing that all knowledge is socially constructed; the police service was seen as a socially constructed phenomenon and an interpretive approach was necessary to understand it. This fits with the structure and nature of the CJS more broadly, as one can see for instance by the case of trial by jury, or the use of discretion by police officers, and requires an interpretivist approach to understanding social phenomena.

Epistemologically, the work adopted a pragmatic approach in that the focus of the research is on the task (Talissee and Aikin, 2008 p 1) and the research was designed around the data: what could be accessed, what method did it best suit and what was there time and scope to do with it. This rationalist pragmatism (Brandom, 2001 p 11) accepts, “We have no alternative to proceeding on the ‘working hypothesis’ that... our truth is the truth... Given our nature as a creature that makes its way in the world by use of information we have to do the best we can” (Rescher, 2003, p 36). The adoption of a pragmatic approach does not, however, negate the need for reflective study, and “presumptive reasons do not justify unqualified assent” (Talissee and Aikin, 2008 p 51). As such, one’s own background, beliefs and potential biases need reflection so they do not cloud analysis. That is not to say that having a position on the subject damages the work *per se*, nor should it lead to greater criticism, since, “researchers always ‘take sides’; the challenge is to ensure that unavoidable sympathies with our research participants do not render our work invalid” (Noakes and Wincup, 2004 p 30). In order that readers can evaluate

the work to assess the credibility of the findings, the analysis has been written with quotes supporting the assertions. Additionally, acknowledging a stake in, and a passion for, the topic studied should not be cause for surprise. The dedication and effort such a project require makes passion all but a prerequisite. The growth of practitioner research (Fuller and Petch, 1995; Robson, 2001) supports that knowledge and interest in a given subject can be beneficial and not a reason for discrediting research (Noakes and Wincup, 2004).

The use of a quantitative analysis, having acknowledged the absence of absolute truth, may appear at face value to be divergent. However, quantifying an issue is an important first-step in exploratory research (Neuman, 2000) and the pragmatic philosophy holds, “explanations do not have to be internally consensual and neatly consistent to have meaning and to have the capacity to explain... [after all] if the social world is multi-dimensional, then surely our explanations need to be likewise?” (Mason, 2006, p 20).

The pilot study and lessons learnt

Conducting a small-scale pilot study enabled the assessment of the feasibility of wider research. It trial-ran the request for access to the data and the participation in the research of TVP, and ethical approval for the undertaking of the research. It enabled a scrutiny of the data and refinement of research parameters and exclusions, informing the choice of method and data analysis. Finally, it afforded the opportunity to feedback to the gatekeeper and

permissions holder the results of the study, demonstrating my credentials as a researcher capable of producing high-quality original research outputs of use to the organisation. An inductive (Cresswell, 2003, p 132-133) approach was necessarily adopted since initially it was unknown what the data would hold and therefore the “firm theoretical base that is called for [in the hypothetico-deductive approach was] just not there” (Robson, 1993, p20). It was also important to gather an impression of what the data comprised before identifying the precise direction of the research, or which approach and method would best suit the study.

The proposal to TVP for the purposes of accessing the data was broad enough to enable decisions to be based on the content of the data, with the analysis process beginning with “studying the raw data... and making evidenced-based inferences” (Finfgeld-Connett, 2014, p 342). By doing so it was possible to “obtain the sense of the whole through reading the transcripts several times... before proceeding to the next stage of data analysis.” (Vaismoradi, Turunen and Bondas, 2013, p401). A quantitative exploration could also uncover issues such as the number (and proportion) of victims of rogue trading that could be classified as ‘vulnerable’, how many incidents resulted in suspects being charged by the CPS and whether this revealed anything of interest. It would also potentially enable the opportunity to learn more about the financial detriment to victims (and conversely the criminal benefit to the perpetrators), and which trade types were used most frequently by perpetrators. Statistical and quantitative analysis of police data and crime reports is an established, accepted and valued means of pure, applied and practice-facing research (Hibberd, 1990, p116). It is prevalent in a considerable number of studies of

similar topics around crime recording, crime prevention, and repeat victimisation (Great Britain. Home Office, 1988; Great Britain. Home Office, 1999; Great Britain. Home Office, 2000b; Morgan, 2001; Farrell, Sousa and Lamm Weisel, 2002) and can provide useful empirical evidence and inform further research.

It was clear from scrutinising the content of the data that they were far more detailed than a quantitative analysis alone could describe, explore or adequately explain and only a more in-depth, qualitative analysis would draw this out. TA was used because it allows for a qualitative *and* quantitative analysis and “enables scholars, observers, or practitioners to use a wide variety of types of information in a systematic manner that increases their accuracy or sensitivity in understanding and interpreting observations.” (Boyatzis, 1998, p 5). A spreadsheet had been used to analyse and compare recurring and important themes for the pilot project, however, it was decided for this larger piece of research (suspected to contain in the region of 100 cases), bespoke qualitative database software would also be required, to keep control of the findings and ensure important nuances and themes were not marginalised or unwittingly omitted.

Access negotiation and ethical issues (the challenges of real-world research)

The researcher’s practitioner role within Trading Standards ensured a recognition of the importance of police support and involvement with enforcement of this crime type. With ACTSO reports (2014, 2015) recently

examining rogue trading incidents reported to, and the response from, Trading Standards, less research had been done on incidents reported to the police, and their response to the phenomenon. This study aims to redress this and by conducting research distinct and separate from my professional role within Trading Standards there was less potential for role conflict. However, access negotiation was initially approached with some trepidation; with uncertainty as to whether the police would permit access not only on ethical and legal grounds, bearing in mind the potential content of the data, but also on professional grounds. Would the police welcome an 'outsider' (Merton, 1972) researching and analysing their domain, and would I be trusted? Moreover, in meeting with senior police, I also wondered whether the topic would even be deemed worthwhile or important amongst other, perhaps higher priority, areas competing for limited resources.

Undertaking a professional doctorate, as opposed to a traditional PhD, may have assisted with permission since its focus on research capable of benefitting the practitioner realm (Usher, 2002; San Miguel and Nelson, 2007; Bourner, Bowden and Laing, 2010), and the empirical nature of the proposed research fitted with the College of Policing's (2014) drive for evidence-based policing. As Reiner (2000, p 220) notes "the material researchers can obtain from the police will be affected by who they are, and their relationship to the force." And the 'inside outsider' (Brown, 1996) nature of my role, working closely with police as a practitioner, enabled me to demonstrate my professionalism.

I am a Senior Trading Standards Officer and the Chartered Trading Standards' Lead Officer for Doorstep Crime, Scams and Consumer Vulnerability and have specialised in the investigation of rogue trading for over a decade. My role involves using a range of legislation to investigate incidents, providing redress for victims and achieving convictions against perpetrators. This has resulted in custodial sentences relating to offences including under the Consumer Protection from Unfair Trading Regulations, the Companies Act, the Fraud Act, and the Proceeds of Crime Act. I worked with a warranted TVP officer on a daily basis for several years, gaining an appreciation of the pressures and experiences of the police generally, and in respect of rogue trading specifically. I have supported numerous police forces and the CPS with the investigation and successful conviction of rogue traders, working towards facilitating a more integrated partnership approach between Trading Standards and the police, making me well placed to conduct this research.

Additionally, the pilot study (and the published article which followed) instilled confidence in my credibility, assisted in securing the relevant data for this research and led to the Detective Chief Superintendent acting as gatekeeper to state, "undoubtedly the work you are doing is of benefit to policing nationally."

Once permission was agreed in principle, advanced access negotiations were completed collaboratively, working with the police to identify the minimum information required to carry out the study and eliminate the potential for collateral intrusion or personal data being shared. Learning from the pilot project also enabled additional research parameters to be included, so that the final data were restricted to the following crime codes or occurrence types: -

Table 2: Crime categories relevant to rogue trading

Crime categories relevant to rogue trading	
Action Fraud CRI – Call for Service	Harassment (all offences)
Action Fraud CRI – National Fraud Intelligence Bureau referral	Distraction burglary (attempts)
Adult Protection (non crime incident)	Distraction burglary (excluding attempts)
Criminal damage to dwellings	Burglary in a dwelling (attempts only)
Harassment (1 st single offence)	Burglary in a dwelling (excluding attempts)

Furthermore, a number of exclusions were built into the data retrieval, eliminating incidents unrelated to doorstep crimes and further safeguarding what could foreseeably contain sensitive information.

Table 3: other exclusion criteria

Other exclusion criteria
Offences flagged as 'honour based violence'
Offences flagged as 'FGM' (female genital mutilation)
Offences flagged as 'domestic incidents'
Offences flagged as 'child abuse'
Offences flagged as 'CSE'
Offences flagged as 'hate crimes'

Further limiting criteria were also included:

- The premises/scene of the incident were limited to 'dwelling accommodation'.
- Offences where the relationship between the victim and the offender is classified as 'familial/intimate' were excluded.
- Offences where the 'from' and 'to' time of the incident is limited to overnight hours (between 22:00 – 08.00) were also excluded.

These parameters were incorporated because doorstep crimes take place at the home, with the overwhelming majority during daytime hours (the majority occur during office hours)(Steele et al., 2001) where the offender and victim are not related. Minimal data from each crime record was shared, only that

necessary for the aims and outcomes of the research to be met, this took the form of: -

- A unique identifier for each record (created for the purpose of the research and different from the police crime report number, ensuring the incident could not be identified).
- The offence classification (which of the 10 different crime codes the incident was recorded against).
- The date and time of the offence
- The disposal method of the report (i.e. the result of the investigation/report)
- The offence notes (i.e. the notes of the record logged by the responding officer detailing the facts of the case, actions taken etc.)

In addition to these parameters a Memorandum of Understanding was agreed jointly between TVP and the researcher and a Confidentiality Agreement was signed. This ensured no-one would be identified by the research and the data would be stored and managed securely, and restricted so that no-one else could view it.

Data from 2013 was chosen for two key reasons. Although using the most up-to-date available data was desirable, one of the areas of interest to the study was the disposal route of the case, and specifically, whether the case had resulted in a suspect being charged. Given that cases of this nature can be lengthy (fraud cases take, on average, 514 days from reporting to charging, (Police Foundation, 2018, p 4)) this necessitated an older data-set being used.

Moreover, in 2014 TVP migrated from using the recording system Cedar to the use of the Niche system. Whereas the case notes field in Cedar is anonymised, this was not the case with Niche. On a legal and ethical level therefore, data access to newer data would have been rendered impossible by the change in recording protocols that accompanied the database change.

Ethics approval

The project proposal put to TVP was transparent in its aims and investigation parameters and set out clearly the small potential for reputational damage, should the data reveal poor practice. To counter this, the offer of anonymity (declined by TVP) was extended. Despite the parameters, and the steps taken to ensure legally and ethically sound research, gaining access to the data was not without difficulties. Notwithstanding the protocol stating that crime record notes should not contain personal information, and a quality assurance scan (following agreement in principle to access and share the data) of a sample of the data by the Information Management Unit for Hampshire Constabulary and TVP not revealing any personal information, that this could not be guaranteed was a barrier for ethical approval. The police felt the transfer of the data would be legally compliant with the Data Protection Act 1998, by virtue of the exemptions for research contained in Section 33 (in that the Memorandum of Understanding and the Confidentiality Agreement would ensure the data would be sufficiently protected, would not be identified, and would not result in any detriment to the data subjects). Nonetheless, the University of Portsmouth's Ethics Committee felt additional safeguards were required and imposed an additional requirement; the data could not be transferred or taken

off-site unless or until it was fully anonymous. Whether or not this was legally required, it was a reasonable precaution to ensure the research was ethically conducted and there was no chance of detriment to any data subject. It was certainly not an onerous requirement aimed only at protecting the University from reputational damage or restricting research it considered as politically charged or unwelcome (Hedgecoe, 2016). The only practical way to ensure full anonymity and to conform to the requirement was to visit police headquarters and work through the data to ensure they were fully anonymous, and this was facilitated by TVP.

Research Design and Method: How the study was conducted

The research comprised “The reanalysis of data that were previously gathered for other purposes” (Hagan, 2006 p 249). This secondary data analysis of rogue trader incidents contained parallels with Brookman’s (1999) research which used police murder files as a qualitative research source. The files contained “events surrounding the homicide and... details of offenders, victims, circumstances leading up to the homicide” (Brookman 1999, p 47); similar information to that contained in the crime records examined for this study.

This research used adaptive theory; a pilot project and the literature informed the likely themes for the study, but this did not blind the researcher to other themes. As detailed in respect of the pilot project, the research was mixed methods. The mix of methods employed a qualitatively-driven approach. Such an approach offered, “enormous potential for generating new ways of

understanding the complexities and contexts of social experience, and for enhancing our capacities for social explanation and generalization” (Mason, 2006, p 10) via an acknowledgement of the “multi-dimensionality of lived experience” (Mason, 2006, p 11). In so doing the research can transcend boundaries between the qualitative and quantitative elements and provide a mixture of theoretical paradigms reflecting Ponterotto, Mathew and Raughley’s (2013, p43) perspective that “mixed methods designs integrate not only specific quantitative and qualitative procedures, but also variant underlying research paradigms”. The limitations of each type of analysis are mitigated and the strengths bolstered (Anchin, 2008; Gelo, Braakmann, & Benetka, 2008; Lonner, 2009); a quantitative study would tell us, for example, more than is currently known about the financial loss rogue trading causes victims, but would fail to explain how the police understand this type of crime or their response to it. Similarly, though a qualitative approach cannot provide the quantification perhaps necessary to enable prevalence comparisons with other crime types, it can explore how it manifests, the particular vulnerabilities of individual victims, and the police response; providing a richer overall picture.

A mix of both methods can therefore identify the number and nature of rogue trader incidents recorded by police *and* the enforcement response and how it is understood and recorded. The two approaches were therefore effectively being used to address slightly different and specific issues (Bryman, 2006, p110), to ensure the “end product is more than the sum of the individual quantitative and qualitative parts” (Bryman, 2007, p8). The model developed over time (Ely et al., 1997) and was adjusted between the pilot project and the beginning of this research; and even during the research. Qualitative analysis

guidelines were applied flexibly to fit the research questions and the data (Patton, 1990), and Braun and Clarke's (2006) model of TA was used, precisely because it allowed for such flexibility, recognising that, "analysis is not a *linear* process where you simply move from one phase to the next. Instead, it is a more *recursive* process, where you move back and forth as needed, throughout the phases." (Braun and Clarke, 2006, p 86). This reflects the real-world situation where empirical research, like experiential learning for reflective practitioners, often involves a "messy indeterminacy" (Schoen, 1983). In keeping with this flexibility, the research adopted an exploratory ATA, because "eschewing a compartmentalized view of qualitative research and data analysis" (Guest, MacQueen and Namey, 2012 p 4) held considerable appeal, and chimed with the pragmatic approach to the research, the nature of the data and the proposed analysis. As Boyatzis (1998, p 11) states, "Communication of the "meaning" of the findings, observations or results may require translation into a format accessible to other researchers... It may also involve a conversion into quantitative data, which is easily done through thematic analysis".

It was this more balanced and nuanced view of research, seeing qualitative and quantitative research as potentially collaborative and supportive rather than necessarily oppositional (Silverman, 1998; Noakes and Wincup, 2004), and the resistance of an assumption of a particular epistemological foundation which was welcomed. For instance, given the data being explored (crime records) were an entirely socially-constructed phenomenon and the recording officers were subject to personal pressures, influences (such as crime detection rates), and experiences, seeking absolute truth or complete

objectivity in socially-constructed records, would have been of limited value. However, notwithstanding this social construct view, it was recognised that much can be learned from quantifications and patterns. They can increase understanding and hold important implications for practice and practitioners, provided they are not claimed as “necessarily precise, accurate or complete recordings” (Bowen, 2009, p 33) and so to overlook this on purely academic, philosophical grounds seemed obtuse.

Analysis is like a continuum (Rolfe, 2006, p 304), anywhere along the length of which one can situate research. Neither need this be a fixed point; the data may require, or benefit from, analysis from any number of given points, or sliding anywhere along the full range of the continuum (Boyatzis, 1998, p 29). Acknowledging this is more conducive to useful and relevant findings than simply listing attributes “as if they are exclusive or necessary features of qualitative research... despite the fact the listed attributes are (a) not always present in qualitative inquiry and (b) can also be true of quantitative.” (Guest, MacQueen and Namey, 2012 p 5). Moreover, choosing a method based on practical considerations (Noaks and Wincup, 2004, p10) such as the maximisation of findings from the data and the ease by which the research could be understood by a lay audience also avoided a situation whereby the choice of approach and method was agonised, and avoided considerable energy spent on philosophical details with little to do with what researchers actually do (Sandelowski, 2010). It also ensured avoidance of the pitfalls of Interpretive Phenomenological Analysis (IPA), for instance, where research can become mired in interpretation and relativity in an attempt to “understand the subjective processes and meaning-making” (Murray and Holmes, 2014).

The adoption of Braun and Clarke's (2006) model of TA provided enough of a framework to give the work academic rigour, and afforded a systematic framework of analysis (see table 4, p 103), giving order and structure to the analysis, whilst remaining flexible and data-driven. This is in contrast with Grounded Theory, which was rejected in part because, despite attempting latterly to be less prescriptive (Strauss and Corbin, 1998; Corbin and Strauss, 2008) the method is (whether fully justified or not) often perceived as 'programmatically and over-formulaic' (Melia, 1996), and can result in difficulties in analysis, and irrelevant inquiry that closes off research (Kendall, 1999; Heath and Cowley 2004).

Table 4: Braun and Clarke's (2006, p 87) 6 stage method of TA.

Phase	Description of the Process
1. Familiarising yourself with your data:	Transcribing data (if necessary) reading and re-reading the data, noting down initial ideas.
2. Generating initial codes:	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
3. Searching for themes:	Collating codes into potential themes, gathering all data relevant to each potential theme.
4. Reviewing themes:	Checking the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), generating a thematic 'map' of the analysis.
5. Defining and naming themes:	Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells; generating clear definitions and names for each theme.
6. Producing the report:	The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back the analysis to the research question and literature, producing a scholarly report of the analysis.

Table 4 shows the phases of analysis in the Braun and Clarke TA model. In practice, stage 1 of the process (familiarization with the data) was initiated in

this research during the data sweep at TVP headquarters, whilst the data were being checked for anonymity; some phenomena, such as the use of roofing as a trade type were immediately obvious and would go on to form initial codes. Some of stage 2 (generating initial codes) had been undertaken with and following the pilot project. Various factors were quickly identified as they were repeatedly evident, such as the tactic of offenders carrying out work to victims' properties, and the cost of work increasing as incidents unfolded, whereas others, like the installation of CCTV to safeguard and target-harden victim's properties took longer to recognise as they appeared less frequently. Some initial codes that subsequently became important within overall themes, such as references to special measures or statutory cancellation rights became notable primarily because of how *rarely* they appeared. The task of generating initial codes and further familiarisation with the data was also performed through categorising each case on a spreadsheet, according to various factors relevant to those areas that met the objectives of the research; to study the victimology, the *modus operandi* involved in the offences and the enforcement response it received. For instance, the level of financial loss experienced was categorised as were whether the victim was vulnerable (and if so, the nature of the vulnerability), and whether criminal damage was caused. Compiling the spreadsheet amounted to a distillation of the data and the categorisations were uploaded (as was the whole sample of the data supplied to me by TVP, following anonymisation) to the qualitative data analysis software Nvivo as 'attributes' to facilitate further analysis and cross-comparison.

This spreadsheet was necessary because, whilst the study was qualitatively-driven, it was quantitatively augmented. Qualitatively It was only possible to

code in Nvivo that which appeared in the data meaning that incomplete or unrecorded data were absent. Therefore whilst it was possible to code for financial loss, quantifying how many cases resulted in a financial loss, and how many cases there were in which police failed to record whether or how much financial loss resulted (and therefore enable an accurate calculation of a mean average) was more difficult. Similarly, coding for increases (and decreases) in the cost of an incident provided a quantitative number of how many times costs were raised (or lowered), but did not easily show how many cases to which this related. The spreadsheet enabled identification of how many cases resulted in an increase or decrease, and better showed where there were multiple alterations within a given case providing more clarity and accuracy to the analysis.

Codes were refined and clustered into relevant themes in phase 3, for instance the codes 'superficial investigation' and 'failure to identify criminality' were gathered into the overall theme of 'poor police response'. The use of NVivo enabled an organised and methodical approach to the analysis, enabling the efficient identification, and verification (via text-searches, for example) of codes, and a better overall picture of which of these codes were important, and which were linked, so that they could be formed into identified themes. For example, identification of the extent to which financial loss was impacted by levels of perceived vulnerability of the victims, and whether perceived levels of victim vulnerability impacted on provision of crime prevention measures such as CCTV were important tools in assessing themes relating to victimology. Nvivo therefore represented a useful tool to support the study, but one which would still "leave the analyst firmly in charge" (Fielding and Lee, 1998).

Because the “researcher must interpret the information and themes in a way that contributes to the development of knowledge” (Boyatzis, 1998, p 11), it was important that readers were able to assess the interpretations being made of the data. The officers’ understandings are shown in the study through quoting their words. Whilst there is still a degree of interpretation required on the part of the researcher, this interpretation is transparent and open to question by the later reader of the work (Robson, 1993; Patton, 2002). Reflective practice was used to ensure interpretations were reasonable and driven by the data and what they contained, but nonetheless, the framework provided by the ATA, coupled with the ability of the reader to evaluate the findings are paramount to demonstrating credible research and analysis. Phase 4 (testing and reviewing) ensured that the themes were valid; with consistent coding and content and representative of the wider sample. For instance, a potential theme involving the proactive identification of victims by offenders was removed, as the sample size (only 2 cases) and detail within the records was such it could not be shown to be definitive or reflective of the data overall. As outlined, the research process was recursive (Braun and Clarke, 2006) so, in practice stages 3 and 4 were conducted alongside each other. Rather than identify themes until exhaustion prior to then reviewing them all simultaneously, themes were often verified in turn as they were identified. Similarly, stages 5 (defining and naming the themes) and Phase 6 (the writing of the report) overlapped; as the research was written up phase 5 was returned to, ensuring the analysis and the themes were precise, that their labels sufficiently described them and that they were clearly and accurately presented in the thesis. Nonetheless, as with any method, there are potential weaknesses with the method and a discussion of

these now follows, along with the steps taken to mitigate them and the justification for using the method.

Methodological weaknesses

Because of the reductive nature of qualitatively-driven ATA, it is possible to miss some of the more nuanced data (Guest, MacQueen and Namey, 2012, p 17). However, the data secured was not so rich or detailed that this was necessarily a problem. This was not, for example, life histories or in depth interviews containing elusive themes, sometimes more implied than expressed. The analysis was thorough, to avoid the potential of missing nuance, but it did not suit as in-depth a method as IPA, for instance, because the level of detail was insufficient to “access an individual’s cognitive inner world” (Biggerstaff and Thompson, 2008 p 216) or look in detail at “how individuals talk about the... situations they face, and how they deal with them, and by close considerations of the meanings they attach to them” (Smith, 1996). On the reverse of this, another potential weakness of TA is realised if the data “lacks richness and nuance”, because “the analysis will be similarly lacking.” (Guest, MacQueen and Namey, 2012, p 36).

To ensure the data was suitable for the method to be employed, it was “important to conduct quality checks to see whether the data is sufficiently detailed” (Guest, MacQueen and Namey, 2012, p 36). These quality checks were undertaken through the implementation of the pilot study, and then re-run with the wider data-set during the initial sweep of the data, and then confirmed during the phase of immersing oneself in the data (Braun and Clarke, 2006, p 87). Whilst the data was deemed appropriate for the use of the

method, it can nonetheless be a difficult 'Goldilocks' assessment as to whether the data is sufficiently detailed to provide meaningful analysis, but not so rich as to result in the loss of nuance in the analysis and the reporting of the findings. Similarly, a further potential weakness relates to the way and the extent to which knowledge of the subject area influences interpretation. Again, this is something of a balancing act; over familiarity with a subject can lead to researchers 'filling in the blanks' whereas a lack of familiarity can lead to researchers directing their attention to the manifest level. Boyatzis (1998, p 13) claims "appropriate levels of familiarity allow *useful* projection" though fails to acknowledge in his implicitly positivistic account (Braun and Clarke, 2006, p 97) that what is deemed either appropriate or useful is both impossible to define in practical terms, and, in itself wholly subjective.

The data were not collected for the purposes of research, as has been noted, and consequently they sometimes lacked detail which would otherwise have been included (Robson, 1993), for example, the financial loss to victims was not always recorded. Additionally, it was hard to assess causal relationships (Robson, 1993) or reach definitive conclusions about why a course of action was either decided upon, or discounted, by officers, because whilst the actions were noted, often the rationale for them was not. This made the interpretation of some of the findings difficult and consequently, they had to be somewhat tentative and qualified, at times potentially reducing the impact (and validity, if interpretations are made which others feel are unjustified). One of the principal criticisms of TA relates to the method being poorly defined; perhaps as a result of the method being broad and fitting with a wide range of methodologies. Whilst this may make the verification of the method as applied in any given

study more complex, it nonetheless allows for a flexible approach which can be turned to a wide range of research studies, potentially increasing knowledge in phenomena that would otherwise remain unexplored. Moreover, the assessment of a body of work, and its credibility, on its own terms rather than on its slavish adherence to a set-in-stone method is not necessarily a negative.

Finally, one of the oft-repeated criticisms of TA, whether explicit or implied, is that it is a somewhat basic method, employed sometimes because the researcher can not grasp the more complicated methods of analysis. This is a point detailed by Braun and Clarke (2006) who explain:

“Thematic analysis currently has no particular kudos as an analytic method – this... stems from the fact it is poorly demarcated..., yet widely used. This means that thematic analysis is... or appears often to be, what is simply done by someone without the knowledge or skills to perform a supposedly more sophisticated – certainly more kudos-bearing - ‘branded’ form of analysis like grounded theory, IPA or DA.”

(Braun and Clarke, 2006, p 97).

Nonetheless, despite these potential weaknesses, looking from a pragmatic perspective the research advances knowledge and understanding in the topic area, in an original way. Moreover, many of the criticisms of TA “depend more on poorly conducted analyses or inappropriate research questions, than on the

method itself.” (Braun and Clarke, 2006, p 96) and any method, if poorly applied, will lack the requisite reliability and validity. Furthermore, some of the perceived weaknesses (which in any event affect all forms of qualitative research) can be recast as potential strengths; for instance the perception that ‘anything goes’ (Braun and Clarke, 2006, p 78) is little more than a negative framing of the utility and flexibility of the methodology when applied with requisite rigour.

The mixed method ATA adopted afforded an exploration of data and a topic area which have previously been largely closed to (or overlooked by) researchers and provided the opportunity for original research and insightful findings potentially of interest to practitioners, academics and policy-makers alike. All methods have flaws and the strengths, which I will now go on to outline, outweigh the potential negatives.

Methodological strengths

ATA as a method matches the aims of this research, to give voice to the data and explore it in detail to enhance knowledge. The method “draws from a broad range of several theoretical and methodological perspectives, ... [and] its primary concern is with presenting the stories and experiences... as accurately and comprehensively as possible.” (Guest, MacQueen and Namey, 2012 p, 15-16). This makes it particularly suitable for a mixed method qualitatively-driven research instrument providing as it does a match between the problem and approach, whilst meeting the aims (Cresswell, 2003) and

objectives. In this instance, the aim was to consider whether white-collar crime provides an adequate conceptual framework in which to situate rogue trading, and the objectives were to explore the research process and critically examine what police records can reveal about rogue trader victimisation, the *M.O.* that was used, and the police response they were afforded. The applied nature of the method is beneficial, allowing a flexible approach, borrowing “the more useful techniques from each theoretical and methodological camp” (Guest, MacQueen and Namey, 2012, p 15). In this way the analysis can borrow from, but not be too constrained by, a range of methods such as grounded theory, positivism, interpretivism, and phenomenology. The flexibility of the method also makes possible a combination of qualitative and quantitative analysis, bolstering each strand through the use of the other and “potentially enrich[ing] the eventual analysis and understandings” (Berg, 2001, p 182). Additionally, this enabled different aspects of the data to be analysed with the instrument that would explore the data most appropriately. In some instances, this was with a quantitative counting of the data – such as with the comparison between rogue trading and distraction burglary, the financial detriment, or the number and proportion of cases involving victims identified as vulnerable. In other aspects, the analysis can “move beyond counting explicit words or phrases and focus on identifying and describing both implicit and explicit ideas within the data” (Guest, MacQueen and Namey, 2012, p 10), such as exploring of the enforcement response to rogue trading.

The method allows the use of officer’s own words, enabling an exploration of that which they feel is important (and by extension, that which they do not) (Brocki and Wearden, 2006, p 88). This means the research was grounded in

the data (Guest, MacQueen and Namey, 2012, p 97), using real-life data, from actual cases to provide real-world findings that could uniquely benefit practitioners and policy-makers. Furthermore, crucially, because the data were not collected for the purposes of research, it is unobtrusive (Bowen, 2009, p 31) without the chance of a 'Hawthorne effect' (Landsberger, 1958) whereby participants, knowing they are being studied, may modify their behaviour, effectively providing 'model answers' and skewing results (Roethlisberger and Dickson, 1939). This enables an in-depth study of genuine real-life culture, free from political, moral or organisational influence beyond that experienced by the officer in their day-to-day environment.

Research audience

In choosing the method of analysis, I was mindful that previous research has identified both a cultural divide between academia and the police (Rosenbaum, 2010; Honey, 2014), and a reported lack of intelligibility of academic texts to practitioners and public policy makers (Armstrong, 1980; Stephens, 2010; Rosenbaum, 2010). As Guest, MacQueen and Namey (2012, p 242) assert, "probably the single most important principle... [is that] who the audience is... should guide everything." As such, particular regard was given to choosing a method that would meet the aims of the research and appeal to policy makers and practitioners as much as to academics. The requirement of a professional doctorate is, after all, to "undertake research aimed at making a contribution to the knowledge of professional practice" (Bourner, Bowden and Laing, 2010, p 71; Usher, 2002), with a "high value placed on generating practice-based knowledge to address 'real-world' problems" (San Miguel and Nelson, 2007, p 73). Bearing in mind Buerger's thinking too, that police research must "speak

in the language police understand if they are to be adopted” (2010, p 136) it was felt that rather than it representing a weakness TA is perceived as a somewhat basic method, its adoption was designed to make the research as engaging and accessible as possible. Similarly the exploratory quantitative analysis deliberately avoided a complex statistical analysis, opting instead for an analysis accessible to a wider audience.

The data could, for instance have been used to perform an interesting study, from a social constructivist perspective using Discourse Analysis, to explore the social consequences in terms of police response to rogue trading incidents of the “social construction of knowledge and truth” (Burr 1995 p 5; Gergen, 1985). However, notwithstanding the lack of detail in some data which would have been a barrier to a cogent analysis, the study would have resulted in findings with a more narrow field of focus, and, due to the constructivist epistemology may have been more suited to an academic audience, potentially alienating the policy maker and practitioner audience. The choice of a mixed methods ATA therefore resulted not from methodolatry (Holloway and Todres, 2003), but from careful consideration of the data, the aims of the research, and the intended audience and this chapter has attempted to both identify the strengths and weaknesses, and explain the reasoning and rationale behind the choice.

Chapter 4: Still 'lost in the system': An exploration of the retrieval of rogue trader incidents from a police database.

To recap, the definition employed for rogue trading throughout the research is:

'Any incident where an individual, or individuals, targets a consumer, deliberately overcharging for unsatisfactory goods and/or services. This includes charging for unnecessary work, damaging property in order to obtain money or work, charging for work not carried out, leaving work unfinished and intimidating behaviour in order to extort money'. (Day, 2015).

As explained in chapter 1, the definition of the term is necessitated as no definitive, universally accepted definition currently exists. This proves problematic, as chapter 2 demonstrated, in building a reliable or consistent evidence base (ACTSO, 2014, 2015; Day, 2015, 2017; Police Foundation, 2018) and has hampered the study of rogue trading on many levels. Chapter 2 also introduced the notion of the dark figure of unrecorded crime (Coleman and Moynihan, 1996; Steele et al, 2001, Thornton, Hatton, Ralph and Owen, 2005; Tunley, 2014; Police Foundation, 2018) and the difficulty in retrieving records relating to rogue trading, created by recording practices which fail to distinguish rogue trading from other crimes (Day, 2015), and compounded by the lack of a legal definition for rogue trading. As one of the objectives of the research is to explore the retrieval process by which a relevant dataset was gathered, along with associated barriers to research, it is therefore with this

retrieval process that the analysis chapters begins, building on the process described in chapter 3, explaining the difficulties encountered in retrieving a relevant sample from a wider population of police-recorded incidents.

The data were crime records from 2013 from the TVP crime recording database and parameters were included prior to data extraction to exclude as many records outside the scope of the research as was possible (see p 95 - 97 for the full list of parameters). However, because of the lack of an identifier (such as a 'flag')(Day, 2015) for rogue trader incidents in police databases there were ten crime codes against which rogue trader incidents could likely be recorded and which it was therefore necessary to include within the data population. The crime codes in which incidents could conceivably appear were; Action Fraud CRI (Call for Service), Action Fraud CRI – NFIB referral, Adult Protection (non crime incident), Criminal Damage to dwellings, Harassment (1st single offence), Harassment (all offences), Distraction Burglary (attempts only), Distraction Burglary (excluding attempts), Burglary in a dwelling (attempts only), Burglary in a dwelling (excluding attempts).

The numerous crime codes, despite the inclusion of delimiting parameters, returned 11,826 records, all of which required scrutiny to determine whether or not the record related to a rogue trading incident. This task alone took around 40 hours to complete and resulted in the actual number of relevant records that made up the data sample of just 95, or 0.8%. of the population being retrieved. The 95 rogue trader cases identified included instances in which properties were damaged in order to necessitate work, overcharging for work carried out, completing work of little or no value, and taking money

upfront as a deposit without any subsequent work completed or materials supplied. It is important at this stage to remember that, due to under-reporting and potential under-recording, as well as other reporting routes (such as Action Fraud) the figure of 95 recorded incidents does not represent a prevalence estimate for rogue trading in the TVP area.

Table 5: The retrieval picture for rogue trading records held by TVP

Retrieving Rogue Trading records from the TVP crime recording database (2013)	
Number of police records that required analysis.	11,826
Number of crime occurrence types necessary for inclusion. [Action Fraud CRI (Call for Service), Action Fraud CRI – NFIB referral, Adult Protection (non crime incident), Criminal Damage to dwellings, Harassment (1 st single offence), Harassment (all offences), Distraction Burglary (attempts only), Distraction Burglary (excluding attempts), Burglary in a dwelling (attempts only), Burglary in a dwelling (excluding attempts)]	10
Number of records that related to rogue trader incidents.	95

Given this landscape, it is clear why a high percentage of police forces are unable to monitor or analyse rogue trading incidents (ACTSO, 2015; HMICFRS, 2019b); indeed the real surprise is that 38% feel equipped to do so (ACTSO, 2015). With fraud and rogue trading seen as low priority and under-resourced (Aplin, 2015; Police Foundation, 2018; HMICFRS, 2019b) and, as highlighted in chapter 2, a plethora of high-profile priorities competing for

resources, in an era of public sector spending cuts (HMIC, 2013), it is inconceivable resources will be allocated to such a task. This creates a situation whereby police are largely operating without an existing retrievable evidence base to explore, examine or learn from. Similarly, it is understandable that rogue trading is under-explored in academia and research, when, quite apart from the legal and ethical difficulties in gaining access to police data *per se*, a relevant dataset is so difficult to disentangle from a large amount of personal (and irrelevant) data. Juxtaposing the crime recording situation with distraction burglary proves illustrative. The juxtaposition is useful given that, as explained in chapter 2, the crimes are often conflated and distraction burglary is a 'like offence', involving face-to-face dishonesty at a victim's home. Moreover, the described overlap of rogue trading and distraction burglary by offenders (Barratt, 2012) and the similar victim demography (Day, 2017) make comparisons valid.

Table 6: A comparison of the recording situation for rogue trading and distraction burglary

Comparison of Distraction Burglary and Rogue Trading records from the TVP crime recording database (2013)				
	Total number of incidents	Number of crime categories necessary to search	Number of records that required analysis	Percentage of records within the population which were relevant to the sample
Rogue Trading	95	10	11,826 (to identify 95 incidents of the 95 in total)	0.80%
Distraction burglary	81	2	71 (to identify 69 incidents of the 81 in total)	97.10%

As shown in table 6, issues were identified in the accuracy of recording of some distraction burglary incidents. 12 incidents were mis-categorised in crime code categories other than the distraction burglary codes, and 2 incidents were recorded against distraction burglary without meeting the definition (one an example of 'mate crime' and the other a sponsorship fraud). Nonetheless, the

ability to recall a relevant dataset, albeit incomplete since it retrieved only 69 of the 81 incidents (85%), is almost instantaneous. This contrasts sharply with the retrieval process of rogue trading incidents. The manual retrieval necessary due to the lack of a relevant crime code, or flag, meant that no incidents were missed. All 95 of those that occurred were identified, at a considerable time expense identifying relevant incidents from the wider population.

Previous research (Day, 2015) raised the notion of introducing a crime flag by which to identify rogue trading incidents (as is currently in place for domestic violence). Domestic violence proves a useful comparator as, like rogue trading, it manifests in multiple ways which would require recording against different specific crime types; harassment, theft, or physical or sexual assault for instance, each requiring recording under a different specific crime code. Without the crime flag from which domestic violence and abuse benefits, the records would be dispersed amongst a number of crime codes making analysis hugely impractical. The flag enables the swift retrieval of all incidents regardless of which particular crime code it is recorded against. To demonstrate the multiple ways rogue trading can manifest, let us consider case 5 from within the corpus of 95 cases within the data:

“3 men have knocked on callers door and asked to look at the roof. Two men had already climbed up and pulled the ridge tiles and felting off causing damage. They tried to charge aggd [aggrieved] £3000 to fix the damage they had caused.” Case 5.

This case was accurately recorded by police as an incident of ‘criminal damage to dwelling’. However, the case could feasibly, and equally accurately, be recorded against an occurrence type, or crime code, of either ‘Action Fraud Call for Service’, or ‘Action Fraud NFIB referral’. Hypothetically, had the suspects also threatened, or made repeated demands for payment, it may have also been recordable against the crime codes ‘Harassment (First Single Incident)’, or even ‘Harassment - All Offences Under Harassment Act’. This illustrates how an incident of rogue trading can be categorised in multiple ways under current recording practices. On another day, another officer might very well have recorded it differently, (and no less correctly) against one of the other identified crime codes/occurrence types.

As such, the recording of rogue trading is, as it stands, inarguably particularised. Moreover, the introduction of a crime *code* may only serve to further hinder the recording of such crimes by exacerbating the already confused and fractured nature of the crime recording process, simply by virtue of creating yet *another* crime code category against which the incident could feasibly, and accurately, be recorded. By contrast, the introduction of a crime *flag* would remedy this because, irrespective of the specific category it was recorded against, it could be ‘flagged’ as a rogue trading incident, thereby forming an instantly retrievable dataset of all such incidents. Furthermore, given the link between rogue trading and burglary artifice (Steele et al 2001; ACPO, 2011; Barratt, 2012) the introduction of a flag rather than a crime code would be the appropriate option. Where cases of distraction burglary overlap with rogue trading, a crime flag for rogue trading would enable officers to record them against the distraction burglary crime codes, whilst still flagging

them as involving rogue trading. A separate crime code for rogue trading, however, would inevitably result in the arbitrary cleaving of these overlapping incidents between the rogue trading and distraction burglary crime codes, again making any analysis of the incidents or their respective prevalence problematic.

Therefore, if the aforementioned (chapter 3) College of Policing's (2014) commitment to evidence-based policing is to come to fruition, then a definition and crime flag for rogue trading are crucial tools to facilitate it. Simple retrieval not only allows for scrutiny of the accuracy of crime recording practices (Great Britain. Home Office, 2000b) and performance management as routine, but also paves the way for more detailed study (academically and in practice) and targeted initiatives.

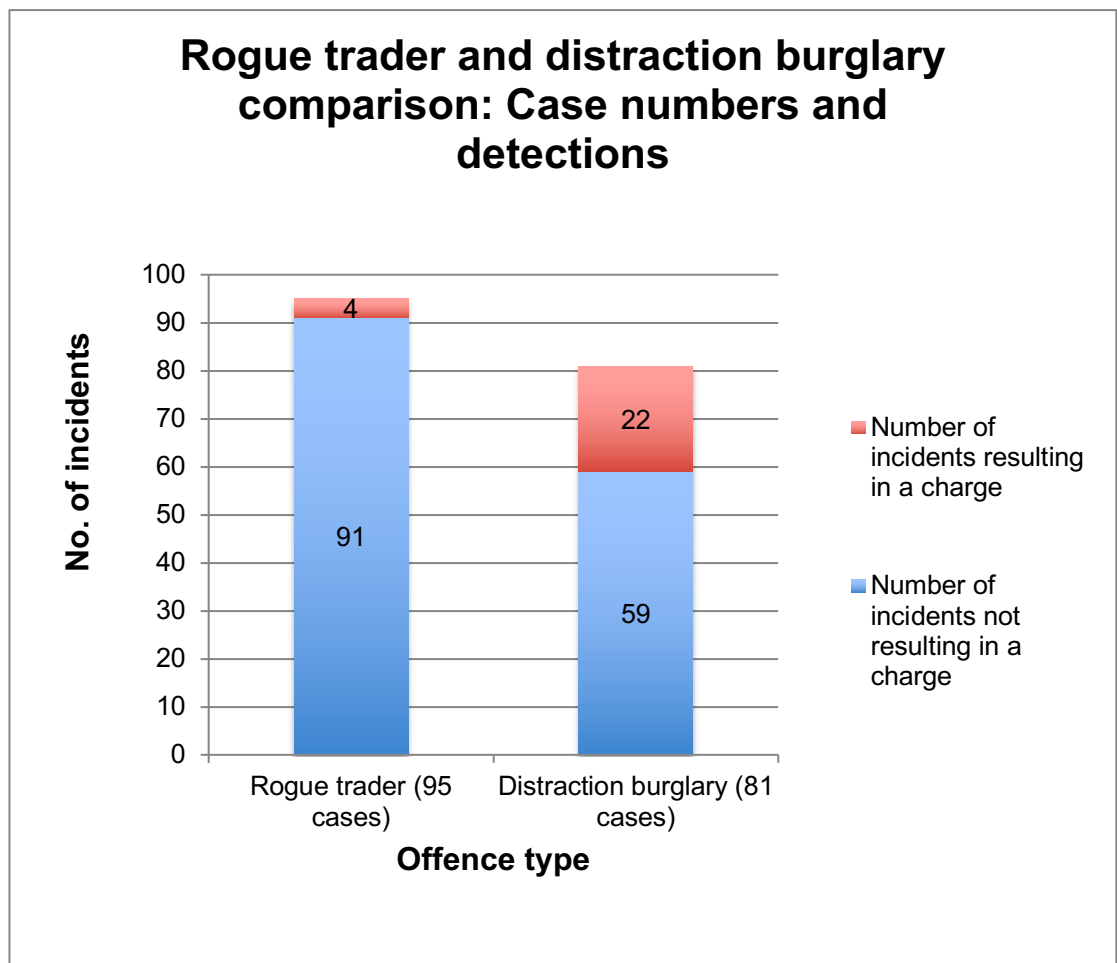
Further comparison between rogue trading and distraction burglary shows that as has been tentatively claimed (Steele et al 2001; ACTSO, 2014; Day 2015; Day 2017) the prevalence of rogue trading is greater than distraction burglary. It is also likely that this under-represents the difference in the numbers of incidents because the comparison is not quite like-for-like. As can be seen from the occurrence types, distraction burglary has a crime code by which to record 'attempts', even when unsuccessful, encouraging the recording of such incidents. Without such a category to record unsuccessful attempts of rogue trading, it is likely that attempts are under-recorded; absent from the records perhaps as a result of having been wrongly written-off as a civil issue (Steele et al, 2001, Smith, Button, Johnston and Frimpong, 2011; Aplin, 2015; ACTSO, 2014, Police Foundation, 2018) or a non-crime (Kenny, 2016). Moreover, as

will be explored in chapter 6, of the 81 distraction burglary incidents, 12 involved rogue trader offending as *well* as distraction burglary, meaning that only 65 incidents were exclusively related to distraction burglary, including those that were ultimately unsuccessful.

Detection rates

Despite the higher levels of rogue trading than distraction burglary, notwithstanding the likely under-representation of rogue trader incidents, it is noticeable that the number of incidents resulting in a suspect being charged with a criminal offence are lower for rogue trading than for distraction burglary. Not only is this counterintuitive given the numbers, but as chapter 2 identified, commonsense suggests that the level and longevity of deception is necessarily greater in incidents of rogue trading than is required for distraction burglary. One might therefore intuitively expect to see a higher detection rate for rogue trading than for burglary artifice. Figure 1 illustrates this direct comparison between rogue trading and distraction burglary incidents, including those resulting in a suspect being charged with a criminal offence.

Figure 1: Rogue trader and distraction burglary comparison: case numbers and detections



Summary

This chapter describes how the lack of a definitive definition for rogue trading makes the phenomenon nebulous. The findings from this study show how the lack of a crime flag makes retrieving rogue trader incidents from police databases problematic. Consequently, academic study and evidenced-based policy and practice initiatives suffer. It explores how a crime flag would remedy this situation and enable longitudinal and comparative study. The comparison between rogue trading and distraction burglary employed in this study proves

illustrative, revealing rogue trading to be more common, yet with fewer detected incidents than burglary artifice, and further highlights the need for an identifier for rogue trading. The chapter also explains why a crime *flag* is the appropriate solution to retrieval difficulties and how a crime code would potentially further cloud the issue. The following chapter now leads on to examine in further detail the victimology of rogue trading.

Chapter 5: An exploration of the victimology of rogue trading.

Chapter 2 critiqued victimology as a discipline, raising the political backdrop of a transference of responsibility from the state to the individual victim (a theme that will be returned to in chapter 7 when examining the police response to rogue trading), and the initial focus upon the victims actions and behaviour by scholars as akin in some cases to victim blaming. However, the discipline's evolution to a more nuanced study of the victim's perspective, and needs, is essential for a study such as this. As discussed, fraud (especially confidence fraud) generally and rogue trading specifically require the victim to play a part. Any findings that identify themes that have potential learning points for policy makers and practitioners, as well as improving the current understanding and state of academic knowledge of the phenomenon are important and meet the objective for this research in critically examining the victimology of rogue trading. As noted repeatedly (Steele et al., 2001; Police Foundation, 2018), offending cannot be halted through enforcement action alone. Therefore crime prevention measures, based upon empirical evidence are vital. Equally findings might help ensure that such measures increase the focus on rogue trader victimisation, a subject not currently the focus of victimology, and especially of older people's victimisation – a group generally marginalised or invisible in criminological research (South, 2014, Phillips, 2016a). Moreover, evidenced-based findings could ensure fear of crime is not stoked disproportionately, thereby avoiding “profound negative effects upon ‘potential’ victims” (Gorden and Buchanan, 2013, p 2). It might also help bring more nuance to a discussion which can be in danger at times of falling into the trap of disempowering victims or potential victims, (particularly ‘older victims’), by

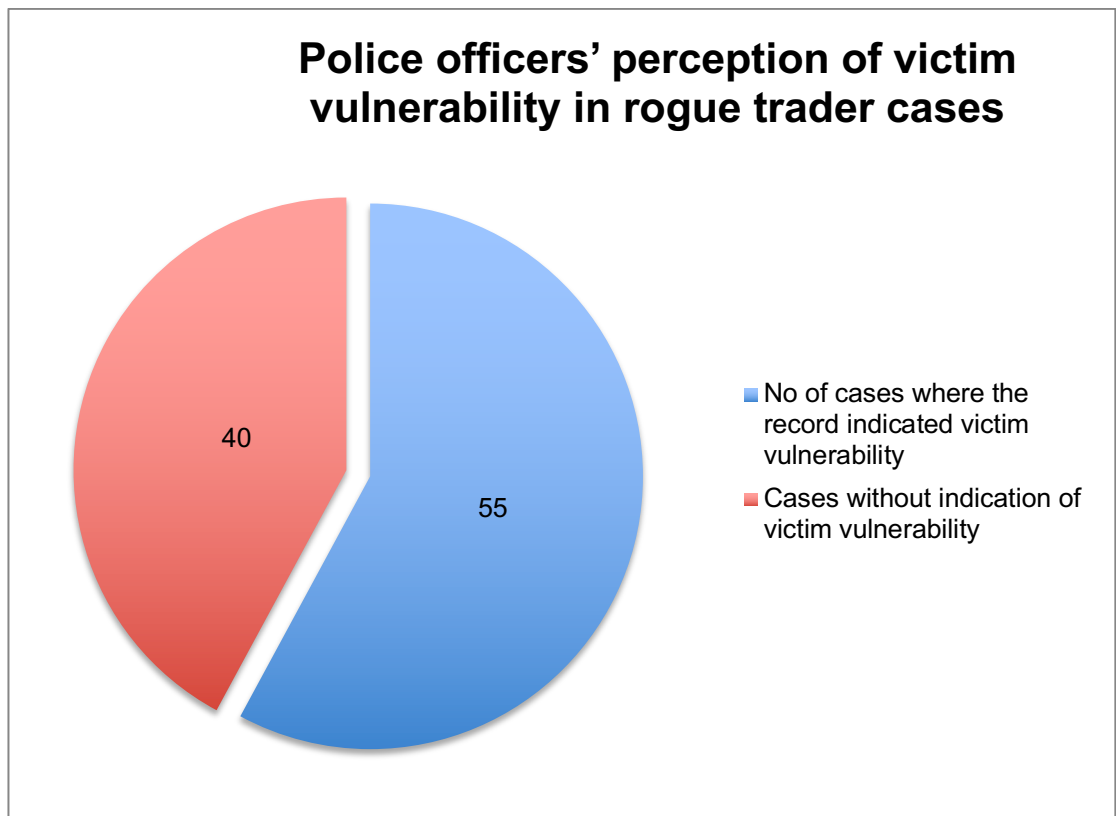
labeling them as an inherently vulnerable, homogenous group. (Smith and Freinkel, 1988; Thornton, Hatton, Ralph and Owen 2005).

This chapter therefore looks initially at the perceived vulnerability of victims, before exploring the nature of those vulnerabilities identified by police. It then turns to explore, from the victim perspective the scale and extent of financial loss, including whether vulnerability of victims is a factor in levels of loss. It also investigates repeat victimisation, including whether or not this correlates with perceived vulnerability and further examines the use, or lack thereof, of 'special measures' of video recorded interviews (VRI) with witnesses in order to support ABE, and CCTV cameras to support victims.

Victim vulnerability

Conventional wisdom indicates that rogue trading is a crime predominately, if not exclusively, perpetrated against vulnerable, older members of society (Steele, 2001; ACPO, 2011; Gordon and Buchanan, 2013; ACSTO 2015; Phillips, 2016b), with only Phillips (2016a) cautioning that offending may be more indiscriminate than previously held. The data were examined to ascertain to what degree victimisation related to those categorised by police as vulnerable. Those records deemed to involve victims perceived as vulnerable were those that were either recorded against the occurrence type (or crime code) Adult Protection, involved a referral by the officer to Adult Care Services on the victim's behalf, or explicitly described the victim as vulnerable within the case notes.

Figure 2: Police officers' perception of victim vulnerability in rogue trader cases



As seen in figure 2 above, 55 of the 95 rogue trader incidents involved victims that were deemed vulnerable by the responding officer. 38 cases explicitly described the victim as vulnerable within the record's notes, 26 cases were recorded under the 'adult protection' occurrence type, and 32 cases were the subject of a referral to social care services. Understandably, there was considerable overlap between cases explicitly categorising a victim as vulnerable, those recorded against the adult protection code and those that involved a social care referral, hence the total number greater than the 55 cases where vulnerability was deemed apparent.

This (55 cases) represents a small majority of cases recorded by police, meaning rogue trading can be said to more often than not involve victims defined by police officers as vulnerable. Previous studies describe elderly and

vulnerable individuals being proactively targeted by perpetrators (Steele, 2001; ACPO, 2011; Gorden and Buchanan, 2013; Phillips, 2016b) and certain vulnerabilities potentially making individuals more susceptible to victimisation (Alzheimer's Society, 2011; James, Boyle and Bennett, 2014). Furthermore, older persons beyond retirement age and those whose vulnerabilities (especially mobility issues) ensure they are more likely to spend longer in their own home, put them more at risk (Lader et al., 2006; Phillips, 2016b) of indiscriminate cold-calling (Phillips, 2016a) than working-age or more mobile counterparts, compounding the risk of victimisation so this is unsurprising. It is also possible that 55 is the minimum number of cases involving a vulnerable victim, because there may be further victims within the dataset experiencing vulnerabilities not immediately or easily apparent to a police officer not trained in (Wilson and Segrave, 2015), adept at, or attuned to, identifying a range of vulnerabilities (HMICFRS, 2019a), and concerns about their ability to recognise and respond to vulnerable people. Findings from the comprehensive review of fraud (Police Foundation, 2018, p 52) acknowledging "a widespread lack of clarity among practitioners in the police, and partner agencies, about how to identify vulnerability in the context of fraud" suggest this is a plausible theory. Police culture studies discovering officers aggrieved at both having to carry out 'social work' type activities, which by and large they do not see as 'their job', and for which they deem they have insufficient training (Wilson and Segrave, 2015) further support the theory. Moreover, it may be that the dark figure of unrecorded crimes contains a higher proportion of the more vulnerable victims. There are two factors in this; firstly, those victims who are most vulnerable may be least likely to recognise their victimisation. Secondly, where reports *are* received by police for cases involving the most vulnerable,

they may be more likely to be dismissed prior to being recorded, particularly if the victims are unable to provide sufficient information for officers to satisfy the NCRS (Home Office 2011b; 2012b). Furthermore, officers may perceive the most vulnerable victims may not make credible witnesses (perhaps because of memory or cognitive impairment) and so may avoid recording incidents where they suspect the crime will remain undetected. As will be discussed (see chapter 7), findings support the notion that police appear keen to avoid recording incidents, where possible. On the other hand, if officers hold pre-conceived stereotypes about victims' characteristics and capabilities, particularly in cases where the level of financial loss is high, they may consequently record victims as vulnerable where they are not. Within the data were 9 incidents that the responding officer recorded as requiring an adult care referral in which the referral was subsequently declined due to insufficient detail within the notes for said referral to be completed. This might support the belief that vulnerability is being attributed to victims by police where it is not necessarily the case. Nonetheless, caution needs to be used when raising such a possibility, because it may be that the victim was in some way vulnerable, and the officer simply failed to record the reason for the vulnerability in sufficient detail to ensure a referral. The tangible result of this is that vulnerable persons who may otherwise qualify for further support from social care services would be denied this opportunity. Findings indicating an often superficial response given by police to incidents of rogue trading, discussed in chapter 7, where referrals by police to other agencies are explored in more detail, support this need for caution.

This discussion demonstrates that taking at face value the number of incidents involving vulnerable victims based on the data is inadvisable. What it highlights

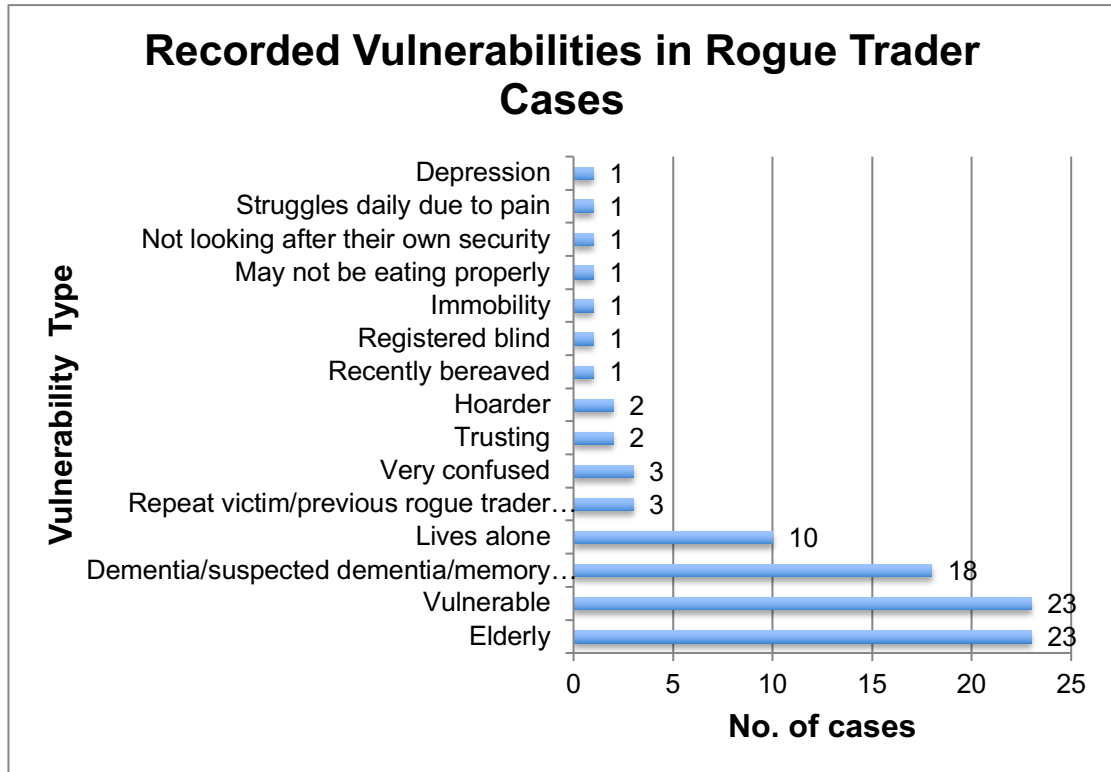
is the difficulty in assessing the extent of victim vulnerabilities, particularly based upon judgments made by police officers stretched for time (both in responding to the incident initially, and then recording the circumstances of it on the police system later) and who are not necessarily trained in identifying vulnerabilities. Despite caveats relating to accurate identification and recording of vulnerabilities (whether under-represented by virtue of having been missed, or over-represented by virtue of having been assumed) and the under-reporting of incidents by victims with perhaps the most acute vulnerabilities, the number of cases involving victims perceived as vulnerable is nonetheless lower than might be expected in light of previous studies consistently identifying older and vulnerable persons as the most-often victimised (Steele et al., 2001, ACPO, 2011, ACTSO, 2014; ACTSO, 2015).

Given the proportion of vulnerable victims is below that which might be expected, it raises further questions about the number of cases within the sample that resulted in a suspect being charged with a criminal offence. Since almost half of victims are *not* vulnerable and concerns (whether real or perceived) do not exist about their performance as witnesses or their memory recall, one might reasonably expect the proportion of rogue trader cases resulting in a suspect being charged to be broadly in-line with other property offences (around 14%)(BBC, 2010). Indeed, since rogue trading offences necessitate far more interaction between victim and suspect than traditional property crimes such as burglary or car crime, (where offenders tend to avoid being seen) a correspondingly higher detection rate may be anticipated in rogue trading cases. However, as shown in chapter 4, only 4 cases (4.2% of incidents within the sample) were recorded against disposal categories relating to an offender being charged.

These victim profile findings are also important in terms of public awareness. Identified barriers to reporting rogue trader incidents include people feeling ashamed, stupid, or embarrassed (ACTSO, 2014; HMICFRS, 2019a) with a stigma attached to having been victimised, perhaps due in part to previous findings establishing it as a crime type afflicting older people, the vulnerable, naïve, or gullible (Cross, 2013, 2015). Evidence that highlights victims are almost equally likely to be victimised whether vulnerable or not may help destigmatise and encourage increased reporting from non-vulnerable victims who may previously have preferred to privately write-off their loss, believing themselves partly culpable for having been duped, or too embarrassed to report. Despite the lower than expected proportion, vulnerable victims still made up more than 50% of recorded incidents of rogue trading and further examination of those incidents revealed interesting findings.

Exploring vulnerability

Figure 3: Victim vulnerabilities as recorded by officers



As figure 3 shows, the most commonly noted concerns as to types of vulnerability related to 'elderly' or 'vulnerable' and these descriptions were also commonly employed in tandem (14 cases). The categorisation by police of victims as elderly and/or vulnerable, particularly where no additional descriptive detail was present, is indicative of a perception that elderly and vulnerable are inherently related. It may also suggest a superficial assessment of the victim and their needs by the officer. The next most common source of vulnerability identified in the records related to memory loss or dementia (whether suspected or confirmed). This tends to validate fears that people with dementia are disproportionately likely to be victim of financial abuse (Alzheimer's Society, 2011; Age UK, 2015). Including those 3 incidents where victims were said to be 'very confused' in this category means more than 1 in

5 of rogue trader victims were said by police to be experiencing cognitive decline or impairment. Living alone was also commonly noted and again correlates with wider findings regarding loneliness and isolation being indicative of susceptibility to fraud and financial abuse (Olivier et al., 2016; Age UK, 2015, Age UK, 2018). These vulnerabilities comprised the vast majority of those recorded by police, as can be seen by figure 3, with only nine other vulnerabilities specified, each with only a small number of incidents. Given the majority of cases in the sample involved victims deemed by police as vulnerable, one might expect specific provisions for vulnerable witnesses would be routinely considered, if not employed, as a result. The following section examines this by looking at the use of recorded interviews for victims.

Achieving Best Evidence through Special Measures

As outlined in chapter 2, The Youth Justice and Criminal Evidence Act (1999) effected certain means for enabling vulnerable or intimidated witnesses (including victims) to provide the best evidence that they can. Given that the majority of victims (at least 55) would appear *prima facie* to qualify for special measures as a result of being classified as in some way vulnerable, one might expect the consideration of special measures to be reasonably commonplace for rogue trader incidents. The potential under-representation of vulnerable victims, as previously discussed, may be resulting in the exclusion of victims that would otherwise qualify for statutory provisions designed to support them throughout the CJS process, in the same way as has been discussed for social care services. Furthermore, it is also likely that additional victims may also

qualify for special measures under the provision for intimidated witnesses, even where they are not vulnerable, though it is unclear from the records as to how many this may pertain. However, this study identified only 3 cases within the 95 incidences (cases 8, 73 and 74) where special measures for witnesses or victims were mentioned.

“PC [redacted]... has submitted telephone numbers for subscriber checks and an ABE interview has been arranged for one of the aggd. There are items submitted for SOCO analysis. Trading Standards are leading on this investigation.” (Case 8).

Because of the very low number of cases identified in which special measures, video recorded interviews (VRI) or achieving best evidence (ABE) were used, a text search was used to validate the findings using these terms. The findings verified that consideration of these provisions is far lower than might be expected. Discounting cases in which these words appeared outside the relevant context (for instance if an officer used the word “video” to describe checking for the availability of CCTV evidence of an incident), there were no cases which referred to special measures, video or VRI and only 3 incidents (cases 8, 73 and 74) which mentioned ABE (Achieving Best Evidence). 1 of the cases which mentioned this went on to discount the possibility (case 74), meaning that only 2 of the 95 incidents of rogue trading contained in the data resulted in the application of special measures. This is highly surprising, particularly in light of Macpherson’s (2001, p 234) findings that “it could hardly be easier for a witness to be eligible as vulnerable, so widely drawn are s.16

to 18 [of the Youth Justice and Criminal Evidence Act 1999]”. Case 74 initially considered special measures in the form of a video recorded interview instead of a written statement.

“Will contact aggrieved tomorrow to speak to them about incident and see if ABE is required... decided that ABE may not be appropriate and niece of aggrieved happy for MG11 [written statement form used by police] to be completed with aggrieved at their h/a [home address].” Case 74.

Whilst it is encouraging that consideration was given to the prospect of an ABE interview, it is nonetheless worrying that it seems the decision not to conduct one has been made by the officer, in conjunction with a relative of the victim, without apparent input or consultation with the victim. This is despite the express instruction in the legislation (Youth Justice & Criminal Evidence Act 1999, S16(4) & 17(3)) that the witness’s views should be considered. It is unclear from the data why there has been a near total failure to consider recorded interviews as a special measure. Whatever the reason; lack of knowledge of the legislation and the provisions contained within it, the erroneous assumption it is not relevant to rogue trader cases, or perhaps a lack of trained officers able to undertake specialist interviewing, it should be urgently addressed. Systematically overlooking legislation specifically intended to ensure greater access to the justice system for vulnerable victims, whatever the reason, is cause for concern. Having considered the scarcity of cases in which special measures were applied, this research also explored

another measure with potential to safeguard victims and reduce their fear of crime; the installation of CCTV.

CCTV cameras

As a tool for target hardening and crime prevention, especially for a crime type where the sharing of information about victims, and the repeat victimisation and targeting of the vulnerable are known phenomena (ACPO, 2011; ACTSO, 2014; Phillips 2016b), the installation of CCTV cameras at victims' properties may be of benefit. The presence of CCTV may provide victims a measure of reassurance, decrease their fear of future victimisation and carry an evidential benefit, particularly if the camera is capable of capturing audio as well as visual footage, in the event of further offending. The cost attached to this may make it a measure reserved for those deemed most vulnerable, most at risk of further victimisation, or those unable to self-fund such a measure. However, cases where CCTV, or memo cams (a covert version of a CCTV camera capable of recording audio and visual footage) were installed were few, with only 6 cases (cases 32, 38, 43, 44, 74, 84) where it was installed.

Case 44 provides an example of a case where a camera was installed:

“Individual circumstances of this investigation are such that there is a belief that the victim may be subjected to further offending. It is therefore both necessary and proportionate that the police fulfill their responsibility to protect victims and investigate the crimes reported to them and take additional reasonable steps to catch those responsible. The victim of the crime has been consulted and consents to the

installation and use of surveillance equipment within their premises. The victim of the crime has been briefed in respect of minimising unnecessary intrusion by guiding lawful visitors to the premises away from the area subject to the surveillance without compromising the activity.” Case 44.

Again, it is difficult to envisage there were only 6 cases in which the circumstances led to the belief the victim may be subject to further offending, particularly in light of previous literature regarding repeat victimisation (ACTSO, 2014; ACTSO, 2015; Phillips, 2016b) and the fact that over half of the sample was deemed vulnerable, with 32 victims referred to adult care services as a result of concerns about their vulnerability. Furthermore, in case 45, which was originally put forward by the officer as being suitable for a camera, the request is declined on review, in part because the ‘meeting’ (with what is described in the notes as “some sort of scam or rogue trader”) was pre-arranged rather than during a cold-call. This rather crude conclusion seems to lack understanding of the methods employed by doorstep criminals (examined in chapter 6) and the victim’s potential vulnerability to financial exploitation. This is especially the case given the incident is recorded within the Adult Protection occurrence type and references the victim being “very confused”, unable to recall much about the incident and “showing signs of Alzheimer’s”.

Generally, the correlation between officers identifying victims as vulnerable and requesting the installation of CCTV be installed is strong, with 5 of the 6 incidents where CCTV has been installed recording the victim as vulnerable, and only 1 case where the victim was not recorded as vulnerable (nor was the

victim referred to Adult Care or recorded as an adult protection case). Nonetheless, given 55 cases involved victims recorded as vulnerable, that only 5 of these benefitted from the installation of CCTV leaves room for considerable improvement in terms of utilising target hardening and crime prevention measures to protect vulnerable victims. A similar picture emerges when examining the number of victims identified as experiencing repeat or ongoing victimisation, with 39 cases recorded (as will be later explored), but only 3 of these incidents resulting in the installation of CCTV. The size of the losses incurred by rogue trader victims (and conversely the criminal benefit to offenders) is often such that safeguarding those victims at particular risk of rogue trader victimisation, especially through either vulnerability or repeated and continuing victimisation, is an important consideration. A more detailed exploration of the associated financial harm caused by rogue trading now follows.

Financial loss

The size and scale of financial loss to rogue trading is under-researched and difficult to identify. Average losses of between £1000 and £1280, and £3500 to £4650 have previously been ascribed to reports logged with Trading Standards and the police respectively (ACTSO, 2014; ACTSO, 2015). Whilst concerns exist around the veracity of crime statistics in relation to fraud generally (Shover, Coffey and Hobbs, 2003; Great Britain. Home Office, 2005a; Karstedt and Farrall, 2006; Police Federation, 2018), and, as this research and others highlights, this crime type in particular (ACTSO, 2014),

these estimates are of limited use. This study discovered only 58 of the 95 incidents where the notes of the crime record included a figure for losses. This means the calculation for financial loss is incomplete and provides a worrying indication of a superficial response being provided by police to this crime type. Given that the financial value of a fraud is a factor in determining sentencing upon conviction (Sentencing Council, 2014), it ought to be recorded as a matter of routine. That it was not recorded in 37 incidents (some 39% of the sample) is therefore troubling.

The 58 recorded cases of the financial cost included 15 incidents where no loss resulted. In one such incident the reason why there was no financial detriment is unclear, with the other 14 split between intervention (by financial institutions, police, family or neighbours) frustrating the criminal attempt (6 cases), and the intended victim refusing to part with monies (8 cases). Of those incidents where offending was interrupted by a third party 4 were as a result of intervention from the victim's financial institution, saving a combined £33,062 for the victims, showing the importance of vigilance of staff. Additionally, case 32 references a saving of £100,000 as a result of intervention by the victim's family. Although the victim still experienced financial loss in this case, the large saving resulting from intervention from family shows the importance and potential financial value of intervention and support networks.

Compounding the financial losses experienced by victims, there were 11 cases recorded against the criminal damage occurrence type and a further 7 in which it was explicitly mentioned that the incident resulted in criminal damage, or the notes referred to a cost for remedial or repair work as a result of that which was carried out by the rogue trader. In none of those 18 incidents was the cost

of the necessary repairs recorded. Whilst this does not represent a financial gain for the perpetrator, it is nevertheless a cost borne by the victims, albeit one which remains incalculable. Moreover, case 60 involved the victim bequeathing an offender 50% of his property in lieu of payment once his savings had been exhausted. Again, the level of financial loss (albeit subsequently overturned by the intervention of a neighbouring police force) remains incalculable. However, with high average property prices in the South East of England and the Home Counties being high, it is easy to envisage this representing a substantial amount.

As can be seen in figure 4, the average calculable financial cost of rogue trading in the 58 incidents where loss was recorded was £3,441. This figure included those where a loss was avoided, but excluded the unknown cost or repairs subsequently required, the value of the share of the property transferred, and the loss where this was attributable to a distraction burglary, even where this was part of a rogue trading incident. It also excluded an incident where the loss was disputed by a trader (case 1), because it could not be ascertained from the record whether or not this had been paid. The calculation therefore likely represents an under-estimate of the true financial cost to victims of rogue trading. Figure 4 also illustrates the average cost of successful or completed incidents, excluding those which were frustrated (excluding the additional incalculable losses, distraction burglary losses and disputed loss as described above), showing an average loss of £4,641.

Figure 4: Average losses to rogue trading, whole sample and successful incidents only

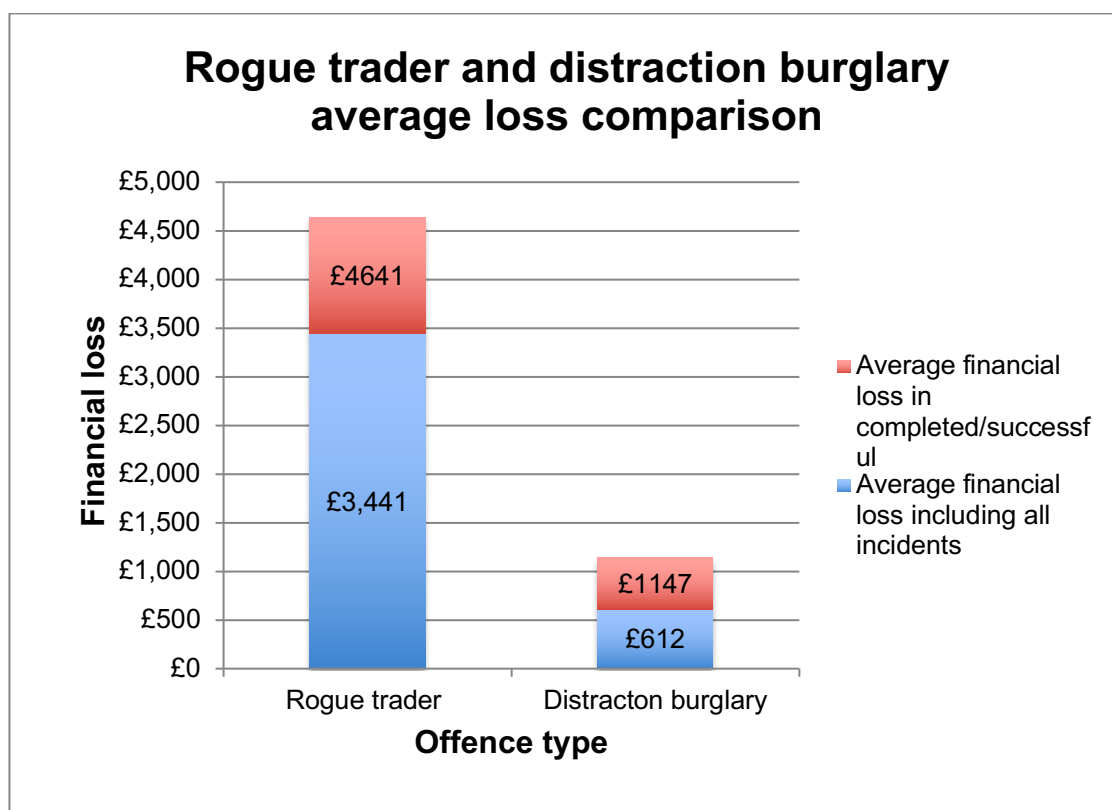
Average financial losses to rogue trader incidents	
Average cost of whole sample of rogue trader incidents (including frustrated attempts)	Average cost of the completed/successful rogue trader incidents only
£3,441	£4,641

The total loss to rogue trading in the 58 records where a level of financial loss was recorded was £199,568, and there was a range of £0 to £40,000. Assuming a similar average value in the 38 records where no financial loss was recorded would mean a loss of £326,885. Whilst intuitively this may result in an overestimate of loss, as one would hope those cases involving significant loss would be more likely to be recorded, it provides a useful guide, particularly as no account is taken of the additional cost of repairs necessary as a result of offending.

Tentatively accounting for the estimated levels of underreporting (between 1 in 10 and 1 in 100 incidents reported)(ACTSO, 2015) would suggest a loss to rogue trading, in the TVP area, of between £3.26 million and £32.6 million. As large as these figures are, they are still likely to be at the lower range of estimates as they work on only those cases *recorded* by police, not all those *reported*. As discussed, there is likely to be an unknown number of reports closed prior to being added to the crime recording database which remain unaccounted for. The figures also take no account of the value of properties where ownership is bequeathed or transferred. Whilst the prevalence of this

practice is unknown, it is not without precedent (*R. V Tomney and others*; Carswell, 2015; CTSI, 2016) and did appear within the data (Case 60). Even at face value, the scale of losses identified for rogue trading is far greater than from distraction burglary, notwithstanding that with only 30 incidents where a financial amount (or attempted loss) was recorded, and 16 where there was an actual loss from distraction burglary, the sample size is small. The total loss recorded resulting from distraction burglary was £18,355. Assuming the same average loss for those where none was recorded as for those where it was recorded would give a loss of £49,567.

Figure 5: Rogue trader and distraction burglary average loss comparison



The identified losses shown in figure 5 broadly align with previous average loss findings for distraction burglary (£648.36)(Operation Liberal, n.d.) and rogue trading (£4650 for NFIB reports, £1000 for reports to Trading Standards)(ACTSO, 2014). This study therefore strongly supports previous

research suggesting that rogue trading is higher value than distraction burglary (Steele et al, 2001). Intuitively, there will be greater losses resulting from rogue trading, as distraction burglaries are limited in their gain to the money being kept at home by the victim, and with cash usage becoming less the norm, this could yet fall further. Conversely, if a rogue trader can convince a victim of the need for work, they can require payment beyond the amount normally kept within the home. This can be done via a bank, as seen within the data (and discussed in chapter 6), or increasingly, as internet banking becomes more prevalent, immediate electronic transfer (using a third party bank account if the perpetrators wish to avoid leaving a forensic trail). Moreover if this tactic is successful it can be repeated, as discussed in chapter 2, by ‘bouncing the job’ (*R. V Tomney and others*; Carswell, 2015; Phillips, 2016a) until the victim recognises the fraud. The relative prevalence and comparative levels of financial loss between the two crime types further suggests it is anomalous that distraction burglary benefits from a definition and crime code rather than rogue trading.

The number of incidences likely to involve life-altering losses is also far greater in rogue trader cases than burglary artifice cases, as is shown in figure 6.

Figure 6: Financial loss comparison of successful rogue trader and distraction burglary incidents

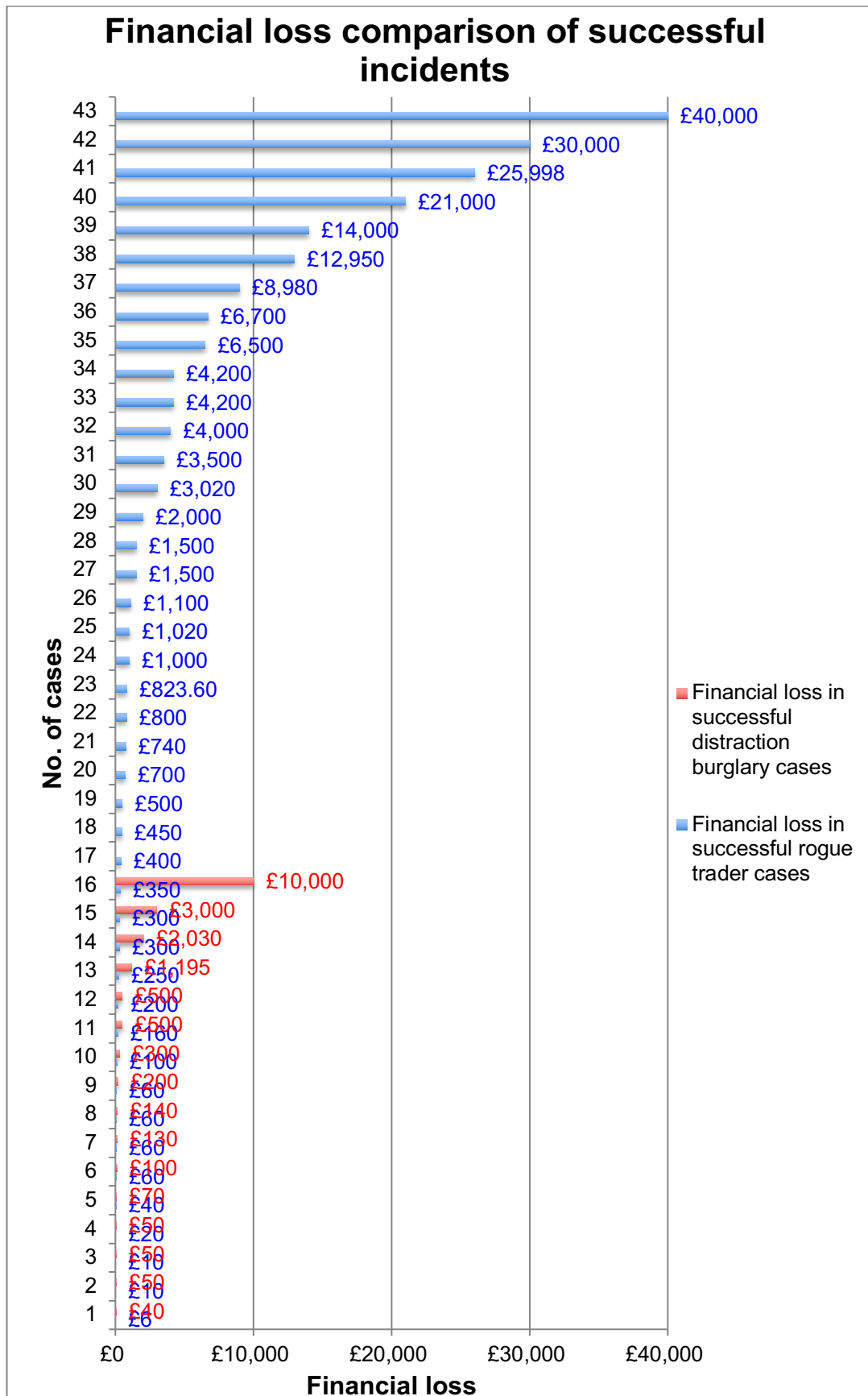


Figure 6 shows that, for distraction burglary, but for one outlier at £10,000, all other incidents were at or below £3,000 loss. The majority of incidents (18) where a financial loss was recorded (30 cases in total) involved a loss of £50 or less. This contrasts with rogue trading where there were 14 incidents involving over £3,000 loss, including 4 incidents with losses greater than £20,000, the greatest being £40,000. In addition, case 60, where £30,000 was lost also involved the bequeathing of ownership of 50% of the victim's property, potentially hugely increasing the financial loss were it calculable and had it not been reversed. There were 6 rogue trader incidents (£40,000, £30,000, £25,998, £21,000, £14,000, £12,950) involving greater financial losses than the most costly distraction burglary (£10,000). Moreover, whereas the majority of distraction burglary incidents involved losses of £50 or less, the majority of rogue trader incidents involved losses of £300 or more. For completed offences involving a financial loss the majority of rogue trader cases resulted in a loss of £800 or more, whereas distraction burglary led, in the majority of cases to a loss of £200 or less. The cost of repairs required as a result of rogue trader cases (were they calculable), would further widen the disparity between the financial losses for the two crime types.

Vulnerability and financial loss

Further exploration of the financial losses reveals that whilst victims are marginally more likely to be vulnerable than not, the level of loss between these two groups is quite different. Generally speaking, it seems the greater the level of vulnerability the higher the financial loss.

Table 7: Financial loss to rogue trader incidents by level of vulnerability

Financial loss to rogue trader incidents by vulnerability				
	Whole sample of rogue trader victims	Explicitly vulnerable	Deemed vulnerable	No vulnerability mentioned
Average rogue trader incident (including frustrated attempts)	£3441	£4740	£3722	£2980
Average completed/successful rogue trader incident	£4641	£6583	£4963	£4098

As is shown in table 7 above, average losses tend to correlate with vulnerability. Those who lose least are not identified as vulnerable and their losses represent less than the average of the entire sample. Those deemed vulnerable by officers (recorded as an Adult Protection case, or involved an Adult Care referral recommendation) lose more than victims not recorded as vulnerable, with completed incidents costing more than the average financial loss, and victims that were explicitly described as vulnerable lose the most. The averages may be affected by the presence of some particularly high-value losses to vulnerable victims, as the figure below suggests. Moreover, it may be that where an officer identifies a high level of financial loss, they record the victim as vulnerable primarily on the basis of the scale of their loss more than

the presence of any identifiable underlying vulnerability (though this is not necessarily unfounded since significant financial exploitation might be a valuable indicator of vulnerability). Regardless, it would appear the offenders' view that "it's always by getting a confused gimmer [older person] with a poor memory" (Steele et al, 2001, p 61) that enables the defrauding of higher amounts is borne out in the data, and is illustrated by figure 7.

Figure 7: Recorded financial losses in rogue trader incidents by vulnerability

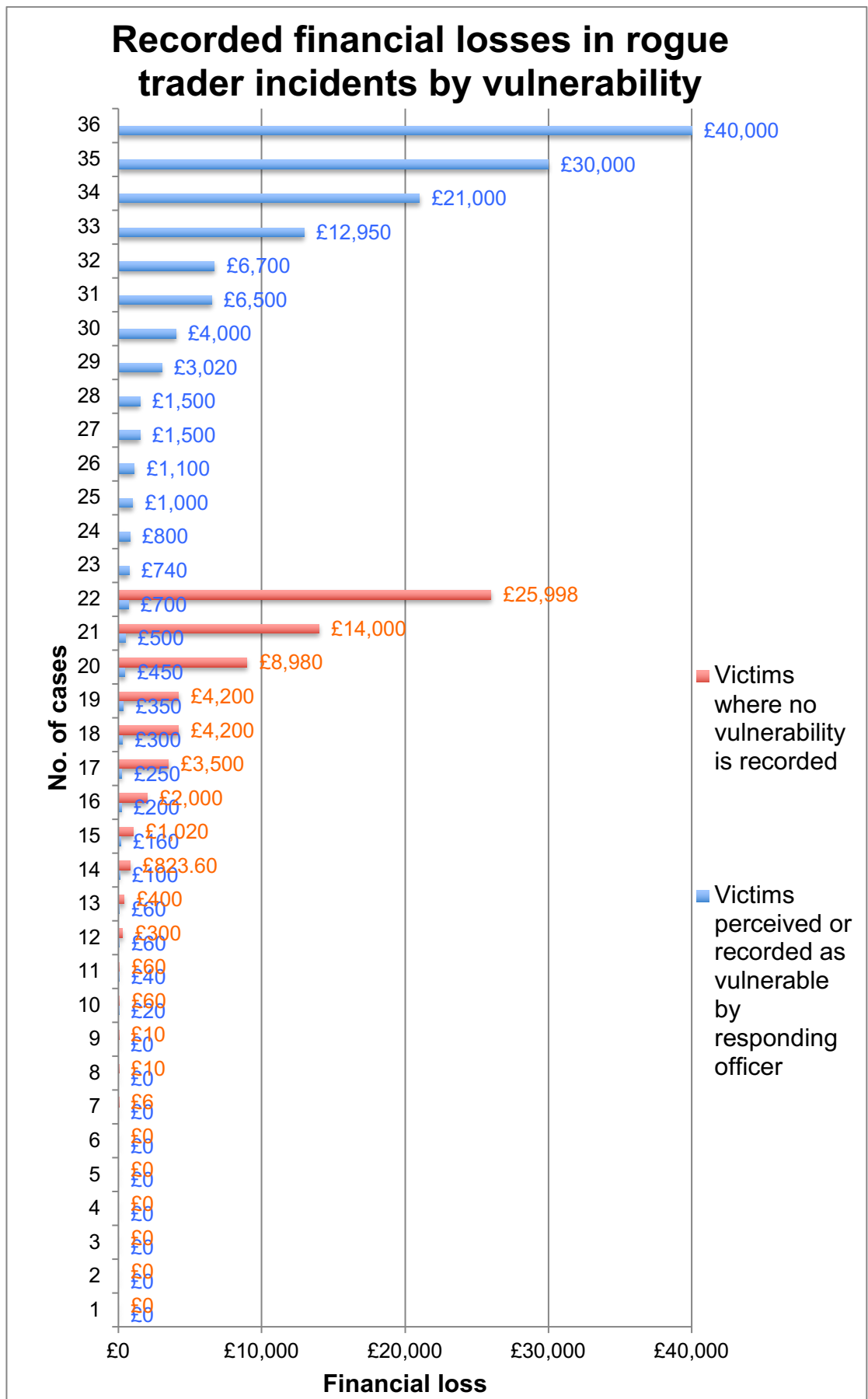


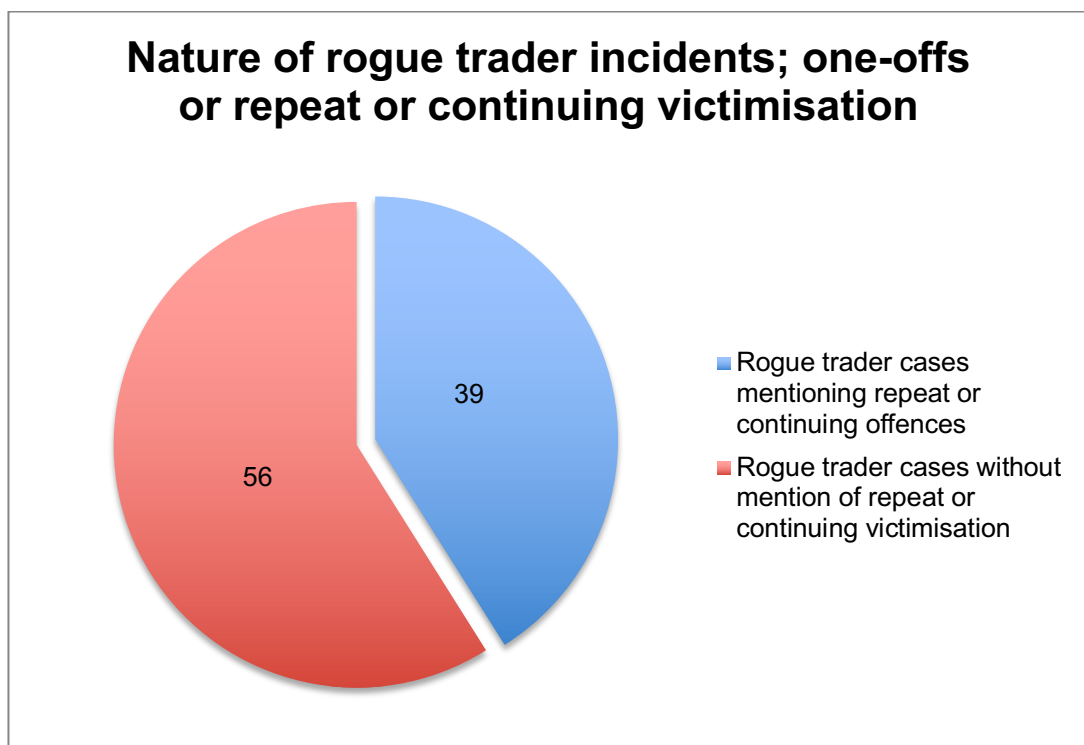
Figure 7 also highlights the importance of early third party intervention, with the role of financial institutions crucial (Age UK, 2018), especially when linked with police follow-up. The higher value losses most often require withdrawal of monies from banks, cheque payments or bank transfers. This offers an intervention opportunity which, if acted upon successfully, could save victims from losing potentially life-changing sums, particularly where the victim is vulnerable and less able to identify the criminal attempt themselves (or recover lost funds, (Phillips, 2016b)). Equally, greater awareness of rogue trading amongst care professionals, particularly in light of the Care Act is key to the safeguarding of vulnerable victims. The chapter will now move on to discuss in more detail the findings in respect of repeat and continuing offences, which also highlights the potential importance of safeguarding and third party intervention.

Repeat and previous victimisation, and continuing offences

Bridgeman and Hobbs (1997) define repeat victimisation as occurring “when the same person or place suffers from more than one incident over a specified period” (p 1). It is usual to limit the definition to a definite period; the Office of National Statistics and the Crime Survey for England and Wales (CSEW), for instance, use a year as the time frame within which incidents must occur before they can be termed repeat victimisation (Great Britain. ONS, 2013). Whilst this is both necessary and understandable for studies of repeat victimisation to be meaningful (particularly annual crime statistics), there was no record of the date of the previous incident in any of the records within the data and an

absence of research to inform the period over which repeated incidences of rogue trading are likely to, or usually, occur. Therefore, repeat or previous victimisation is defined here as any case that mentioned another incident of rogue trading to which the victim was subjected. Additionally, where an incident was more prolonged than a single visit, involving offences on more than one occasion even where it was part of the same incident, that was deemed as a continuing offence. As with vulnerability, the levels of repeat or previous victimisation within the data are likely to be under-recorded. Police responding to reports of a crime understandably focus upon that incident, rather than delve into other previous similar incidents to which the victim had been subjected. Under-recording of repeat and continuing incidents is therefore to be expected. Despite this, as figure 8 shows, there were 39 incidents within the data that referenced repeat or continued victimisation.

Figure 8: Nature of rogue trader incidents; one-offs or repeat or continuing victimisation



The rogue trader cases mentioning repeat or continuing victimisation comprised 24 cases that mentioned repeat victimisation and 18 that involved continuing offending (with 3 cases experiencing both).

Case 26 gives an example of a repeat rogue trader incident

“Aggd has had 2 males knock on the door and state that they did the roof earlier in the year and said they could see a few tiles missing. Aggd was concerned and let them in. They went into her attic. One came back down with some soaking loft insulation and handed it to the second male who gave it to the aggd who put it in the bath. Aggd has gone up to look and come down. Males told aggd it will cost £7000 if she uses a proper builder but they'd do it for £5500. Aggd was shocked and it then dropped to £5000.” Case 26.

And case 22 provides an example of a continuing offence:

“Sus[pect] has attended the aggd[’s] home on a cold call and offered to carry out work on the roof. The aggd party has organised cash of £4200 and then paid this to the sus[pect]. The only works carried out is a five foot run of pointing. The sus[pect] has then contacted the aggd again asking for a further £1700 to pay for the rental of a lorry to collect materials.” Case 22.

In addition to the continuing offences present (involving the same perpetrator) in the sample, there were also 9 incidents that referenced repeat offending by the same perpetrator. This ties in with wider findings regarding white-collar

crime victimisation (Croall, 2016) and with rogue traders grooming victims for repeated financial exploitation (ACTSO, 2015; Phillips, 2016b) and suggests that perpetrators do not consider it a significant risk to return to the scene of their crime. Case 30 provides one such example;

“Aggd has been... shopping on her own. She was approached by unknown male . This male... [stated] he had done work on her roof over a year ago... [and] she still owed him money... [she] disputed this initially however she has... [withdrawn] £450. The offender was waiting outside and collected the money from her as she left.” Case 30.

The incidents where victims experienced more than one offence within a continuing incident demonstrate that offenders will continue to ‘bounce the job’ (*R. V Tomney and others*; Evans, 2014) prolonging and developing a continuing offence for maximum financial gain, as case 38 demonstrates.

“Aggd has had rogue trader calling at her house stating that they are carrying out work for her. Over a period of time she had paid out about £12,950 to them. They have come in several vehicle to the address and there are at least 5-8 different people.” Case 38.

Case 62 provides an illustration of both repeated and continuing offences, all seemingly by the same offender;

“The aggd had some work done on his roof two years ago. On 22/05/13 the builder knocked on his door and asked to check the roof to make sure that there were no problems.

The builder said to the aggd that this was under guarantee and that there would be no cost. When the builder looked on the roof he advised the aggd that there were other problems that would cost £5000 to repair. The workmen wanted cash so the aggd went down to the bank and took the money out... the builder left and came back on 24/05/13 to complete the work. When... [he] arrived he looked at the roof and advised the aggd that there were more problems which would cost another £5,000 to put right. Once paid the man left." Case 62.

The results indicate victims of rogue trading are at risk of being targeted repeatedly, with 40% of victims experiencing more than a 'one-off' episode and therefore likely experiencing a higher financial loss as a result, though the data were incomplete and the sample too small to test this. Nonetheless, a more robust enforcement and safeguarding response could prevent considerable future harm. In addition to the greater financial cost of repeat victimisation, victims' mental health, wellbeing and sense of self may also suffer correspondingly. With victimisation having an impact (Sixsmith, 1990; Steele et al, 2001; Great Britain. Home Office, 2003c, 2005b; Thornton et al, 2006; Barratt, 2012) on older persons, the greater the level and longevity of the interaction, the more keenly felt the deception is likely to be. Since repeat distraction burglary victimisation can lead to Post Traumatic Stress Disorder (PTSD)(Barratt, 2012) and the deception involved is less elaborate than in rogue trading, failing to safeguard victims of rogue trading could have a profound negative effect upon them. Placing evidence-gathering tools at premises already known to be targeted is likely to yield positive results,

especially as 27 of the 55 (49%) victims deemed vulnerable experienced either repeat or continued offending. Moreover, detecting future offences may unlock the potential detection of previous incidents where no suspect could be identified if perpetrators are returning to the scenes of previous crimes. If a victim is able to positively identify the offender as the same as from previous incidents, or if cameras capture audio of the perpetrator referencing previous work he has carried out at the property, it might enable detection and proceedings retrospectively. The high rates of repeat victimisation, especially amongst vulnerable victims further call into question the very small number of cases that benefited from the installation of CCTV (explored earlier). Particularly since only 3 of the 6 instances where CCTV was installed were instances where the victim was known to be a repeat or continuing victim.

Summary

This chapter has explored the victimology of rogue trading, explaining how financial losses vary greatly, with an average loss of £3441, or £4641 where the incident is successfully completed. Rogue trading is found to be considerably more financially detrimental to victims than distraction burglary, for which the average loss is £612, or £1147 for successfully completed incidents. It describes how there is potential for life-altering losses with 4 cases involving losses of over £20,000 and how victims are more often than not deemed vulnerable by police. The average financial losses experienced by those explicitly recorded as vulnerable are found to be greater than those not deemed vulnerable and vulnerabilities were most commonly associated with being elderly, experiencing memory loss or living alone. Repeat or continuing

victimisation are relatively common and offenders are seemingly willing to remain at, or return to, a property where they envisage it will result in financial gain.

Despite the majority of victims being deemed vulnerable by police, measures designed to reduce or prevent crime, and support and reassure victims are rarely utilised. CCTV was only installed in 6 cases; 1 of which was in a case where the victim was not recorded as vulnerable, meaning that only 5 of 55 vulnerable victims were safeguarded via the installation of CCTV despite almost half experiencing repeat or continuing rogue trader incidents. Similarly, only 3 incidents where CCTV was installed were known to be the subject of repeat or continued victimisation (despite 39 cases mentioning repeat or continuing offences). Moreover, there were only 3 cases in which special measures were considered, with only 2 in which measures were subsequently employed. Having explored elements of the victim profile, the inevitable counterpoint to this is the behaviour of the offenders. These results have already exposed their preference for targeting those that are vulnerable, and the next chapter explores in greater detail the way they carry out their criminality.

Chapter 6: An exploration of the *actus reus* and *modus operandi* in rogue trader cases.

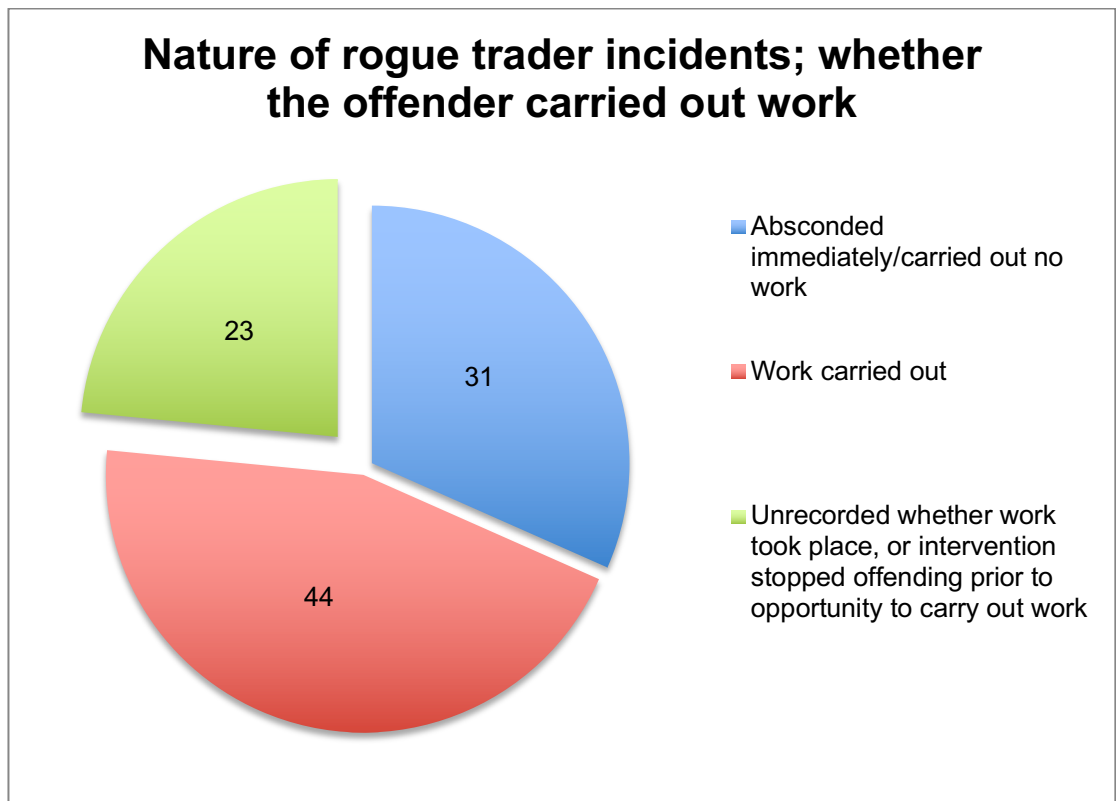
As highlighted within chapter 2, little attention has been given to the study of rogue trading in academia (Gorden and Buchanan, 2013) or practice. Fraud more generally is afforded a relatively low-status by police (Levi and Jones, 1985; Levi and Burrows, 2008) and within this low-priority crime type, emerging threats such as mass marketing fraud (Olivier et al, 2016) and cybercrime (Police Foundation, 2018), compete for limited resources. This chapter therefore aims to begin to redress this imbalance, meeting the objective of critically examining the *modus operandi* in order to advance the current state of knowledge about how rogue trading is perpetrated. It begins with an exploration of the dynamic, varied and fluid behaviour demonstrated by offenders in carrying out their offending, before exploring alterations to quoted costs; overlaps between rogue trading and distraction burglary; requiring immediate payment, including transporting victims to their bank and the trade type employed by the offender in carrying out the criminality.

Dynamic and varied offending behaviour

The data analysis revealed a fluidity and variability of the *modus operandi* in rogue trading incidents and there were a multitude of ways in which offences were committed. There were 2 examples of the proactive targeting of vulnerable adults (cases 30, see p 152, and 68), and instances which seemed

indiscriminate in nature. As has been raised in the preceding chapter, this study revealed examples of repeat incidents and continuing offences involving the 'bouncing' of jobs, as well as one-off incidents. Conversely, in addition to those incidents where the job was bounced and the money required by offenders increased, there were also incidents where the initial demand for payment was reduced. There was a split between incidents of theft or advanced fee fraud where offenders absconded without carrying out any work or providing any materials, and those where some work was carried out. Amongst those where work was undertaken, this study identified a broad range of trades employed by offenders to conduct their criminality. There were also, as stated in chapter 5, 18 incidents where offenders caused criminal damage to properties to invoke the need for work to be carried out. The wide variety in methods of offending revealed by the analysis demonstrates the manifold ways in which rogue trading manifests, including via an overlap between rogue trading and distraction burglary. This chapter now examines the ways in which offending was carried out and demonstrates the spectrum of behaviours used to commit offences, beginning with whether offenders carried out works to a property, or involved straightforward theft where the offender took an upfront payment without then providing any goods or services.

Figure 9: Nature of rogue trader incidents; whether the offender carried out work



As shown in figure 9, of the 95 cases of rogue trading from TVP in 2013, at least 44 incidents involved the offender undertaking work to the property (including 18 where this 'work' involved causing criminal damage to the property). The quality and necessity (or otherwise) of the work is impossible to evaluate in the vast majority of incidents due to the paucity of relevant detail in the notes. This was the most prevalent offending method recorded, indicating it is perhaps the preferred option for perpetrators. By contrast, there were 31 incidents of advanced fee fraud or theft in which no work was carried out by the trader, following receipt of an upfront payment or deposit for claimed works from the victim. There were 23 incidents in which the notes did not record whether or not work was undertaken, or where the incident was rebuffed,

making it impossible to identify whether the offender intended to carry out work. There were also 3 instances of repeat or continuing offending where a victim had been subject to a rogue trade where the offender both carried out work *and* absconded having taken payment without carrying out any work (cases 29, 30 and 86). The results are somewhat counter-intuitive since one might imagine that the greater engagement between the offender and victim, the higher the chance of the offender being identified (by either the victim, or by other potential witnesses) and brought to justice. However, there are two reasons why the preference might be for conducting work. Firstly, it may be that there is the opportunity for higher financial gains in carrying out work. For instance, where an offender convinces a victim of a need for roofing work, taking a 'deposit' would normally restrict the gain to a proportion of the quoted 'cost'; payment in full upfront is less common and might arouse suspicion. Representing to carry out that work (irrespective of its necessity, amount, or quality), therefore better enables the full amount to be gained. Secondly, the criminals' belief, communicated to Steele et al. (2001), that carrying out work, regardless of how little is completed, represents a viable means of avoiding enforcement attention may be common (see p 68 for quote). Whether this perception is accurate is impossible to judge as the sample did not reveal whether prosecutions or enforcement action was successful and in any event, with only 4 incidents recorded as resulting in the CPS charging a suspect, the sample size is too small to be valid. It is likely that a combination of both reasons; the opportunity for greater financial gain *and* the belief (whether accurate or otherwise) that it is less likely to attract enforcement attention result in the greater number of incidents that involve the performance of a trade than those where no work is conducted. It is also likely that the *M.O.* is fluid and

dynamic depending upon the level of perceived susceptibility of the potential victim to the approach. If the offender detects, for instance, that the victim (or an on-looker) is becoming suspicious about their activity, then even had they originally intended to carry out work to a property, they may subsequently decide to abscond immediately upon receipt of an upfront payment. Moreover, if an offender adjudges a victim to be acutely vulnerable, he may decide the need for work to facilitate high financial gains becomes redundant. Case 29 for instance, involved £6,700 loss to a rogue trader that carried out no work, by a victim described as being repeatedly targeted, living alone, who was known to Safeguarding Vulnerable Adults and who was described as maybe having dementia. Case 32 also details an incident where no work took place in which the victim, who was also said to be living alone with dementia, lost £6,500. Further, whilst case 33 does not involve the police recording any form of vulnerability, it involved a £25,998 loss for a one-off incident where no work was conducted and it may be that the perpetrator adjudged the victim to be vulnerable, even if the responding officer subsequently did not. The fluidity in offending behaviour was also evident in the supposed cost levied by the perpetrator with increases and decreases (and both increases and decreases in the same incident) occurring within the data.

Altering quoted costs: Increasing the price

The previously discussed tactic of 'bouncing the job' (*R. V Tomney and others*), claiming to identify further necessary work, or exaggerating the severity of the issue and requiring a higher cost to 'rectify' it once work has begun, is common. 27 incidents of the 44 cases that involved work being

performed, where this *modus operandi* was available, involved an increase in the amount that the offender charged their victim. This technique has the benefit for perpetrators that potential victims are unlikely to be as wary of having minor, inexpensive works conducted to their property as they would were they to believe they are facing considerable expense from the outset. After initiating work the offender can then hope to increase their gain by requiring more money, once they are satisfied they have engendered the trust of their victim. Moreover, having secured access to the property by convincing the victim to accept their offer of work, the offender is well-placed to cause intentional damage, thus creating an additional need for 'work' for which they can charge, as is the case in 18 incidents within the data. If the need created is for urgent work, for instance where a property is left vulnerable to the elements, the victim is often effectively presented a *fait accompli*, as the prisoner interview quote from Steele et al. (2001, p 60) demonstrates; "If it's work to the exterior and they say they want to think about it you just demolish a bit of it that's in good condition. They have got to give you the job then". Additionally, the tactic of increasing the price as the offending progresses also has the benefit for offenders that if apprehended early on in the offending by law enforcement, before the amounts they have taken become extreme, this obfuscates matters for officials, potentially enabling offenders to claim they are legitimate (albeit expensive) traders completing home-improvement contracts. There is also the opportunity to simply complete more work to a higher standard if they are concerned the victim is becoming suspicious or that there is potential for enforcement attention.

Altering quoted costs: Reducing the price

Conversely, there were 10 incidences where the initial quote was reduced. Perpetrators in these instances have either quoted a high price in order to suggest to the target they are getting a bargain upon subsequent reduction, or else, they have misjudged what they can require of the victim and reacted to the rejection of their initial price by reducing it. This enables the offender to still make a gain, albeit smaller than initially earmarked. Through this method the offender can gauge the credulity of the victim which can have the benefit that, should the victim fail to recognise the initial price as too high, it could lead to them gaining far more than would ordinarily be viable or likely in a short time-frame. The fact that there are 5 examples in which there is both a reduction *and* an increase in the original price suggests that even where the initial price is unacceptable to the intended victim, this does not deter the offender from subsequently attempting to increase their gain as the incident unfolds. It also strengthens the claim that offenders' behaviour is dynamic and attuned to the specific situation and intended victim. Nonetheless, the indication is that rogue traders are more likely not to initially attempt to maximize their gain and price themselves out of a job, potentially arousing the suspicion of their intended victim, but increase their financial gain as the offending unfolds. The fluidity of this offending is not restricted to the tactics employed within the rogue trading incidents, it also involved an overlap between rogue trading and distraction burglary.

The overlap between rogue trading and distraction burglary

There were 12 incidents of the 95 in which both rogue trading and distraction burglary were committed, and case 80 provides a pertinent example, first describing the rogue trading incident, then revealing the discovery of the distraction burglary:

“Offender knocked on agg'd door asking if any building or structural work was required to be done... suspect... had completed work at offloc [offence location] a year previously... work was agreed and suspect requested £200 up front for materials. It was agreed that agg'd and suspect would walk to the local cashpoint. However prior to doing this suspect asked if he could use the toilet. He went upstairs and agg'd heard the bathroom toilet flush. Agg'd and suspect have then walked to the cash machine where suspect has watched agg'd place in his pin number and has then leant over and typed in the amount of £250. Agg'd objected however suspect explained he required an extra £50... upon returning home agg'd discovered stolen items missing from within his bedroom. The only person to have been within the house was suspect and he had no permission to enter any other room apart from the bathroom.” Case 80.

Additionally, case 91 (a distraction burglary incident) hints at a potential hierarchy of offending, with rogue trading being the primary aim and distraction burglary employed as a fallback. This is logical, given the potentially greater

rewards (Day, 2015) available through rogue trading, as demonstrated by the comparative gains for each crime, shown in Figure 5. Furthermore, the opportunity for repeat victimisation is far greater in an incident of rogue trading than in distraction burglary.

“The aggd opened the door and the offender explained he has been working at the neighbours house doing some work on the roof and stated that the aggd had the same problem and need the work doing. The aggd told the offender that his wife deals with everything to do with the house and he was not going to have anything done. The offender told the aggd to go and get a pen and paper to write down the offenders number so he could phone when his wife was back. The aggd left to go and get the pen and paper and then returned to see the face running away passed the window. He then realised the wallet was missing.” Case 91.

Here, the initial approach by the suspect to conduct work to the roof of the property is rebuffed, leading him to improvise, transforming the incident into a distraction burglary via the instruction for the victim to retrieve a pen. This again shows flexibility in the offender’s way of operating, and commitment to exploiting the victim for financial gain, whatever form that may need to take. Additionally, there were also examples throughout the data of offenders transporting victims to the bank in order to secure their immediate financial gain, another long-recognised *M.O.* (Steele et al, 2001) detailed in chapter 2, and these will now be explored.

Requiring immediate payment, and transporting victims to financial institutions

Victims were transported to the bank by the offender in 11 of the 95 cases comprising the sample, with a further case involving the perpetrator accompanying the victim to their local bank on foot, and 2 more incidents in which the victim was followed by the offender to the bank without their knowledge and intercepted as they made their way home. Finally, another 2 cases involved the offender instructing the victim to go to a bank to facilitate payment immediately upon completion, rather than have to wait for payment and risk the victim having time to reconsider and refuse to pay, or, revisiting to collect payment, thereby increasing the opportunity for them to be apprehended. That 16 cases involved immediately securing a financial gain greater than that which was available in the victim's home may further explain why rogue trading is both more financially beneficial to offenders and more prevalent than distraction burglary. Requiring immediate payment is not a normal way for legitimate traders to behave, much less transporting customers to a financial institution to secure it. This *M.O.* should raise suspicions for care professionals, enforcement officers and financial institutions alike. It is in all likelihood an aggressive commercial practice (Consumer Protection from Unfair Trading Regulations, Regulations 7 and 11) as it is likely to significantly impair the average consumer's freedom of choice, through the use of coercion or undue influence. Because this is likely to cause the victim to take a transactional decision they would not otherwise have taken (i.e. immediate payment to the offender) all elements of the offence are completed.

Case 50 provides an example of incidents in which victims were transported to the bank by offenders:

“Unknown suspects have knocked on aggd front door and offered to fix the guttering and roof... Suspects have asked... if he has money in the house... [and] stated they needed the money for materials before they could start work. Suspects have... [taken] aggd... to the bank... in their car to withdraw the money... The aggd has then given £3000. During the journey back to offloc the suspects have asked to look at the remaining £1000 which has been given to them and have not returned it to the aggd. Suspects have dropped aggd around half a mile away from... [his home].”

Case 50.

Likewise, case 80 also illustrates how the tactic is employed successfully:

“Offender knocked on aggd door asking if any building or structural work was required to be done. Aggd recognised suspect as someone who had completed work at offloc a year previously. Based on this, work was agreed and suspect requested £200 up front for materials. It was agreed that aggd and suspect would walk to the local cashpoint.” Case 80.

Case 35 differs slightly in that it also illustrates the potential difference in outcome where an incident is dealt with by bank staff, attuned to the possibility of financial exploitation, or perhaps aware of the Bank Job (Surrey County Council, 2004) initiative:

“Possible fraud from elderly vulnerable adult. Mrs. [redacted] has had solar panels fitted to her house which [she] did not want they have then escorted her to the bank to draw out over £8,000. The bank held the cheque and would [not] pay out.” Case 35.

In contrast to cases 50 and 80 in which vulnerable victims were successfully defrauded, here the intended victim has been saved over £8,000 and the perpetrators have been arrested. This shows the value of third party intervention, but also calls into question the efficacy of the multi-agency initiative, the ‘Bank Job’ (Surrey County Council, 2004), (involving police, Trading Standards and financial institutions) aimed at combating it. The re-launched initiative, under the name the Banking Protocol led to 101 arrests and savings in excess of £9,000,000 nationally in its first year (Finance Fraud Action UK, 2017), suggesting the tactic seemingly persisted despite, and well beyond, the original scheme.

A broad range of trade types, with roofing the most common

A significant aspect of rogue trading incidents relates to the trade type employed by the perpetrator. The data were explored to see which specific trades were utilised by offenders with results showing a broad range of trades. As the chart below shows, some trades involved provision of a service (such as domestic cleaning, window cleaning, acting as a carer, and tree surgery) as well as those requiring the supply of goods or materials (for instance windows and door replacement or fitting, building work, or roof and chimney repairs). 14

of the cases involved more than 1 trade type, with 3 trades the most that were carried out in any incident. Also evident was that roofing represented by far the most commonly utilised trade. The preference of offenders for trades not easily viewed or checked by either victims or law enforcement (Steele et al, 2001, p 60) may account for the high proportion of cases involving roofing work. Additionally, with the roof being integral to the weatherproofing and structure of a property, the need for urgency of repair work can probably be more easily peddled to prospective victims, playing on the visceral influence (Langenderfer, and Shimp 2001) of fear. Moreover, logically people are prepared to pay more for repairs to the fabric of a property such as a roof (particularly if it is perceived to require specialist skill, or it is 'marketed' as a means to limit the damage and future, higher, costs) than would be the case for unskilled (gutter cleaning), purely cosmetic (driveway cleaning), or less vital work (such as to a driveway or garden).

Figure 10: Trade types used in rogue trader incidents

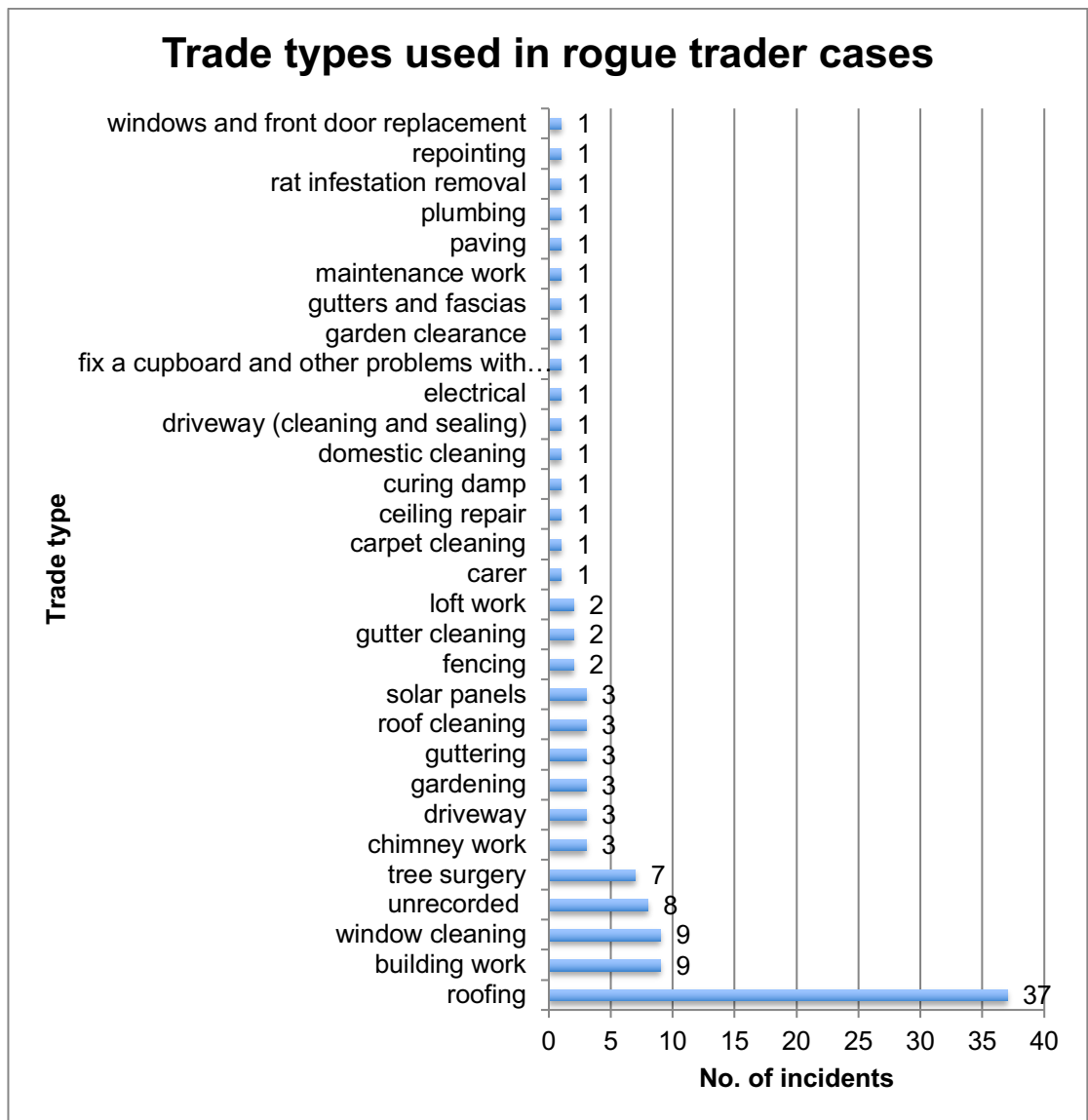


Figure 10 shows that, not only was roofing work by far the largest single trade type, but there were further works associated with the roofing trade present. Including guttering and fascia work (4) and gutter cleaning (2) as well as roof cleaning (3) and work to chimneys (3) with the roofing cases (37), there are 49 cases (constituting just over half of all the 95 recorded incidents) involving work associated with the roofing trade. This builds on previous findings (ACTSO 2015) where incidents involving roofing, fascias and soffits represented 43%

of the total sample and strongly suggests that roofing continues to be the preferred trade type employed by rogue trader offenders.

The relatively high number of incidents involving window cleaning provides a striking contrast with the roofing trade. This represents the 'chancer' or apprentice offending typology identified in chapter 2 (ACTSO, 2014) comprising a trade that is wholly cosmetic, and easy for homeowners to assess in terms of the quality of the service. The value of the work, as discussed previously, is also capped at far below what could be gained from other trades and it needs no particular skill, materials or qualification unlike the majority of other trades. The presence of quite a high number of such incidents may well be something of an anomaly, since the majority (at least 6 were explicitly linked in the records) were attributable to a series carried out by the same protagonist, who admitted to them at interview under caution so they could be Taken Into Consideration (TIC) in Court.

The list of trades illustrated in figure 10 shows that perpetrators do not possess the 'status' required to qualify as white-collar criminals (Sutherland, 1949). What was also conspicuous was the relatively low number of incidents (9 of 95) relating to work undertaken *inside* a victim's property. This suggests that offenders prefer not to work within a property. Since offenders seem to have little concern about being seen by witnesses outside a property, it is likely the greater potential for scrutiny by the homeowner inside a property is what dissuades the perpetrators from undertaking work within a victim's property the majority of the time. The fact that 2 of the cases involving work to the interior of a property involved work within a loft may support this theory as scrutiny of work within a loft is also unlikely. It is noticeable that there was only 1 incident involving trades in which one might reasonably expect accreditation

or registration with a Government or industry scheme. The case (case 1) involved electrical and plumbing work, which generally require registration with the National Inspection Council for Electrical Installation Contracting (NICEIC) and Gas Safe respectively. It seems therefore that evidencing competency, and the efforts necessary to gain accreditation and registration onto a professional scheme, present a barrier for doorstep criminals. Equally, offenders may not wish to be more easily identifiable or locatable as they could be were they required to submit their details to a professional or trade body. These findings, coupled with the financial loss resulting from these incidents of a minimum of £199,568 (and anywhere between £3.26 million and £32.6 million accounting for under-reporting and under-recording) suggest an accredited, statutory scheme for the building (including roofing) trade would help to prevent considerable harm. Whilst this runs counter to the prevailing hegemony of free trade and 'reducing burden' on business (Tombs, 2016), the presence of only 1 incident involving trades that require such registration within the data tends to support the suggestion's efficacy. The potential reduction of financial and societal costs would make such a register worth the regulation and administration. Moreover, consumer confidence in the trade sectors may be boosted, benefitting legitimate businesses.

The breakdown of financial loss according to trade type involved too small a sample size for most trades for it to be able to be reliable. However, in respect of roofing, it highlights the potential for considerable financial gains. Four of the 5 largest financial losses within the sample related to roofing work (£14,000, £21,000, £30,000, £40,000). Roofing incidents accounted for a financial loss of £138,590, comprising 69% of the £199,568 overall financial loss, whilst making up only 39% of the overall sample. The average completed

or successful roofing rogue trade led to a financial gain of £8,662 against the sample average of £4,641. From these figures it is evident why roofing is the most commonly utilised trade within the sample and it would be interesting to explore whether the amount charged in the incident reflected the amount or quality of the work provided, and the proficiency with which the trade and work were carried out. However, this was not possible owing to gaps in the data and whilst this is an issue examined further in the following chapter exploring the police response to rogue trading, suffice it to say at this juncture, the paucity of incidents involving trades with high levels of registration with accredited bodies may infer a lack of requisite skill. Likewise, the 11 records recorded against the criminal damage occurrence type and the 7 further records which recorded that the incident resulted in a cost for additional repairs also suggest a lack of care and skill in these instances. It is recognised that causing criminal damage might not necessarily equate to a lack of skill (it may after all have been that the offender meant to subsequently satisfactorily repair the damage deliberately caused), but it is a reasonable theory. Nonetheless, it remains largely unknown whether the trades performed represent those in which the offender had a reasonable level of skill, or whether they were merely a vehicle by which unskilled individuals conducted their criminality.

Summary

This chapter explored how the act of rogue trading manifests, examining its fluid and varied offending strategies and a common overlap between rogue trading and distraction burglary. There are numerous trades employed in the

commissioning of offences, but those that mostly require membership of a professional trade body are all but absent from the data, and the most common (and by far the most lucrative) of trades employed is roofing. Offenders typically carry out work rather than abscond with payment without carrying out any work, and it is common for perpetrators to escort victims to financial institutions to secure immediate payment, and commit criminal damage thereby creating a need for the victim to have repair work completed.

What is striking about the records in terms of *M.O.* is how closely they mirror those which emerged from the candid interview responses given to Steele, by offenders almost 20 years ago (Steele et al 2001). Equally the overlap between distraction burglary and rogue trading provides a salient example of an unaltered *M.O.*, with Steele et al. (2001, p 45) concluding that the rogue traders interviewed in his work “were prepared to take any opportunity to also commit distraction burglary”. Likewise, the commission of criminal damage to create a necessity for work highlighted above was also a tactic about which prisoners were open at interview. The increase in requirement of payment as incidents progress, and lowering of initial quotes were also both identified by offenders during interview; “I sometimes quote an exorbitant charge to see their reaction. If it’s bad I can drop it and they think they’ve got a bargain even though I’m still ripping them off”, and, “we often quote low prices, say for example seven pounds and then ask for £170... you can bump up the charge easily” (Steele et al., 2001, p 60). The dynamic and fluid method of offending also reflected findings where 19 of the 21 offenders interviewed “varied their *M.O.s* selecting the one which would work best within the circumstances” (Steele et al., 2001, p 45).

The data show that the primary, if not sole, motivation for the offenders is criminal financial gain; indicating deliberate, premeditated, professional offending. This is important because it provides a counterpoint to the way in which police have, as described in chapter 2, sometimes effectively legitimised the activity through language that describes perpetrators as 'traders' and their criminality as contractual disputes (Aplin, 2015). It is also apparent that whilst there are some commonalities with white-collar crime, for instance in the repeat victimisation of victims, the trade types are such that the perpetrators cannot be said to hold 'status' and they do not therefore fit with one of the central tenets of Sutherland's (1949) definition of white-collar criminals. Having now examined the victimology of rogue trading and the the way in which the offending is conducted, the exploration now turns to explore policing response.

Chapter 7: An exploration of the poor police response to rogue trading incidents

The police response to rogue trading is all but unexplored in academic literature, with only 'grey literature' (such as Steele et al., 2001; ACTSO, 2014; 2015;) dealing with the issue, and only peripherally. Parallels can be drawn with the policing of fraud and white-collar crime more generally (since these are, as has been explained, under-explored)(see for instance Button et al., 2012). However, much literature concentrating on police performance in respect of fraud more generally concentrates predominantly on mass marketing and volume fraud, or types of cyber-enabled fraud where the offender is divorced geographically from the victim and the offence location (Police Foundation, 2018). It is logical therefore that the conclusions formed in these cases overwhelmingly advocate crime prevention measures (Police Foundation, 2018), as the prospect of enforcement action in cross-border cases where offenders are outside of the investigating jurisdiction is remote. Moreover, particularly in cases involving cyber-enabled fraud, a level of proficiency or specialism in investigative techniques specific to such crimes (which the majority of police do not necessarily possess)(Police Foundation, 2018) is essential. Rogue trading is markedly different from these frauds in its performance, making research that uses empirical data to focus on the police response to it extremely important if the current state of knowledge regarding the crime type is to be advanced.

As such, this chapter focuses on the objective of critically examining the police response to rogue trading incidents concentrating upon key findings in 3 areas.

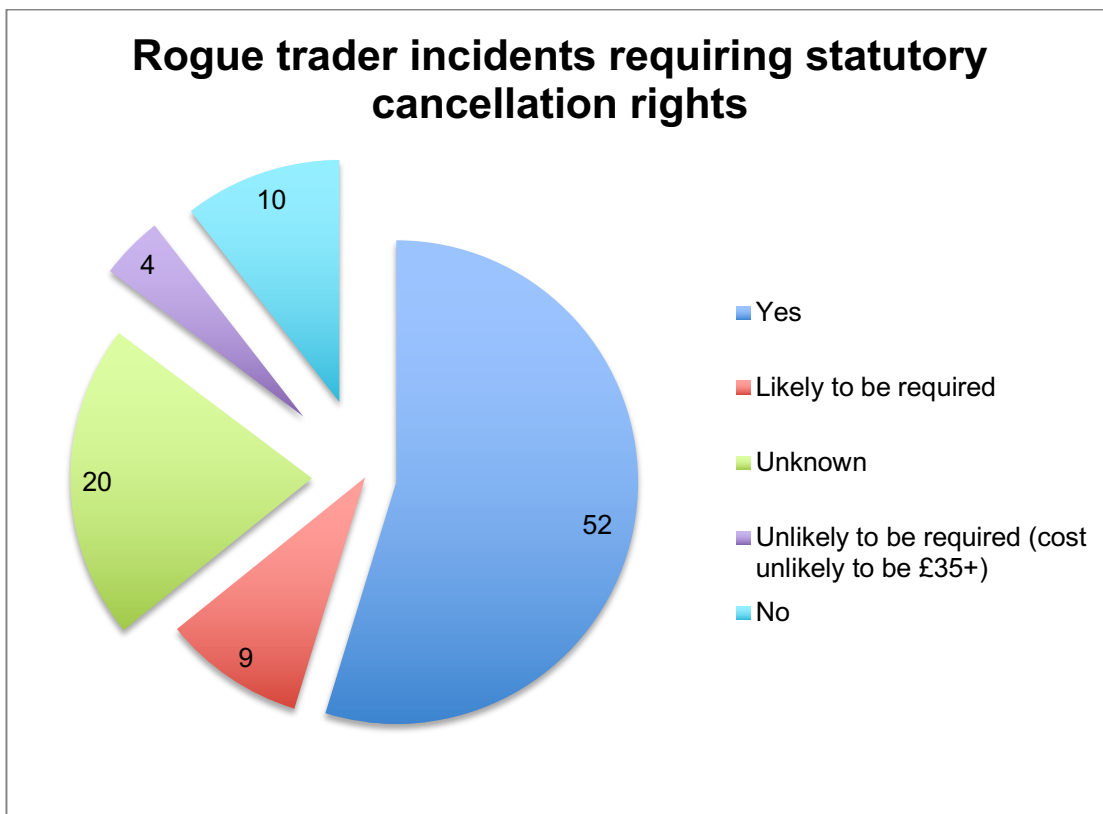
The superficial investigation (including a lack of consideration of cancellation rights and written contracts) and the failure to recognise criminality in rogue trader incidents, the lack of consideration given to the work conducted by offenders, and the number and nature of referrals to other agencies, namely Trading Standards and Adult Care Services. The first of these areas explored is the detection rate for rogue trader offences.

Failure to recognise criminality and superficial investigation

As outlined in chapter 5, 37 of the 95 rogue trader cases did not include a record of the financial loss involved, this is indicative of a superficial investigation or write-up and hinders collection of a strong evidence-based figure for the cost to victims of rogue trading. Perhaps the most telling illustration of poor police performance and an inability to identify recordable criminal offences comes from another quantitative enquiry. Chapter 1 described the implementation of legislation designed to protect the public from cold-calls and doorstep criminals, and how the offences created by these laws are recordable under the HOCR. To recap, specific laws introduced a cooling-off period and cancellation rights; duties on traders to trade fairly, give material information to customers in a clear and timely manner, and not to mislead them. (Cancellation of Contracts made in a Consumer's home or place of Work etc. Regulations; Consumer Protection from Unfair Trading Regulations). During data analysis it was clear that little heed was paid by police to this crucial legislative framework.

A lack of requisite detail within the records resulted in difficulties assessing with certainty the exact number of cases that would legally require cancellation rights and a cooling off period. That in itself provides sufficient cause to reasonably infer that police are failing to identify, or at least record, relevant information regarding potential rogue trader incidents necessary to properly assess under the NCRS (Home Office 2011a; 2011b; 2012a; 2012b) whether a crime should be recorded. For instance, in addition to its financial value, whether the incident resulted from a cold-call, and where the 'contract' was formed are key enquiries necessary to ensure an informed decision can be made as to the presence or otherwise of a criminal offence. Notwithstanding this difficulty, it was possible to ascertain that the majority of cases, unsurprisingly given the aims of the legislation, would qualify for provision of cancellation rights, as shown in figure 11.

Figure 11: Rogue trader incidents requiring statutory cancellation rights



Given the majority of incidents qualified for cancellation rights and a cooling off period, as shown in figure 11, it was striking how few records mentioned them. Allowing for the fact that in those incidents where cancellation rights and cooling off period were *not* required, their presence may have been considered and remained unmentioned by police because they were deemed unnecessary, they would still be expected to have been mentioned in at least 52 cases (potentially up to 81 cases) out of the sample of 95. Even a broader consideration of the contract or paper work was rarely mentioned, despite the fact that the identity, trading name and geographical address of the trader are all legally required to be given to customers by virtue of the Consumer Protection from Unfair Trading Regulations (Regulation 6(4)). Failure to do so could constitute an offence under Regulation 10 of the aforementioned Regulations.

A text search run in Nvivo sought to definitively establish in how many cases the terms cancellation right, cooling off period, contract, or paper work or paperwork were used. The results were clear, returning only 4 incidents where these phrases were used.

Figure 12: Consideration of cancellation rights, cooling off periods or paper work, by police, in rogue trader cases.

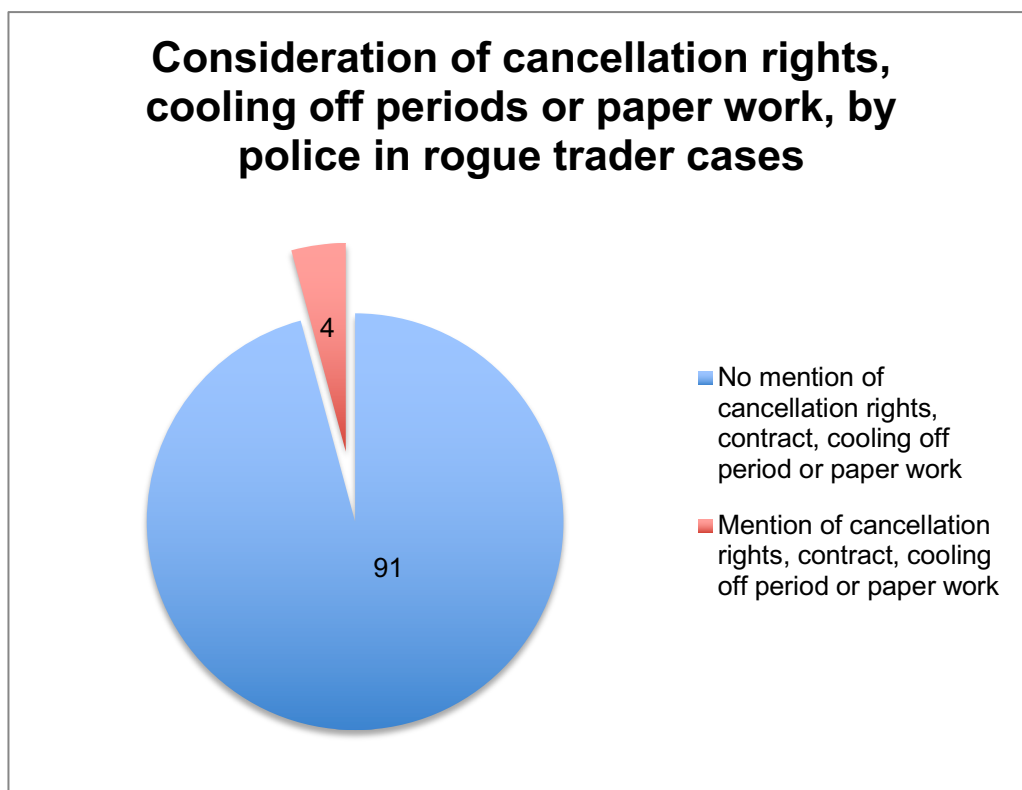


Figure 12 indicates a near-total lack of consideration for a key legislative requirement and shows police routinely failing to consider, let alone identify or investigate, aspects of criminality highly relevant to rogue trading. Whilst this remains the case, victims of crime will be let down, perpetrators will go unpunished and police crime statistics relating to rogue trading will be inaccurate and of limited use. Not considering the paper work and contract damages the identification of a cancellation rights offence (Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations) (since replaced by the Consumer Contracts Information, Cancellation and Additional Charges Regulations, Regulation 19), as well as having wide-ranging practical consequences. Failure to provide cancellation rights as and when required would, as outlined in chapter 2, also qualify *mutatis mutandis*

as an offence of a misleading omission (Consumer Protection from Unfair Trading Regulations, Regulations 6 and 10), being a failure to provide information required as a result of a Community obligation enacted under the aforementioned legislation (Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations). Moreover, if it can be proven that the omission of cancellation rights was dishonest (for instance if the offender knew of the requirement to provide them but failed to do so regardless, in order to make a financial gain), this would be a matter of fraud by virtue of failing to disclose information which is legally required (Fraud Act, Section 3) (see for instance *R. V Armstrong* [2018] EWCA Crim. 2363).

That police are failing to make enquiries in the majority of cases for matters which might therefore amount to fraud is concerning. Even without the element of deliberate dishonesty, a misleading omission is a notifiable offence according to the Home Office (2012b) (Consumer Protection from Unfair Trading Regulations, Regulation 6 and 10). Without sufficient consideration of this type of offending, the police are entirely unable to properly comply with HOCR or the NCRS (Home Office 2011a; 2011b; 2012a; 2012b). Furthermore, the ramifications in respect of overlooking contracts and paper work also include damaging identification of other potential offences such as making false claims as to the trader's (or offender's) identity; or the nature, extent and value of work being carried out. Again, this is as relevant to the Fraud Act (in particular Section 2 relating to fraud by false representation and Section 9 pertaining to participation in a fraudulent business) as it is to the Consumer Protection from Unfair Trading Regulations. Even where difficult to prove to the criminal burden of proof, it is reasonable to posit that the motive of financial

gain exists for most offenders, indeed in many cases it is self-evident. As outlined in the introduction, the most tangible difference between the offence of misleading action (the Consumer Protection from Unfair Trading Regulations) and fraud by false representation (the Fraud Act) is that the latter requires the false representation to be dishonestly made, where the former does not. The *actus reus* is in itself no different and so for police to be overlooking these potential offences routinely is inexplicable. The lack of consideration for cancellation rights, contracts and paper work is not solely an issue of failing to identify potential offences; it also blinds officers to reasonable lines of enquiry which they are obliged to follow (Criminal Procedure and Investigations Act 1996 (CPIA), S 23(1)) that may assist in identifying the perpetrator. For example, business names, addresses and contact numbers could potentially be traced, (or linked to other offending) and forensic checks on documents may yield fingerprints by which a suspect can be identified. Case 65 provides an example of a record lacking sufficient detail to assess whether legally required paper work was provided;

“Offenders unknown have come to callers address to do some guttering work. They have provided a service by cleaning some of the gutter but havnt [sic] done a very good job. Aggd has paid them £60 in cash. Officers have confirmed that not a very good job has been done.” Case 65.

In this case, it is only through discovering whether the required cancellation rights and contractual information including trader identity and address have

been provided that it can be properly adjudged whether this incident amounts to a civil law issue of unsatisfactory quality work, or a criminal matter of rogue trading. Whilst perhaps the enquiry regarding paper work, contracts and cancellation rights may have been made without being recorded, that itself is problematic; without recording it, it is impossible to know with certainty whether NCRS and HOCR have been complied with. Moreover, a failure to record this information leads to lost opportunities to capture intelligence and/or share relevant information with partners such as Trading Standards and potentially to crimes being overlooked and unrecorded, skewing the picture of the prevalence of offending and damaging the efficacy of crime statistics, as discussed.

That potential lines of enquiry to expose these offences are being overlooked, seemingly routinely, and crimes being missed and unrecorded is cause for concern and suggestive of an urgent training need. The case below (case 37) is a rare illustration of an incident where such checks were made and recorded and shows how simple this line of enquiry would be for police to complete (and record) on a consistent basis:

“Susknown [suspect known] carried out work at aggds h/a.

Price increased greatly and susknown also failed to give proper paperwork relating to Trading Standards offences.

Monies obtained through illegal means.” Case 37.

The wording of the above record is in stark contrast to the preceding example. It is definitively (and properly) described as “monies obtained through illegal

means”, as opposed to the less precise and unhelpful “not a very good job has been done” which, setting aside the question of whether the officer is qualified to make such an assessment, lacks sufficient detail to ascertain whether or not it amounts to a crime. It is also evident, in terms of the investigative process that all lines of enquiry have been considered in case 37, whereas in the previous example (case 65) this cannot be said. Nevertheless, it is quite telling that even in this rare instance of sufficient regard for contracts and paper work, (1 of only 4 instances within the 95 cases) the officer explicitly refers to this check as relating to the identification of ‘Trading Standards offences’. Rather, this should comprise a routine part of the police’s investigative process in order to assess the presence or otherwise of notifiable offences that require recording as crimes under HOCR and the NCRS (Home Office 2011a; 2011b; 2012a; 2012b).

Case 56, below, is also an illustrative example where there is a need for, and absence of, cancellation rights. It can be seen lines of enquiry have been looked for, but are not present and that the incident is criminal. In such incidences of advance fee fraud it can often be difficult to ascertain whether deliberate dishonesty was present from the outset, or whether there was initially intent to carry out the work (Maguire, 2003). However, in this case, the detail is sufficient to indicate this was a practiced deceit and has been investigated thoroughly; the withholding of proper cancellation rights coupled with the removal of anything which might identify the offender is compelling evidence of deliberate dishonesty.

“The aggd... has no receipt [sic] or business card and no telephone number or business name... Aggd has received a knock on door from a male stating he could provide aggd with new front door. Aggd has then let the male in to offloc and male has also said he could replace aggds rear windows all for £4000. Male has req[ui]red £2000 deposit and aggd stated he could only afford £1000. The next day aggd withdrew £1000 cash and male collected it providing no receipt or paperwork and advised would return in a couple of days to start work. Aggd has not seen male since and no work started. No contact details for male and believes male took his business card back from him and no note made of any company.” Case 51.

Poor police performance was not confined to a lack of awareness of the importance in investigative and legal terms of paperwork, contracts, cooling off periods and cancellation rights. There were also repeated incidents of a failure to identify other offences and aspects of criminality, coupled with a generally superficial investigation. For instance, the (5) cases recorded against the occurrence type category ‘Harassment (First Single Incident) Non Recordable Crime’ on the police database (case numbers 1, 2, 14, 34, 54) also provide evidence of a failure to identify criminal offences. As the category states, these are not recordable according to the Home Office Counting Rules (HOCR) because for the offence of harassment to be completed, it requires the incident to form a course of conduct rather than a one-off. However, the offence of aggressive commercial practice under Regulation 7 of the Consumer Protection from Unfair Trading Regulations

requires no such course of conduct for the offence to be completed. At least 3 of the 5 incidents contain demands for payment likely to constitute aggressive commercial practices (a recordable crime under HOCR), yet the offence is not mentioned, or seemingly considered, in any of them.

Importantly, the superficial investigation and overlooking of criminal offences was not confined to so-called 'regulatory' offences. The most striking and acute example of a failure to recognise criminality or investigate appropriately came in the form of (case 60). As this provides such a clear example, it has been quoted extensively. The case likely represents the greatest financial detriment of all the cases within the sample (it resulted in a financial loss of £30,000 and the victim bequeathing 50% of his property to one of the offenders) and the notes describe a situation whereby TVP failed in its duty to a vulnerable victim, resulting in his being repeatedly defrauded by unremitting criminals. The record also describes that this is the third occasion on which the individual has been victim to this offence type (though it does not detail how much was lost in the previous incidents), and that it is believed the offender in the incident in 2009 was the same as one of the suspects in the 2013 offending:

“This crime report has been reopened and should be classified as a fraud offence. This matter is being investigated by... [neighbouring police force area] as part of a conspiracy (rouge [sic] trader) matter. The case relates to... a series of eight rogue trader frauds all perpetrated against vulnerable elderly people... The victim... paid £10,000 cash on 11th March and wrote a cheque to [sus 1] for £20,000 on 12th March. That cheque was... paid into

[sus 1's] bank account. After the main roof was finished the victim was told that the timbers inside the roof needed re-spraying. He told the men he could not afford this. He was told that if he changed his will to leave 50% of his estate to [sus 1] that this would cover the cost. He duly changed his will. An assessor asserts that there was no need to replace the roof, some of the work done was of very poor quality and the costs charged were overly excessive. Cell site data on one of the phones involved in the investigation puts it in... [the area] on 28th March, 9th April and 20th April, furthermore it was in contact with [sus 1] on those dates and the number was printed on the side of one of the vans the workers used on one occasion.... [Sus 1, sus 2 and sus 3] have... all been charged with conspiracy to commit fraud by false representation." Case 60.

It is evident that this incident was previously reported to TVP and went unrecorded as a crime, hence the call for reclassification in the opening line. Given the details outlined within the record, it is alarming this was not recognised as a crime immediately. Even setting aside the other seven victims within the series, there was a plethora of information within this incident; more than sufficient for the police to correctly identify serious criminality in the form of fraud and money laundering, particularly since the threshold for recording a crime, according to the NCRS is on the balance of probability. The lower burden of proof for recording an incident as a crime than is required for a criminal conviction (proof beyond reasonable doubt) is notable. Ultimately, given the matter was detected and offenders charged, the CPS clearly deemed

the matter had a reasonable prospect of conviction to the *higher* burden of proof so there can be little excuse for the initial failure by TVP to record it as a crime.

There were numerous lines of enquiry which could and should have been followed (which when they *were* followed subsequently, by the neighbouring police force, resulted in identification of suspects and sufficient evidence for positive charging decisions against 3 suspects by the CPS). Such lines of enquiry included tracing the cheque paid by the victim, and the individual named by the victim in his will. Moreover, had a more thorough contemporaneous investigation been conducted, it may have resulted in the availability of further evidence. For instance, for a limited time there may have been CCTV footage of the suspect and/or any accomplices cashing the £20,000 cheque at the bank. Equally, there may have been opportunity for forensic analysis of the cheque to identify or prove a suspect's involvement via fingerprints. Depending on how proximate to the offending the report was made, it may have also been possible to stop the cheque prior to the money leaving the victim's account, as well as intervene prior to the alteration of the victims' will. These measures would thus have saved the victim from considerable financial loss, and any associated distress (Sixsmith, 1990; Great Britain. Home Office, 2003b, 2005b; Button et al., 2010). The inaction and failure by TVP to recognise the criminality involved in this instance meant these opportunities evaporated, probably aggravating the negative impact of victimisation in the process (Great Britain. Home Office, 2003b).

It is also surprising to discover that it was only via another police force's involvement that the victim's will was altered back;

“Victim stated he had no money left and suspect got around this by coercing the victim into changing his will leaving 50% of his property to... [suspect]. Since the commencement of this investigation the... [neighbouring police force's] officer has ensured that victim has changed his will back.” Case 60.

Again, the cursory nature of the TVP's response and the failure to identify the crime meant that the victim was insufficiently safeguarded and further, substantial, financial loss was inevitable with the passing of time. As poor a response as this was from the original responding officer, it was apparently neither identified nor rectified until it was signposted by a neighbouring police force some time later. This suggests a wider, more institutionalised problem regarding a less-than-satisfactory police response at odds with the force's commitment to combatting organised crime. Furthermore, as the neighbouring police force investigation related to a series, it is possible that the minimal response and failure to identify a crime originally may well have enabled the offender(s) to commit further crimes and defraud more victims (all described as vulnerable elderly people in the record). Had the response been satisfactory in the first instance, financial loss and any associated suffering could have been prevented, not just to the victim in question, but potentially to other victims subsequently defrauded. Whilst this case provides the most clear example of an unsatisfactory police response and a failure to properly identify and investigate criminal offences, there were further examples (in addition to

the aforementioned routine failure to identify cancellation rights offences).

Case 59 for instance:

“A rogue trader has attended address speaking to the aggd offering repair services to his property. The aggd welcomed this work to be carried out and 2 rogue traders began... repointing brickwork at front and side of the property. At this point police were contacted by aggd son. Police attended. Traders were spoken to and their details taken. Words of advice given and they left the scene.” Case 59.

This case was recorded against the occurrence type category of ‘adult protection’ on the police crime recording system. This is a ‘non-crime’ or ‘crime related incident’ (CRI) category reserved primarily for those incidents involving vulnerable adults that either do not meet the threshold of a crime, or should not be recorded according to the HOCR. The use of this category indicates that the responding officer had concerns about the welfare of the victim (though these were insufficiently detailed for it to qualify for a referral to social services), and both the responding officer and any supervisors or scrutineers latterly involved, deemed there to be no criminality. This is at odds with the officer’s own description of the perpetrator(s) as rogue traders, and the victim’s son’s concerns, which were sufficient to deem police involvement necessary. In addition to the lack of consideration of the necessity of cancellation rights, this record failed to give due consideration to other legislation and lacked sufficient detail to be able to ascertain definitively whether offences were present. In all likelihood, unless the work was to be charged at less than £35

(which seems unlikely), the case would have qualified for the statutory provisions relating to cancellation rights and a cooling off period (the Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations). Additionally, if the suspects failed to provide sufficient information about the cancellation rights, the work to be undertaken or the identity of the traders (as seems to be the case, or the suspect(s) would have been identifiable) they would have committed the offence of misleading omission (the Consumer Protection from Unfair Trading Regulations, Regulations 6 and 10). Moreover, had the officer ascertained the level of work and the amount being charged by the suspect, or the basis on which it was sold to the victim (for instance if it was described as urgent or essential when it was not), it would have enabled an informed decision as to whether or not there were offences of misleading actions (Consumer Protection from Unfair Trading Regulations) or whether even the whole enterprise was based upon a fraudulent premise (Fraud Act, Section 2 or perhaps Section 9).

This has been a superficial investigation and the officer's concerns for the victim are unexplained, as is the description of the perpetrators as 'rogue traders' and the 'words of advice' offered to them. There is also no indication of what repairs the perpetrators were offering beyond 'repointing', or what it was about the work, or the claims made by the perpetrators, that meant the victim 'welcomed' it initially.

Case 15 is a similarly shallow investigation involving a failure to adhere to the NCRS and the HOCR (Home Office 2011a; 2011, 2012a; 2012b; 2013) as previously identified by Aplin (2015):

“The aggd has had some workers attend his h/a and offer to carry out work on his driveway, roof and back garden. Aggd has agreed to this work... and has given the workers 3 cheques. One for £1500. One for £2000 and the last for £800. As the aggd is elderly his bank have become suspicious and have called police regarding the transactions. The bank have confirmed that the cheque for £1500 has been cashed but the... [others] have been... cancelled at the request of aggd... from officers attendance it is clear that the aggd is vulnerable and has possibly been victim of rogue traders. It is clear to see that some work has ben [sic] carried out... but it is questionable as to if the standard of work or actual labour would amount to the amount aggd has been charged.” Case 15.

Here too a vulnerable (according to the officer’s assessment) homeowner has been cold-called and agreed (though again it is unclear from the notes on what basis) to have multiple works carried out to their property. The bank has clearly identified concerns and the victim has cancelled two cheques indicating they may have had concerns despite having “agreed to this work”. That three separate cheques have been used to pay for the work indicates the job may have been ‘bounced’, increasing in price or scope beyond that which the homeowner originally anticipated. The cost of the job is such that it is unlikely to have required staged payments and therefore normally the full payment would have presumably been made in one cheque, paying in full for the work

upon its completion, or perhaps two at most, were a deposit required prior to the work with the outstanding balance upon completion. It would appear that the offenders' belief that "the trick is to make sure you do a little bit of work" (Steele et al., 2001 p 61) to avoid police interest is borne out too readily in this superficial investigation. Concerns regarding the necessity for, and quality of, the work were never further explored (another recurring theme within the data which will be explored further shortly) and this case, as with the previous example, was recorded as an 'adult protection' occurrence type as opposed to a crime.

This repeated failure to identify criminality and superficial investigation is concerning. In some instances, because of the lack of detail, it has not been possible to definitively state that criminal offences went unnoticed. Nonetheless, the implication of the lack of detail is that the investigations were perfunctory. Moreover, because the detail within the notes is insufficient to ascertain whether or not criminality was present but not identified, it follows that the officer and any supervisor or scrutineer must also have been similarly unable to make the same judgement. The next indicator of poor police performance relates to the lack of consideration given by police to the work that has been conducted in incidents of rogue trading.

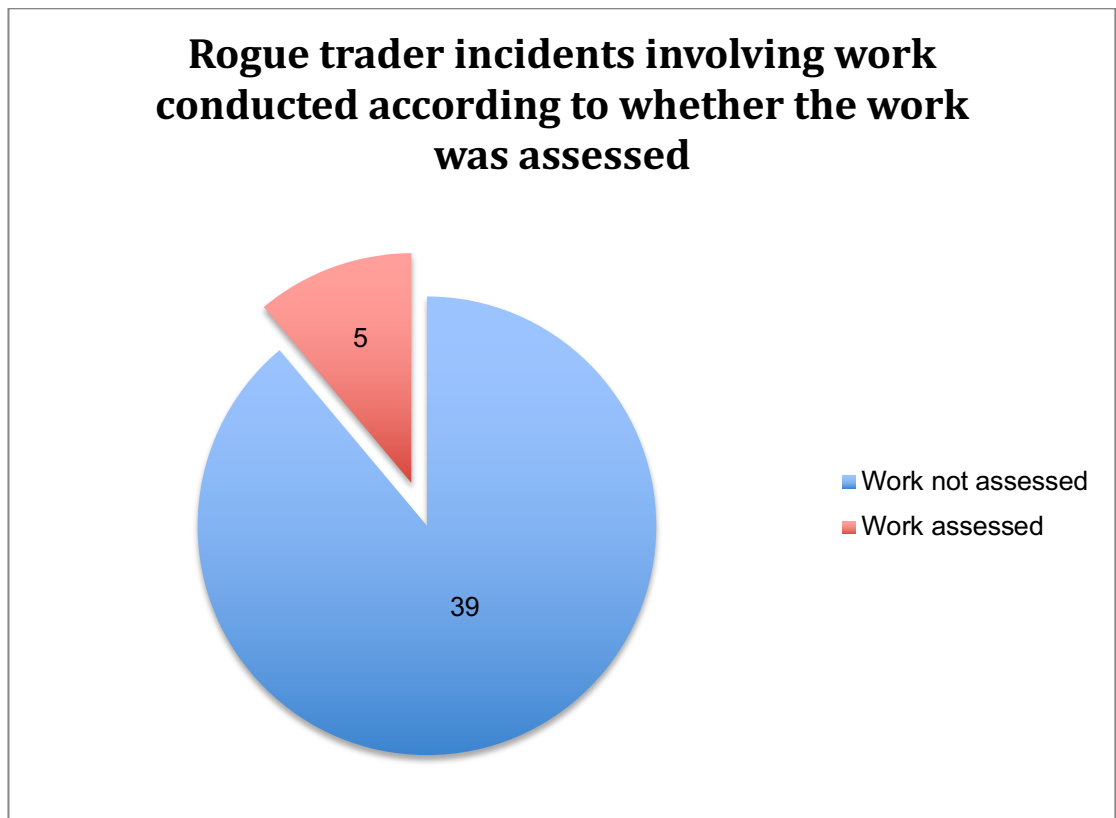
Lack of consideration of work conducted

Case 15 (quoted previously, see p 191) was typical of incidents where work had been carried out by rogue traders; no consideration was given to the amount, quality, necessity or value of the work conducted. Without an expert

opinion on these matters it is incredibly hard to accurately assess whether an incident would qualify as a misleading action (the Consumer Protection from Unfair Trading Regulations, Regulations 5 and 9), or if it is fraudulent. Where a rogue trader deliberately falsely represents the cost of the work necessary, or the value of the work conducted, thereby exposing a potential victim to a risk of financial loss, it amounts to an offence (Fraud Act, section 2). As discussed in chapter 1, the principle that it is unlawful to deliberately charge extortionate amounts for work is well-established even if prior to the enactment of the Fraud Act it was somewhat more ambiguous. Now, as explained, even if the dishonesty element of the fraud offence cannot be proven, providing false information is still highly likely to constitute a criminal offence courtesy of the (Consumer Protection from Unfair Trading Regulations, Regulations 5 and 9). The only realistic way to ascertain whether a charge levied in rogue trader cases is excessive (and therefore amounts to a false or misleading statement), in practical terms, is through an expert opinion. Similarly, only a suitably qualified assessment as to the necessity or otherwise of work proposed by rogue traders is able to identify whether false representations have been made to induce a victim into the contract. Claims made by an offender that roofing work was urgently required because of a structural issue, for instance, would need proper investigation as a reasonable line of enquiry. The data evidenced this is simply not happening. Of the 44 incidents that involved work being conducted by a rogue trader, only 5 incidents (as shown in figure 13) involved the police seeking an assessment of the work. 4 of these incidents (cases 3, 48, 60, 73) sought an opinion from an expert witness, and one (case 74) from a different trader. Though seeking opinion from another trader may not be sufficient to prove the matter beyond reasonable doubt, it could provide a

useful initial assessment as to whether commissioning an expert witness for a definitive opinion represents a cost-effective line of enquiry.

Figure 13: Rogue trader incidents involving work conducted according to whether the work was assessed



Case 60, quoted earlier in the chapter (see p 185 – 186 and p 188), provides an example of where work conducted is evaluated; “An assessor asserts that there was no need to replace the roof, some of the work done was of very poor quality and the costs charged were overly excessive.” (Case 60). Similarly, Case 73 provides a typical example of arranging to have work assessed, highlighting the role of Trading Standards in assisting with the gathering of expert testimony; “evidence is currently being gathered with the assistance of Trading Standards who have arranged for an expert to examine the house.” (Case 73). It is notable that 4 of the 5 incidents in which the work was assessed

referred to Trading Standards involvement, perhaps suggesting that a partnership approach has tangible benefits.

The final theme of police partnership working will now be examined more closely; with joint-working and referrals to Trading Standards and Adult Social Care Services considered respectively.

Partner agency referrals

Referrals to Trading Standards

Partnership working between these agencies is ordinarily to be welcomed, particularly given the overlap in remit regarding the crime type (ACPO, 2011), the seemingly more commonplace assessment of the work conducted in investigations in which Trading Standards are involved and the greater familiarity they have of the regulatory framework relevant to rogue trading. However, the officer's notes of the records in the data themselves generally reflect a dysfunctional relationship between the two agencies. This research suggests, as has Aplin (2015), that referrals and so-called 'partnership working' may sometimes be a means by which the police can merely avoid the responsibility of leading the investigation or recording a crime (since crimes led by other agencies are not recordable by the police under HOCR (Great Britain. Home Office, 2013)). There were also examples of the police investigation having already exhausted all reasonable lines of enquiry prior to referring to Trading Standards. Again, this would result in the crime not being recorded by police meaning that a referral at this stage may simply be a means

for police to 'legitimately' (as per the HOCR)(Great Britain. Home Office, 2013) avoid recording the incident as a crime which has gone undetected.

Case 10 provides an example of a record which has, correctly according to HOCR (Great Britain. Home Office 2012a, 2013), *not* been recorded as a crime by the police;

“The aggd has paid workmen £1,500 for work to his gutters and facias. Aggd was visited by police and Trading Standards after a member of the public made them aware. There are concerns that the gentleman is vulnerable and appears to be a hoarder. It is felt that he is not looking after his own security. Trading Standards are following up the possible fraud/cowboy work.” Case 10.

However, there is no record of why primacy (in what is described in the notes as a potential fraud investigation, involving a vulnerable victim) is being transferred to Trading Standards, and it appears that little or no investigation has been undertaken by police. This is an example of where an exploration of the circumstances appears to uncover a degree of abrogation of responsibility by police (Aplin, 2015), despite the recording being technically accurate according to the HOCR (2012a; 2013). Also common amongst incidents referred to Trading Standards, of which case 10 is an example, was scarce or non-existent updates following the referral. This makes it impossible (for the police as well as any researcher) to gauge the effectiveness of the action subsequently taken by Trading Standards. This is compounded by the HOCR

(Home Office, 2011a; 2012a; 2013) instructing that a crime should not be recorded, as consequently there is no disposal code that could reveal whether the case was ultimately detected. This recording process also makes scrutiny of the police performance impossible, since technically the process has been followed (albeit the suitability and effectiveness seems to go without challenge). There were no incidents of cases in the data where a referral to Trading Standards was overruled by supervisors or scrutineers and it seems there are no standardised or minimum investigation requirements. The lack of any notes following referral is also further suggestive of a mindset which, upon referral, sees the case as closed and no longer the responsibility of the police. There was very little evidence of cases involving truly joint or partnership working and this was common across all occurrence types. For instance, case 31, recorded as an Action Fraud Call for Service, was taken on by Trading Standards and despite it being clear a suspect was identified and arrested, the case was then passed to Trading Standards and there was consequently no indication whether it resulted in the suspect being charged.

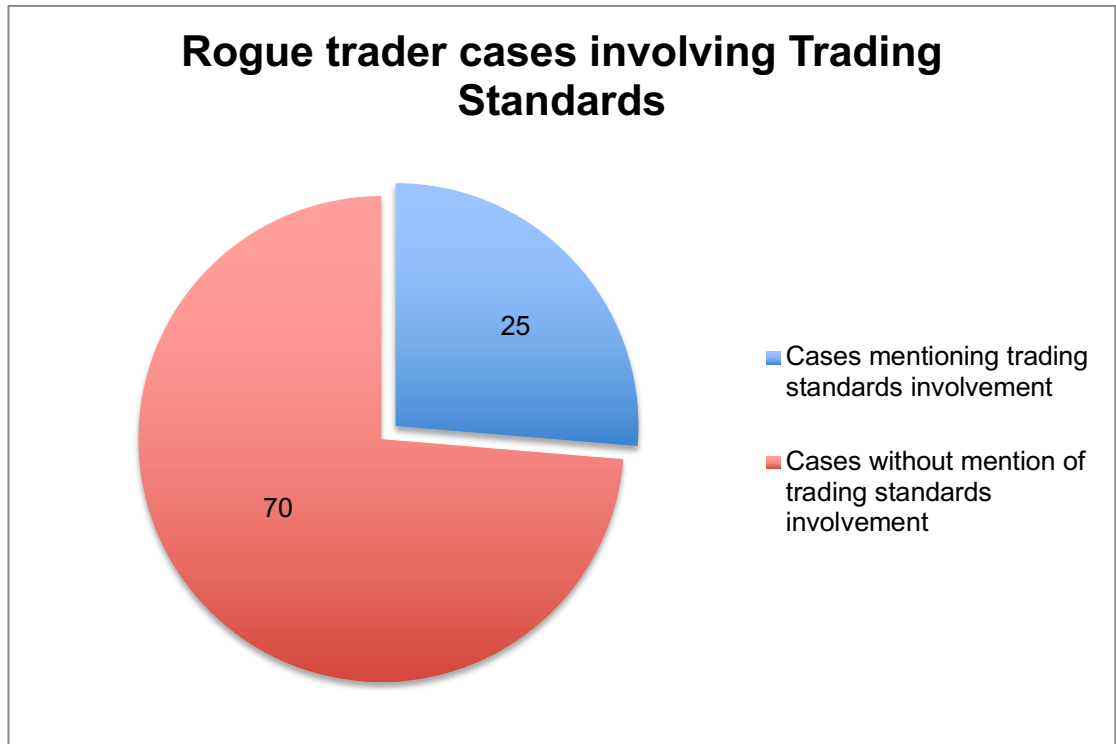
By contrast, case 8 provides a further example of a case excluded from crime figures, because Trading Standards were leading the investigation but would otherwise have been recorded. However, the level of involvement of police despite transfer of the case to trading standards indicates a more thorough joint investigation and there is no suspicion the case has simply been 'dumped' with Trading Standards to enable police to avoid the investigation. The record depicts a vulnerable victim being repeatedly victimised by offenders;

“Aggd[’s] have been suffering for a number of months of
rogue traders attending the address they have been asking

aggd for large sums of money in relation to work to be completed on chimney to the extent that aggd drove to local bank to withdrawal a large amount of money... Rogue traders have been back twice since no dates or times given to ask for further work on the house... submitted telephone no's for subscriber checks and an ABE interview has been arranged for one of the aggd. There are items submitted for SOCO analysis. Trading standards are leading on this investigation." Case 8.

This case provided a rare example of a thorough multi-agency investigation (including police, Trading Standards and Adult Social Care) where despite Trading Standards leading, police provided significant investigative and forensic support. Figure 14 below shows the number (25) of the cases involving Trading Standards.

Figure 14: Rogue trader cases where police involved Trading Standards



All 95 cases of rogue trading could have included consultation with Trading Standards, and yet only 25 mentioned their involvement, despite long-standing advice to police to liaise with Trading Standards on this crime type (ACPO, 2011). This resulted in a situation where 74% of cases were investigated without the benefit of Trading Standards' held intelligence, or consideration of the relevant legislative and regulatory framework, which this research overwhelmingly demonstrates police to be lacking.

Referrals to Adult Care Services

There were fewer cases that would qualify for Social Care involvement than there were for Trading Standards, yet paradoxically there were more references to the involvement of Adult Social Care, as shown in Table 8.

Table 8: Adult Care referrals in cases involving victims perceived by police as vulnerable

Adult Care referrals in cases involving victims perceived by police as vulnerable		
No. of cases which involved vulnerable victims	No. of cases which were put forward by responding officer for social care referral	No. of cases successfully referred to Adult Social Care
55	42	32

The data suggest that police are more au fait with working with, or referring to, Adult Care than Trading Standards, with 76% of relevant cases put forward by the officer for referral. Some of those put forward were declined a referral however, meaning that 58% of cases involving a victim deemed by the officer to be vulnerable resulted in a successful adult care referral, though this is still considerably more than the 26% of relevant cases involving referrals to Trading Standards. Perhaps this results from the recognition by police of the potential ramifications of Serious Case Reviews if vulnerable adults are failed by police. A referral to Adult Care Services is all that is required in order to discharge their obligations in this regard. Police are not expected to possess expertise in vulnerability or care needs and they are unlikely to face criticism for making a referral. Conversely, police *are* expected to have expertise in law enforcement. If police refer a rogue trader matter to Trading Standards having investigated only superficially, it may reveal the minimal investigation of

potential offences, thereby either requiring further investigation, or attracting criticism.

Case 7, below, is a useful example of the vulnerabilities experienced by victims which led to police referring to Adult Social Care.

“Aggd1 received a knock at the front door of offloc whilst aggd2 was at the day care centre. 2 males had cut off a large number of branches from a tree in the front garden and asked for £600 to clear it. Aggd1 handed over approximately £500 cash... Neither aggd1 or aggd2 had requested work to be done nor had any other member of their family... aggd1 appears to be in the early stages of dementia and is going through numerous tests att [at this time]. Aggd2 has extremely advanced dementia being unable to interact at all. Both persons are extremely vulnerable due to their mental state... [referred] to adult social care.” Case 7.

The notes describe an individual suspected of being in the early stages of dementia, also acting as carer of a spouse experiencing advanced dementia, being deliberately defrauded. Unknown offenders have cold-called and seem to have excessively overcharged for unsolicited and unwanted work. Though the notes also referred to family support, it seems right, particularly since offenders are known to repeatedly target (Steele et al., 2001; ACTSO, 2014; Phillips, 2016b, Day, 2017) and share information about vulnerable victims (Steele et al., 2001; ACPO, 2011; Alzheimer’s Society, 2011; Gorden and

Buchanan, 2013), that this case received a referral to care professionals. The number of incidents involving vulnerable victims demonstrates that Adult Care Services are key partners in work involving rogue trading and whilst the referral rate to Adult Social Care is better for vulnerable victims than the referral rate for Trading Standards there is still, at face value, room for improvement since 42% of victims deemed vulnerable by police do not ultimately receive a referral.

Findings show victims of crime most value an empathic, understanding and sensitive response (Stafford 2016), so being more attuned to the needs of victims should be a priority. Moreover, with victimisation causing adverse impacts such as increased fear of crime generally, increased fear in one's own home, feeling down or depressed and negative health outcomes (ACTSO, 2015) the superficial police response prevalent in these incidences may aggravate these outcomes. Indeed, with dissatisfied victims of doorstep crime found to suffer greater anxiety, and for longer, than those who were satisfied with the police response (Great Britain. Home Office, 2003b), it is incumbent upon police to provide a sufficient level of service to safeguard victims and mitigate them from the harm victimisation causes (HMICFRS, 2019a). Whilst some victims may decline consent to an adult care referral, where this is the case it could reasonably be expected that the notes would reference this. Moreover, even where a victim declines consent, should the concerns of the officer be sufficiently strong, or the vulnerability so profound, a referral can be made regardless. Two examples of cases that did not receive an adult care referral, where the matter could, and perhaps should, have been referred follow.

Case 18

“Suspect attended aggds address stating he was cleaning her windows suspect took money but the windows were never cleaned. Suspect then returned to the address on two other occasions harassing the aggd for money aggd is elderly and vulnerable.” Case 18.

In the absence of anything to imply the victim declined a referral in this record, it is surprising that one was not made. With sufficient concerns about the victim to have explicitly stated that vulnerability was recognised (albeit without explanation as to why), it seems at odds to then fail to inform the relevant care professionals. The perfunctory nature of the record as a whole is an example of an inadequate police response. It follows therefore that poor service is not necessarily confined to the investigative process, as the superficial regard for the wellbeing of the victim demonstrates.

Case 50, (quoted previously on p 166) is a particularly pernicious incident of the financial abuse of a vulnerable individual that ought to have qualified for further support:

“3 unknown suspects have knocked on aggd front door and offered to fix the guttering and roof at the rear of offloc. Suspects have... shown him an area of roof which is damaged and have advised aggd that they can fix the roof for... £5000... Aggd... has negotiated a price of £4000. Suspects have... stated they needed the money for

materials before they could start work... [and] told aggd they would take to the bank... whereby the aggd has withdrawn £4000... The aggd has then given £3000 to the suspects and the further £1000 on completion of the works. During the journey back to offloc the suspects have asked to look at the remaining £1000 which has been given to them and [they] have not returned it... Suspects have dropped aggd around half a mile away from offloc telling him they needed to visit some of their workers in connection with another job but have not returned and no work has been carried out. Aggd was home alone at the time suspects visited and suffers from vascular dementure [sic].” Case 50.

Even assuming the victim’s stage of dementia is such that they are able to live independently (and one could posit that the responding officer is perhaps not the most qualified or best-placed to make that judgement, particularly in isolation), the trauma such an experience may create could significantly impair their future ability to do so. Chapter 2 highlighted how victims of doorstep crime are 2.4 times more likely to have died or gone into residential care in the 2 years following victimisation than their non-victim peers (Great Britain. Home Office, 2003c) and this adverse health impact, and the situational vulnerability victimisation can bring, should be borne in mind especially when dealing with persons experiencing vulnerabilities, even where they seem mild.

Equally concerning is the issue identified within the data of officers submitting cases for referrals to social services, but doing so with insufficient detail to

verify the necessity. There were 11 of these incidents, with 9 confirmed as subsequently not referred when no further information was forthcoming (1 case is unclear whether the referral was subsequently accepted). Notwithstanding that the initial assessment may not have been accurate meaning a referral was not required, it raises the concern that there are up to 9 (or possibly 10) vulnerable victims who, because of inadequate police involvement, have not qualified for support from care professionals, despite sufficient concern for their welfare for a referral to be initially suggested. The lack of detail within the records *ipso facto* precludes an accurate assessment of whether the initial concerns of the officer were warranted. Case 61 provides the only example where further detail was provided by the officer following the referral being initially rejected by the Protecting Vulnerable Persons (PVP) coordinator. The additional information describes a situation involving potentially vulnerable adult(s) at risk of financial abuse. Without the additional information, they would have gone without safeguarding and social care support.

“Female aggd seemed to be overly trusting of callers to the address. Advice given re. security. Also spoken to daughter who received the same advice. Daughter also had concerns re: trusting nature of her mother... Male aggd suffers with dementia and mobility issues.” Case 61.

If the 9 incidents where further information on the perceived vulnerabilities went unproduced involved similarly vulnerable victims as case 61, it would show how inadequate detail and response to rogue trader incidents have an adverse impact; not only on bringing offenders to justice, but also on

safeguarding and protecting vulnerable victims of crime. If sufficient concern existed for the officer to note vulnerability, it is curious that where these are queried, the officer does not then give further detail in the majority of cases. Failing to do so could potentially have left victims without the appropriate support and at risk of repeat victimisation. Indeed, case 28 involved just such a declined referral, but the notes indicate the 75 year old victim (who was the subject of a high-pressure cold-call offering building work) subsequently paid £350 to unknown individuals for “doing her driveway”. Though the details are insufficient to evidence further victimisation, it is suspicious and suggestive of a victim repeat-targeted for financial abuse after the failed referral attempt.

Alternatively, perhaps officers hold a stereotypical view of older persons as inevitably vulnerable. Some of the 9 victims unsuccessfully referred to Adult Care may therefore have been subject to a generalised and inaccurate notion of rogue trader victims as a homogenous and inherently vulnerable group, rather than there being any specific concern about their vulnerability. Additionally, as with referrals to Trading Standards, once the referral had been made there was little evidence of joint-working between police and Social Care, and records commonly contained no further updates following the referral. This is suggestive of police passing responsibility for the case to social care and foreclosing the investigation as posited by Aplin (2015), or evidence, as Green (2007, p 97) has identified, of the harm caused to elderly victims being “routinely ignored or redefined as a welfare issue”. However, the performance in terms of referral to adult care services may not be as poor as is immediately apparent. Bearing in mind the theory outlined previously that the Adult Protection occurrence category may at times be used by police to avoid recording a crime, some victims within this category may not be as

vulnerable as received wisdom suggests. 11 of the 26 cases classified as Adult Protection did not receive a referral and 6 did not make a vulnerability explicit in the record's notes. The lack of referral in these instances may therefore support the view that the Adult Protection occurrence type could be being used as a means of avoiding the recording of the case as a crime, rather than it being reflective of legitimate concerns as to the vulnerability of the victim going unaddressed.

Summary

This chapter has explained how, in general terms, investigation of incidents is superficial, that detection rates are very low, that consideration of legislation specifically designed to combat doorstep crime is minimal and that despite HOCA and the NCRS requiring it (Home Office 2011a; 2011b; 2012a; 2012b; 2013), offences are going unrecorded and unrecognised. It further discusses how referrals and partnership working with Trading Standards is uncommon and that police are better at referring matters to Adult Care Services where they have concerns regarding the vulnerability of victims, but that referrals to both agencies are lower than they should be. Furthermore, in some cases, referrals may be a means of police transferring responsibility for the incident to another body, with little police follow up after the referral. Despite the higher referral rate for safeguarding concerns, detail was sometimes sparse and insufficient for a successful referral.

The results regarding referrals suggest consultation between police and both Social Care professionals and Trading Standards officers in relevant cases should be adopted as routine. This study shows it is crucial not only that the number of referrals increase, but that the level of joint-working, effective communication and shared ownership in such cases must also improve if investigations and victim outcomes are to improve. That cases in which Trading Standards have been involved more often utilise expert assessment of the work conducted by rogue traders (4 cases using evidence assessing the quality of work involved Trading Standards, whereas only 1 did not), supports this. The 9 cases originally put forward for Adult Care referral which ultimately remained without a referral might also speak to a need for closer partnership working at an earlier stage, so that a more accurate assessment of those that require support is made by professionals better placed than police.

Chapter 8: Conclusion

This study addresses the 'dearth of literature' concerning doorstep crime in the form of rogue trading (Gorden and Buchanan, 2013) and it is long overdue. It considers whether white-collar crime provides an adequate conceptual framework within which to situate rogue trading, explores the research barriers, and critically examines the victimology and anatomy of rogue trading, as well as the police response to it, positioning the findings against the extant literature to advance knowledge. The mixed method, qualitatively-driven approach enabled the exploration of the data from TVP's crime recording database, and the results from the study contribute to the under-explored phenomenon of rogue trading, providing empirical, evidence-based findings with policy and practice implications. Moreover, the findings are often interrelated; those concerning the victimology and *actus reus* inform each other, and ultimately as the data were police records, all the findings further inform the picture regarding the police response.

The considerable use of 'grey literature' throughout this study, as raised in chapter 2, results as much from a lack of peer-reviewed academic work as it does from the comprehensive nature of the reports (Steele et al., 2001; ACTSO 2014, 2015) and it is telling that Steele et al's work (2001) predates nearly all of the legislation now relevant to the crime type. A thorough and more contemporary picture is provided by ACTSO (2014, 2015), but that research focuses predominately on Trading Standards, whilst identifying the considerably greater financial loss (and possibly resultant greater impact of associated harms) of reports received by the police. A detailed examination of

the police situation relating to those incidents of rogue trading is therefore imperative to increase understanding of the crime type. Specifically, it is important to identify whether the substantial legislative change in the intervening years has led to differences from the situation as discovered by Steele et al (2001), and how it compares with the Trading Standards' enforcement landscape reported by ACTSO (2014, 2015).

Many of the findings of this study are consistent with previous research into rogue trading specifically, and fraud (and white-collar crime more broadly), despite the vastly altered legislative framework since seminal research on rogue trading was conducted (Steele et al., 2001), as referenced throughout this study. Other areas of this research, such as the examination of the use of special measures for rogue trader victims, have never previously been examined academically, resulting in the generation of genuinely original findings that better illustrate the current situation relating to rogue trading. As findings concerning the retrieval process, and the lack of definition and crime flag for rogue trading, provide the backdrop against which all other results situate, it is here the chapter begins. Next, the chapter examines the findings and conclusions regarding the victimology of rogue trading. This study found a lower than might be anticipated number of incidents involving victims categorised as vulnerable, but a situation where those that were deemed vulnerable lost greater amounts to victimisation than those not categorised as such. Following this, the chapter examines findings unearthed from the study of the anatomy of rogue trading. This research discovered a varied and fluid *M.O.* which has altered little since it was first studied in detail. It shows that offenders attempt to maximise their financial gain whilst remaining difficult to

identify or apprehend, including through an overlap between rogue trading and distraction burglary, a common use of repeated or continuing victimisation and transporting victims to financial institutions to secure immediate financial gain. It also shows offenders generally preferring to undertaking 'work', as opposed to taking payment without conducting work, and that the most common, and lucrative, trade type is roofing.

The chapter then explores the police response to rogue trading. As outlined in chapter 7, it discusses poor police performance, mostly manifesting in a routine failure to identify or consider directly relevant recordable offences, gaps in recording, a failure to investigate or assess work conducted by suspects and repeatedly reframing the issue as outside the police remit, including through case referrals to other agencies. The performance is examined in light of the other findings in the study and the wider academic landscape and the course of the journey of this research led to the consideration of police cultures and how these might impact the response to rogue trading.

Following this, the chapter posits directions for future research into rogue trading, examines the location of rogue trading within the conceptual framework of white-collar crime and advances key recommendations driven by the findings of this research.

Data retrieval process: Lack of definition and crime flag inhibit research and performance management.

This study reveals similarities between rogue trading, white-collar crime (Croall, 1989; Hartley, 2008; Smith, Button, Johnston and Frimpong, 2011), and fraud (Levi and Burrows, 2008; Gannon and Doig, 2010; Smith, Button, Johnston and Frimpong, 2010) which are similarly under-explored in academia and in practice (Shover, Coffey and Hobbs, 2003; Karstedt and Farrall, 2006; NW3C, 2006; Levi and Burrows, 2008; Gannon and Doig, 2010). The lack of a definitive, agreed upon definition is common to rogue trading, white-collar crime and fraud and invariably results in weaknesses and inconsistencies (Edelhertz, 1970; Pearce, 1976; Geis and Meier, 1977; Shapiro, 1990; Albanese, 1995; Slapper and Tombs, 1999; Levi and Burrows, 2008). Discussions are rendered abstract, leading to widely differing estimates as to prevalence and costs, depending upon which definition is employed (Tunley, 2014) and the level to which under-reporting is accounted (ACTSO, 2014). This is problematic not only in academic terms, as the analogous conclusion in regards to stalking (HMIC, 2017) highlights (see p 41); a lack of definition results in crimes going unrecognised and mis-recorded (HMIC, 2017 p 7).

The findings of this research starkly reveal a situation in which police are unable to easily retrieve incidents of rogue trading from their crime recording databases. Previous research (Day, 2015) has concluded that the lack of a crime flag by which to identify rogue trading makes locating such incidents on police databases time-consuming and problematic. Equally, prevalence estimates are affected, as has also been noted in reference to HTMS (House

of Commons Committee of Public Accounts, 2018) and elite deviance (Simon, 1996). Previous research (ACTSO, 2015) highlights the effects of this on rogue trading, with 32% of police forces recognising it does not receive the same level of response as other crime types, and 62% acknowledging they are unable to analyse or monitor rogue trading crime rates. This is despite findings repeatedly identifying perpetrators predominately targeting older and vulnerable persons (Steele et al, 2001; Kent Trading Standards, 2008; ACPO, 2011; Alzheimer's Society, 2011; Gorden and Buchanan, 2013). With 95% of forces stating that protecting the vulnerable forms a priority area within their Crime Plan, or Police and Crime Commissioner (PCC) strategy (ACTSO, 2015), the inability to retrieve relevant records undermines the extent to which this can be achieved. The lack of both a definitive definition for the crime and a retrievable evidence base is indicative of a crime type perceived as low priority. Perhaps given findings about the relative lack of priority afforded to fraud generally (Levi and Jones, 1985; Button et al, 2007; Levi, 1986; 2008b; Levi and Burrows, 2008; Doig and Levi, 2009; Smith, Button, Johnston and Frimpong, 2011; Button et al, 2013), it is unsurprising that a sub-set of the crime is treated thus but nonetheless it impacts the response the crime type receives. In terms of performance, an increased ability to scrutinise a relevant dataset would enable evidence-based resource allocation (Roman and Farrell, 2002), crime mapping (Groff and La Vigne, 2002; Townsley and Pease, 2002), assessment of the effectiveness of investigations, and scrutiny of crime recording practices (Great Britain. Home Office, 2000b), crime prevention (Tilley, 2002) or target hardening initiatives (Great Britain. Home Office, 1988; Ekblom and Pease, 1995; Cozens, 2014; Day, 2015) and partnership working (Great Britain. Home Office, 1988; Gilling, 2005; Kelling, 2005) that are

currently unfeasible. Moreover, eliminating the retrieval difficulties would also provide easier access for academics and practitioner-researchers alike. The scarcity of research could be easily addressed were the secondary data analysis of an empirical evidence base more accessible. A definitive definition and a crime flag by which to categorise incidents of rogue trading are therefore crucial in beginning to enable greater focus on, and understanding of, the crime type academically and in policy and practice.

Using distraction burglary as a comparator, it is clear to see that since the introduction of a definition and crime code/occurrence type the levels of distraction burglary have decreased year-on-year, as Table 1 illustrates (see p 45). Whether the correlation is causal is unknown, but it could be posited that the introduction of the definition and crime code resulted in additional enforcement attention, in turn making offending less attractive. Likewise, any associated increase in awareness-raising and crime prevention initiatives (Bowers and Johnson, 2005) might have resulted in a more informed public, better able to repel criminal attempts (Day, 2015). Whilst the reduction is positive, the overlap between distraction burglary and rogue trading might result in any reduction in distraction burglary offending unwittingly leading to a corresponding increase in rogue trading (Day, 2015) as offenders alter their crime type according to the perceived risk of detection and likelihood of reward. The recording situation currently makes this hypothesis virtually impossible to test; as this study has demonstrated, revealing longitudinal data on rates of incidences will require a manual trawl, of approximately 11,000 records per year. The comparison between distraction burglary and rogue trading, in this study and previous research (Day, 2015) also highlights how the introduction

of a definition and crime code for the former is incongruous when weighed against the lack of such measures for the latter. Whilst historically it may have been impractical to focus more on rogue trading (as statute arguably did not sufficiently legislate against it) with the enactment of the Fraud Act and specific legislation designed to combat offending (Consumer Protection from Unfair Trading Regulations; Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations and latterly Consumer Contracts (Information, Cancellation and Additional Charges) Regulations) this is no longer the case. Given the now-strong legal framework and the greater prevalence and financial harm of rogue trading (Steele et al. 2001; ACTSO, 2014, 2015), the time for a definition and identifier on police systems is overdue.

Victimology of rogue trading

The exploration of the victimology uncovered several themes that indicate that victims of rogue trading, and in particular vulnerable victims of rogue trading are not being supported as well as they could, or perhaps should be. This lack of provision of appropriate support potentially starts with the missing of, or superficial regard to, victim vulnerabilities, thereby excluding vulnerable victims from sources of support for which they could otherwise qualify. It transmits throughout the police involvement, including in terms of a lack of joint-working and appropriate referrals to care agencies, as well as a routine failure to consider safeguarding and crime reduction measures, or statutory protections specifically introduced to benefit vulnerable witnesses and victims of crime (Macpherson, 2001; HMICFRS, 2019a). The shift from victimisation

and crime prevention as the responsibility of the state to the individual (Mayhew and Hough, 1988; Daigle, 2013) is very apparent and there is a frequent recasting of the crime as a welfare issue (Green, 2007). The traditional association of fraud victimisation with undesirable personal traits (Cross, 2013, 2015) such as greed, gullibility and low self-control (see for instance Lee and Soberon-Ferrer, (1997); Holtfreter, Reisig and Pratt, (2008)) may also give rise to a perception of victims as undeserving or personally culpable. This would certainly explain the superficial response often provided to victims that would otherwise fit the label 'innocent' or 'genuine victims' (Fattah, 1992; Charman, 2017) which police officers themselves have proclaimed to most want to support and protect.

Vulnerability

The extent to which victims are vulnerable is difficult to categorically conclude, not least because the term vulnerability, like so many terms examined in this thesis, lacks an agreed definition. The assessment of vulnerability by police officers is inevitably subjective, based on their perception of the victim and their situation, but operating without any parameters as to what qualifies makes the term nebulous and of limited use. It is unknown in some cases whether the term is used to denote a perceived inherent vulnerability *per se*, or a situation-specific vulnerability based upon a perception of a risk of future victimisation. Inherent vulnerability, such as would render an individual lacking capacity to make their own decisions (Mental Capacity Act 2005) or qualify them for care and support (the Care Act) would likely be more acute than situation-specific vulnerability which may be broader in scope, potentially

encompassing temporary vulnerability, such as having recently been ill, or bereaved (Steele et al., 2001; ACTSO, 2015). The suitability of police officers to make a vulnerability assessment may also be questionable, in light of findings that suggest police officers themselves are often uncomfortable doing so, due to time constraints and lack of appropriate training and expertise (Wilson and Segrave, 2015; Charman, 2017). The veracity of the vulnerability assessments made by police officers is potentially unreliable from a potential under-representation and a potential over-representation. On the one hand, officers lacking the necessary training to identify vulnerability may miss individual's vulnerabilities, on the other hand they may be susceptible to pre-conceived stereotypes depicting victims as inevitably vulnerable, even where no such vulnerability exists. Research offers little assistance, tending to either ignore or marginalise older people (South, 2014; Phillips, 2016a). Rightly, what little research there has been in the area urges caution to avoid labeling victims, particularly older victims, as an inherently vulnerable, homogenous group (Thornton, Hatton, Ralph and Owen 2005), or disproportionately increase a fear of victimisation (Gorden and Buchanan, 2013). Nonetheless, since previous studies have consistently identified older and vulnerable persons as most likely to experience victimisation from rogue traders (Steele et al, 2001, p 19; Kent Trading Standards, 2008; ACPO, 2011; Alzheimer's Society, 2011; Gorden and Buchanan, 2013) the number of victims recorded as elderly or vulnerable by police (55 of 95) in this study is lower than one may expect. Whether this results from previous research overplaying the level to which age and vulnerability is a factor in victimisation, or police failing to identify vulnerabilities (or record where a victim is an older person) in the data is unclear. It may also be that without a universally agreed definition for the

term vulnerable, the criteria used in previous studies differs from that commonly applied by police, making comparisons problematic. Notwithstanding the difficulty in making comparisons, the lower than expected number of reports referencing vulnerability needs to be viewed in conjunction with officer's own concerns as to their suitability for assessing vulnerabilities (Wilson and Segrave, 2015; Charman, 2017), potentially unveiling a need for closer working between care professionals and the police to properly identify and cater for individual's needs.

Conversely, if victimisation does not correlate as closely with vulnerability and old age as previously posited, disseminating this more widely could address the social stigma attached to victimisation (Green 2007, p 96; Cross, 2013, 2015). If the crime type is currently associated, rightly or wrongly, with old age and vulnerability (Steele et al., 2001; ACPO, 2011; Barratt, 2012; ACTSO, 2014, 2015; Age UK 2015), victims may be less inclined to report an incident if they are unwilling to self-identify as vulnerable or they are not elderly.

Vulnerability and financial loss

This study provides the first quantitative analysis of the impact of perceived vulnerability on the financial loss experienced as a result of rogue trading. Although the study hints at vulnerability potentially being less of a factor in victimisation than traditionally thought (Phillips, 2016b), the financial detriment experienced by those deemed vulnerable is noticeably higher than experienced by those not recorded or deemed vulnerable. This might be due in part to officers recording the victims of higher financial loss as vulnerable

simply by virtue of their more acute victimisation, deeming it a sign in itself of vulnerability, though it is worth noting that any such assessment is not necessarily without foundation. It could also logically reflect a situation where acutely vulnerable individuals are more trusting of offenders who exploit this trust to the maximum, resulting in greater losses. It may be therefore that, regardless of whether offenders are skilled or unskilled in the trade, the amount that they 'charge' is based more upon the credulity of their victim than the actual 'work' either quoted or conducted. This should be borne in mind not only by police, but also those charged with providing the care and safeguarding of vulnerable adults. The research conducted for this thesis has identified that victims where there is no indication of vulnerability lose, on average, £4,098 per successful incident, whereas those identified as vulnerable lose more. Losses are £4,963 on average in the case of incidents recorded as Adult Protection issues or where the victim was put forward for an Adult Care referral, and £6,583 for those explicitly described by officers as vulnerable. Professionals considering appropriate levels of safeguarding and crime prevention would benefit from this knowledge (alongside awareness of the wider harm victimisation can cause to health and wellbeing), to properly assess the cost-benefit and suitability of any proposed measures. For example, the potential benefit in working with clients in conjunction with financial institutions to safeguard them from crime and financial abuse is clear. The percentage of victims (22%) identified as experiencing cognitive impairment (broadly in line with that previously identified)(ACTSO, 2015)) is also an important consideration, both in how evidence is gathered and for the content and delivery method of target-hardening and crime prevention measures.

Joint-working between Adult Care Services and police, including CCTV

The records examined in this study suggest there is little joint-working between social care professionals and police; where a referral is made by police (the majority of cases that appear to qualify), it generally signifies a handover to the care agency and the conclusion of the investigation, rather than the beginning of meaningful joint-working. This is also indicative of the originally reported crime being reframed by police as a welfare issue (Green, 2007 p 97) rather than a criminal matter, and parallels findings relating to how police refer matters to partner agencies (notably Trading Standards) as a means of abrogating responsibility for the case (Aplin, 2015). In keeping with this, the deployment of CCTV is rare (6 instances out of the 95 rogue trading incidents, of which 55 were deemed vulnerable and could therefore potentially benefit even more as a result of its use). Budgetary issues notwithstanding, CCTV could meet the aims of reducing fear of crime, decreasing the likelihood of a repeat incident by making the property a less attractive option for would-be offenders, and capturing evidence if future approaches are undeterred. As such, installation of CCTV could hold broad appeal to, and benefit for, victims; especially those deemed vulnerable. It is surprising therefore that it is deployed in so few instances, particularly in light of studies identifying that offenders routinely share information about potential victims (Steele et al., 2001; Barratt, 2012 ACTSO, 2014), making repeat victimisation a risk. Moreover, the results of this study show some 50% of incidents involving vulnerable victims involved either a repeat or continuing offence and, the tactic of grooming and

befriending victims (ACTSO, 2014, 2015) inevitably involves repeated face-to-face communication that CCTV could capture. This research provides the only known exploration of the installation of CCTV at the properties of rogue trader victims and suggests CCTV could be a useful tool in reducing repeat victimisation, or enabling successful enforcement action if it continued. Furthermore, there were no instances recorded of crime prevention or target hardening advice given by officers including discussion with victims about the potential to install CCTV at the property privately. Whilst this does not necessarily mean it was not communicated without being recorded, it is suggestive, alongside the relatively few cases in which it was deployed, of that being the case. CCTV, whether overt or covert, installed by police, partners or private individuals could be promoted more routinely as a method of reducing anxiety and fear of crime, target-hardening premises and increasing potential for successful detection of future offences.

Special measures for vulnerable and intimidated individuals

This study is also the only research examining the provision of special measures to vulnerable, and/or intimidated witnesses in cases of rogue trading. The quantitative analysis highlights it to be alarmingly scarce - more so even than the deployment of CCTV. Only 2 cases in the sample of 95 involved a VRI to allow for the capture of the victim's best evidence. Against the backdrop of a majority of victims being categorised by police as vulnerable (quite apart from any additional cases where vulnerability was missed, or that might have met the definition of an intimidated witness) this is cause for

concern. The qualifying criteria for special measures contained within the Youth Crime and Criminal Evidence Act 1999 is deliberately drafted widely (Macpherson, 2001) and was enacted in an effort to support those who are intimidated or experience a range of vulnerabilities in achieving justice, empowering them by enabling their voice to be better heard. Despite this, there appears to be a yawning gap between statute and practice (Elias, 1992), in much the same way as there is with the specific legislation designed to protect people from doorstep criminals. That statutory rights are routinely overlooked (HMICFRS, 2019a) is troubling, particularly since the legislation is neither new nor recent, and reflects Elias' (1992, p 91) damning assessment that, "victims have gotten far less than promised. Rights have often been unenforced or unenforceable, participation sporadic or ill-advised, services precarious and underfunded, [and] victim needs unassisted."

Previous discussions regarding victimisation have often been too simplistic, viewing 'the vulnerable' and 'older people' as homogenous groups (Thornton et al., 2005), disempowering victims in the process. The lack of detail within the data made a more nuanced discussion of victims, their situation and their needs impossible. One can see from the scarce consideration of special measures, that police still seem to assume vulnerability is a barrier to investigation and foreclose investigations without providing the victim the full opportunities available to them by statute. More detailed identification of victims' individual needs (HMICFRS, 2019a) could therefore advance safeguarding. We have seen already in chapter 2 how a detailed and empathic police response can help alleviate distress (Great Britain. Home Office, 2003c), lower levels of anxiety and hasten recovery (Great Britain. Home

Office, 2003b), and a more detailed response may thus empower the victim and support in their recovery, whilst simultaneously increasing opportunities for enforcement action by enabling better evidence to be gathered.

In terms of study, more attention has been directed (though resultant levels of success are arguable) towards crime prevention and understanding and protecting the victim, rather than focusing on the perpetrators (Steele et al., 2001; Thornton et al., 2005; Gorden and Buchanan, 2013). Even the evaluation of crime prevention measures features to some degree in the literature (Gorden & Buchanan, 2013), whereas few studies focus on the perpetrators. Steele et al. (2001) conducted prisoner interviews as one part of their wide-ranging research into rogue trading and distraction burglary. before concluding that crime prevention would be more effective than enforcement (though this was prior to legislative changes which have reinforced the criminal law and the ability to deal effectively with rogue trading incidents). The only research that deals solely with the crime from the offender perspective is Phillips' (2016a) and whilst important, this was a small-scale and necessarily self-selecting sample. Perhaps the lack of attention to offenders and their means of operating is again linked to the difficulty in retrieving data of this crime type, or difficulties in gaining access to an illicit group. Nonetheless, it is important the imbalance between concentrating on victims rather than the crime and criminals does not become too pronounced. If more can be learned about offenders and how they operate, perhaps crime prevention and target-hardening advice and initiatives could become more specifically targeted potentially increasing their effectiveness rather than if they are studied arbitrarily divorced from the crime itself. Similarly, better understanding the crime may assist in improving the enforcement response, the data infers that

often the primary concern of responding officers is also crime prevention, presumably to ensure victims are not subject to further victimisation. However, whilst important, there is little evidence to suggest this advice is effective (Gorden & Buchanan, 2013). Where as many as 1 in 5 victims are experiencing cognitive decline or cognitive impairment, and a further 10% (resulting in a total of 1 in 3 victims within the sample) isolated, the crime prevention messages may not be retained or practiced. Moreover, to expect to effect long-term behavioural change in victims following brief advice vastly underestimates the proficiency of the offenders and the psychology of rogue trading, as well as the impacts of loneliness, social isolation, cognitive impairment and simple habit (Alzheimer's Society, 2011; Gorden & Buchanan, 2013; Olivier et al, 2016). Moreover, a greater focus on evidence gathering and enforcement may result in significant sanctions for crimes which have *already* been committed. This may assist in crime reduction by providing a more meaningful deterrent, as is suspected to be the case with distraction burglary. Moreover, as offenders are believed to be professional and prolific (Steele at al, 2001; ACTSO, 2015; Phillips, 2016b), the imprisonment of a relatively small number might significantly reduce the number of offences being committed. In order to fully understand the practice of rogue trading, it is necessary to complete the dyadic with examination of the offender. As such, attention now turns to the conclusions in respect of the offender and their offending methods.

The anatomy of rogue trading: a varied and unaltered *M.O.*

The findings of this study show an *M.O.* that remains very close to that reported by Steele et al (2001). They reveal fluid and dynamic offending aimed at maximising the financial benefit from offending whilst simultaneously avoiding detection (Steele et al, 2001; Barratt, 2012; Phillips, 2016a, 2016b). A lack of police focus on fraud generally (Police Foundation, 2018), and rogue trading specifically (Steele et al., 2001; ACTSO, 2014) coupled with low detection rates (4% of recorded incidents, and the outcome of legal proceedings in these cases unknown) likely contribute to the unchanged *M.O.* High levels of under-reporting ensure the majority of incidents never come to light (ACTSO, 2014, 2015) and with opportunities for sizeable financial gain (ACTSO, 2014) it is unsurprising the offending techniques remain largely unchanged. Incidences of cold-calling, proactively targeting victims believed to be vulnerable, bouncing the job, reducing quoted prices, causing damage to properties to secure 'work', carrying out work, and theft in the form of taking payment upfront and never returning were all present (Steele et al., 2001; ACTSO, 2004, 2015) in the data. There were also a multitude of different trade types represented within the sample and a mix of one-off incidents and repeat or continuing offences. Some offenders also demonstrated a willingness to commit distraction burglary either in addition to, or instead of rogue trading where the attempt at rogue trading was rebuffed (Steele et al., 2001; Barratt, 2012; ACTSO, 2014, 2015) and transporting victims to financial institutions was also common.

Roofing as the most common, and most lucrative trade type

In keeping with previous research, the most commonly used trade was roofing (ACTSO, 2014). It also represented the trade type offering the potential for the greatest financial gains to perpetrators (and in all likelihood the most difficult for victims to assess in terms of cost and quality, or to decline if they think are led to believe it is required).

A preference for carrying out 'work'

This study has also identified that offenders appear to prefer to undertake work to the victim's property as opposed to absconding without carrying out work, despite the increased opportunities for detection and apprehension of suspects this allows than in the majority of other acquisitive offences. It seems perpetrators believe the low number of cases where the work carried out is assessed by enforcement officers, the opportunity to defraud higher amounts by undertaking work to a property and the low overall detection rates make this worthwhile.

Repeat and continuing victimisation

With 39 of the 95 cases present within the data recorded as involving repeated or continuing offences, these practices are common. As explained in chapter 7, this is likely to be an under-estimate as police focusing on responding to the specific issue may not have identified all instances of repeat victimisation. The high number of cases involving this technique shows that offenders will

maximise opportunities for financial gain and this has implications for the safeguarding of victims. If in the region of 40% of victims are likely to be targeted again, crime prevention and target hardening measures become vital to reduce further costs and associated harm to the victims, and the cost-benefit and invest-to-save potential of such measures are clear.

Transporting victims to financial institutions

Another striking finding in respect of the *M.O.* is the relatively high proportion (12 of 95 cases) of incidents where the offender transported or accompanied the victim to a financial institution in order to effect immediate payment. Additionally, there were 2 cases in which victims were followed to a bank by the offender and intercepted en route home and the two cases in which victims were instructed to visit the bank to withdraw funds to facilitate immediate payment. Almost one in five cases therefore involved face-to-face interaction by the victim with their financial institution. This is not normal trading behaviour and in terms of crime prevention and target hardening it should be publicised widely as a red flag; chapter 6 detailed how it is likely that such behaviour could in itself qualify as a criminal offence of aggressive commercial practice (Consumer Protection from Unfair Trading Practices, 2008).

However, this *M.O.* should increase the opportunity for detection and apprehension, as well as curtail or eliminate victimisation. It remains to be seen whether the partnership between financial institutions and law enforcement, through the re-launched Banking Protocol, will prove successful, but in terms of reducing victimisation early signs are positive, with savings of almost £25

million reported in the first year (UK Finance, 2018). Nonetheless, without robust enforcement action accompanying these frustrated attempts, the scheme is unlikely to provide a meaningful deterrent, with offenders simply moving on to the next victim. With only 5% of emergency calls placed by financial institutions under the scheme resulting in arrest (UK Finance, 2018), it seems priority has been given to disruption rather than apprehension and prosecution, potentially limiting the success of the initiative. In order to enhance and improve the Banking Protocol scheme therefore, it is paramount that responding officers are clear on their responsibilities and the legislative framework in order that arrest, and effective and robust enforcement action is routine. This would provide a greater deterrent for offenders and would highlight to those within the financial industry the importance of their reporting suspicious activity through the protocol, and the seriousness with which it is dealt, thereby strengthening the initiative.

As findings from this research show, police performance in respect of the response to rogue trader incidents is generally poor, across a range of areas. The recasting of rogue trading incidents as a welfare issue is not the sole area of concern, with this chapter already having explored the scarcity of the use of CCTV and the lack of consideration to measures designed to achieve best evidence as examples of this. Further conclusions relating to poor police performance will now be explored.

Poor police response to incidents of rogue trading

This study overwhelmingly reveals a routinely poor police performance across multiple areas of the response, manifesting in a routine failure to consider recordable offences and a commonplace failure to record important information, such as whether work was carried out and how much the perpetrator benefited from the offending. Basic and essential investigative steps were often missed and there was evidence of transferring responsibility to other agencies, most often Trading Standards, but also Action Fraud. The level of response provided by police speaks to a situation whereby officers are routinely reframing rogue trading as an issue outside of their remit.

Routine failure to identify or consider recordable offences

In addition to the paucity of consideration to special measures already discussed, the routine failure to identify or even consider recordable offences directly relevant to rogue trading is alarming. This research directly explored, using empirical evidence, the situation in respect of the recording practices of police in rogue trader cases and found that cases commonly failed to record (or conduct such enquiries as would allow the accurate recording of) recordable crimes. The reason for this remains unclear; it may result from police cultures and practices that deem either the incidents or the specific legislative framework surrounding them unimportant (Steele et al., 2001; Loftus, 2010)(or somehow outside of the officer's role). Equally, it could be a result of a knowledge gap around specific legislation not necessarily seen as

mainstream policing (Police Foundation, 2018) or perhaps a combination of both, but irrespective of the reasons, it requires further attention.

If the prevailing backdrop of a lack of sufficient resources is in part responsible for a poor service provision in rogue trader cases, this should not preclude the proper *recording* of recordable offences as has been commonly identified within this research. The need for accurate recording remains and would allow a more accurate assessment of the prevalence of the offending and the demands on police, enabling evidence-based resource concerns to be raised. In failing to record incidents correctly the picture becomes obfuscated and results in victims going unsupported and criminals operating without apprehension. Likewise, if the view of the police is that these offences are for other agencies to investigate, namely Action Fraud and or Trading Standards, one would expect a greater number of referrals to those agencies by the police in instances in which they have been the receiving agency. However, in order to properly refer an incident it is reasonable to assume that police would first need to ascertain the presence or otherwise of criminality, in order to ensure the referral is appropriate, and the results of this study indicate such investigation is routinely absent.

Failure to investigate 'work' conducted by suspects

The commonplace failure to investigate or assess the work (and/or claims made) by suspects is troubling. If a knowledge gap in legislation outside of the 'core' policing subjects could be understood to some extent, assessment of these issues needs no such 'specialist' knowledge. Whether work was

required, its true value (as compared to that which has been charged to the victim) and quality are all key determinants in assessing whether the suspect's conduct was fraudulent. In the same vein, any claims made by the suspect as to the urgency, necessity and cost of proposed works are also crucial considerations in identifying whether offences have been committed. It is a reasonable line of enquiry to expect police to undertake, and therefore a legal requirement (CPIA section 23(1)), as well as a basic and routine investigative step, as outlined in the NCRS and HOCR,

“An incident will be recorded as a crime for offences against an identified victim, if, on the balance of probability:

- (a) the circumstances as reported amount to a crime defined by law (the police will determine this based on their knowledge of the law and the counting rules) and
- (b) there is no credible evidence to the contrary.” (Home Office, 2012a)

Despite the free-market economy, it is unlawful to charge extortionate amounts for work, and this principle is well-established. Though there is a grey area as to what level of overcharge amounts to a fraud (as opposed to a civil law contractual breach pertaining to a 'reasonable' price), case law reveals trading which “goes beyond the bounds of what ordinary decent people engaged in business would regard as honest” amounts to fraudulent trading (*R. V Grantham* [1984] 1 QB 675). This was further validated (*R. V Silverman* [1998] 86 Cr App R 213) when it was ruled that the criminal law applies,

“in matters of mutual trust where one party is dependent upon the other for fair and reasonable conduct where one party takes dishonest advantage of the other by representing as a fair charge that which he, but not the other knows is dishonestly excessive.”

This is the case even in instances where no pressure has been applied to the consumer to accept the quotation, and irrespective of whether there was any explicit assertion by the offender that the price was fair. Therefore, without consideration of the work carried out by suspects, alongside an objective assessment as to the reasonable cost of it, there is no prospect of police compliance with the NCRS and HOCR.

Joint-working with other agencies

Examining the levels of referrals to Adult Care Services in cases involving victims described as vulnerable tends to support the theory that rogue trading is dealt with as a welfare issue, rather than a criminal matter (Green, 2007). Generally speaking, even where investigation of the potential offending was minimal, police gave regard to the victim’s vulnerability.

Incidents involving referrals by police to Trading Standards generally involved a handover of responsibility for the case without significant further police involvement thereafter. As discussed in chapter 2, the agency to which the case is being referred lacks the power of arrest and forensic opportunities upon which the police can rely, making the transfer of investigations highly questionable. If there are lines of enquiry still to be pursued, the police would ordinarily be better equipped to conduct those enquiries. Similarly, if all lines

of enquiry have already been exhausted, then referring the matter at that point other than for information sharing is futile. This study shows that cases with involvement of both agencies are in the minority, and even where both agencies are involved, joint-working is rare. An increase in closer working between Police and Trading Standards would benefit both agencies. Trading Standards would benefit from access to a more robust and fulsome forensic toolkit, including enabling arrests, fingerprinting and Video Identification Parade Electronic Recording (VIPER) to confirm identity, whilst police would benefit from the skills and legislative knowledge of Trading Standards, particularly in regulatory areas where current knowledge appears minimal.

Given the current backdrop of poor police performance towards victims of rogue trading, increasing rates of reporting might be of limited use. Whilst it would better evidence the prevalence of the crime, the service standard received by the majority of victims currently appears to be minimal. Fraud victims are known to place great importance on having their case investigated thoroughly and getting their money back (Button et al, 2013), whilst they also value a sympathetic police response (Button et al, 2013, p 55; Stafford, 2016). Conversely, receiving a service they feel is unsatisfactory increases and prolongs the negative impacts caused by victimisation (Great Britain. Home Office, 2003c). Increasing in volume the number of reports received will do nothing to increase the standard of response received by victims and, with resources limited, it is likely a significant increase in service demand might lead to an even more superficial police response which is likely to further aggravate the impact of the crime and re-victimise those experiencing it. Whilst ordinarily a more accurate picture of the extent of the criminality would be a

worthy aim, if this comes at a cost, with little or no corresponding benefit, to those who have experienced victimisation it may prove detrimental to victims.

Gaps in recording

The research also shows the failure by police to record key incident details, such as the financial loss (a determining factor in sentencing for fraud offences) and whether work was carried out to the victims property. This speaks to superficial investigation that not only reflects poorly on the relative importance police attach to investigating this crime type, but also results in a lack of appropriate service provision to the victims. As discussed, previous findings relating to the value victims of fraud place on being dealt with sympathetically (Button et al, 2013; Stafford, 2016) and having their case thoroughly investigated (Button et al, 2013), and the adverse effect where this is not the case (Great Britain. Home Office, 2003b), indicate that this poor service provision could result in revictimisation, and causing detriment to the health and wellbeing of victims.

Reframing the issue of rogue trading as one that exists outside the police remit.

There is, throughout each of the areas explored, a consistent reframing of the issue of rogue trading as one that exists outside of the police remit (Green, 2007; Aplin, 2015). In addition to the failure to properly record incidents as crimes, or to investigate appropriately the work undertaken or the claims made by suspects, this is often achieved through the use of referrals – most often to Social Care Services, but also to Trading Standards or Action Fraud. Once

referrals are made, the majority of cases were closed by police without their further involvement. The higher rate of referrals to Adult Care Services as opposed to law enforcement, coupled with the superficial investigation of many of the incidents also contradicts Mawby's (2007 p 215) finding that "victim-oriented work is accorded less priority than crime-fighting". In fact, the results of this study suggest although victim support could be improved upon, it is generally given greater prominence than investigation of the criminality, which is rare, superficial and ineffective.

Summary

Whilst this research has highlighted a broad range to the superficial police response to rogue trading, given the backdrop extant literature describes, these findings are perhaps unsurprising. As detailed throughout this study, police view white-collar crime and fraud as low-priority (Levi and Jones, 1985; Button et al, 2007; Levi, 1986; 2008b; Levi and Burrows, 2008; Doig and Levi, 2009; Smith, Button, Johnston and Frimpong, 2011; Button et al, 2013; Police Foundation, 2018, HMICFRS, 2019b). As such, appetite for complex, time-consuming investigations, particularly ones involving out-of-force-area enquiries, is limited (Levi, 1986; Phillips, 1996; Steele et al., 2001; NW3C, 2006; Aplin, 2015). Amplifying this, public sector budget cuts (Phillips, 2016b; Tombs, 2016; Police Federation, 2018) may have affected the ability of enforcement agencies to respond effectively to rogue trading. Understandably, the harshest budget reductions fall disproportionately on to low-priority areas, with politically-charged and higher-profile areas faring better (MHICFRS, 2019); as a sub-set of a low-priority crime type, rogue trader enforcement is

likely to suffer. Further compounding cuts to resources, police have had to deal with a concurrent increase in demand; particularly in non-crime areas such as mental health calls as other public services reduce provision (particularly in out-of-hours services) as a result of their own resource reductions (Police Foundation, 2018). As the last-resort agency police absorb these (often resource-intensive) service demands by default, even where suitability to do so is questionable due to lack of training or appropriate expertise.

The low priority rogue trading is afforded is reflected in, and adversely affected by, police crime recording practices, as detailed in chapters 2, 3 and 5. What is, and perhaps more importantly what is not, recorded may give insight into the perceived importance of an issue (Levi and Burrows, 2008) and the lack of definition and identifier for rogue trading (ACTSO, 2014; Day, 2015) reinforce the belief they are deemed unimportant. A focus on targets and performance indicators (Loftus, 2009) within the police, and Steele's (2001, p 15) warning that "what is not measured does not get done" speak to the significance of the current lack of definition and identifier on police systems for rogue trading incidents. The consequential difficulty in retrieval of relevant data may further explain its neglected status in criminology (Day, 2015). Moreover as a subset of both white-collar crime and fraud, themselves peripheral within the discipline (Tappan, 1946; Box, 1983; Shover, Coffey and Hobbs, 2003; Karstedt and Farrall, 2006; NW3C, 2006), considerable academic attention is unlikely. The introduction of Action Fraud, rather than local force areas, as the reporting mechanism for fraud may have unwittingly further marginalised fraud and rogue trading from mainstream policing or created confusion and ambiguity about the role of local police (HMICFRS, 2019b, p 24), or given local officers

a 'get-out' by providing a disposal route that enables them to avoid responsibility for the crime type via signposting to Action Fraud, even where this is inappropriate.

Further consequences of the low priority status of rogue trading may also explain the superficial response it receives from police; for instance, the seeming ignorance of police officers of much of the relevant legislative framework may arise from a lack of training because it is a low priority area, resulting in officers that are ill-equipped to deal with incidents. Alternatively, police may be aware of the law, but because of its low priority status, effectively decriminalise (HMIC, 2014), or abrogate responsibility for it (Aplin, 2015). Negative cultures resulting in police routinely ignoring the harms committed against elderly victims (Green, 2007, p 97) have been identified and whilst Sklansky (2007, p 20) talks of researchers experiencing "cognitive burn-in", reporting cultures no longer present, the results of this study and others (Steele et al., 2001; ACTSO, 2014, 2015; Aplin, 2015) imply the term aptly describes the way police respond to rogue trading. There is seemingly a remembered imprint being given permanence despite the true picture have long since changed, with police consistently dismissing or reframing the issue as though it were outside their role and remit, despite the criminal law framework (Fraud Act; Consumer Protection from Unfair Trading Regulations; Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations) now providing a formidable backdrop with which to deal with it robustly. Not only does legislation now enable such enforcement, the HOCR (and the CPIA section 23(1)) now effectively require it. The police response identified by this research accords closely with that found by Aplin (2015) and Green (2007),

involving a consistent overlooking of rogue trading, or reframing it as a welfare, non-crime matter. This provides a valuable original contribution to literature on police culture which is at odds with wider police culture studies in which police officers' own narratives describe a desire to support 'genuine victims', fight crime and make a difference (Charman, 2017). Instead, the findings fit more with the victimological paradigm that casts individuals, in this case victims, as responsible for crime prevention and safety (Mayhew and Hough, 1988; Daigle, 2013). The practical results of the reframing of rogue trading identified throughout each of the results and analysis chapters of this research are manifold and strongly indicate police cultures having a negative effect on the response to rogue trading. The recording mechanism obfuscates accurate retrieval and prevalence estimates, performance management, and further study, and along with the failure to adhere to HOCR, damages the efficacy of crime statistics. The lack of provision of special measures or crime reduction initiatives to vulnerable victims results in such victims routinely going unprotected and unsupported, with the unfortunate consequence of the cursory police involvement likely creating feelings of re-victimisation and an exacerbation of associated harms. The largely unchanged actus reus points toward the police response being inadequate, resulting in professional criminals able to operate with near impunity. As the data in this study do not explain *why* the response was as it was, further research is required to explore this rationale and better understand the potential impact of police cultures on the response to rogue trading.

Topics for future research

As outlined above, in order to increase understanding of police cultures and their possible effects on the response to rogue trading, it is paramount to conduct primary, qualitative research, in the form of focus groups or in-depth interviews examining the police perception of rogue trading as a crime type. This could incorporate the response they provide to the crime type, and their perceptions of the perpetrators engaged in the offending, and those that are victimised by it. This could help to determine whether negative narratives about fraud victims are borne out by police in their perception of victims, whether the relative low profile afforded to the crime type has real-world impact on their perception of the response it requires, and how they view those that carry out such offending.

In order to ascertain whether the results of this research are representative of the wider picture, it would be useful to repeat the research in other police force areas. Similarly, if data can be anonymised, it would be beneficial to repeat the exercise using TVP data to assess whether and to what extent the picture has altered since 2013. Moreover, in order to begin to gauge the size of the dark figure of unrecorded crime, it would be valuable to conduct similar research using the 'command and control' database used by police call handlers, to see the number of rogue trader cases that are labeled as non-crime and foreclosed at source, rather than being added to the crime recording database that is the subject of this study. Further research would also be valuable to gauge officer knowledge and understanding of the Regulatory framework and their perception of this in respect of its perceived relevance to rogue trading. Finally,

from a more academic and theoretical perspective, further research would also enable consideration of where rogue trading is best situated in academic terms, since this research suggests that currently white-collar crime does not provide an adequate conceptual framework, as will now be discussed.

The location of rogue trading within the conceptual framework of white-collar crime

In examining current understandings of white-collar crime, and its parameters and limitations, in addition to the definitional difficulties of the concept, it is difficult to avoid the conclusion that the current concept is inadequate for framing the phenomenon of rogue trading despite this being where it is currently situated. The lack of the 'status' and 'respectability' elements of early definitions by Sutherland (1949), the founding father of white-collar crime, invariably make rogue trading an awkward fit, despite commonalities, in particular with regards victims and repeat victimisation (Croall, 2016). Furthermore, the broadening of the scope of white-collar crime to include state crimes, health and safety and environmental regulatory breaches by corporations (Tombs, 2010; Croall, 2016) has migrated the subject further from its origins in more traditional forms of status-related fraud. The widening in scope of the concept of white-collar crime is understandable, not just in terms of the importance of study of these broader phenomena and the potential for vast and widespread harm they cause, but also because of the changing nature of fraud as a crime type since the 1920s and 1930s when white-collar crime began to appear as a concept, partly in response to the Great Depression. As explained in chapter 2, technology and internet access

changed enormously the way in which fraud could be performed and made accessibility for potential offenders more straightforward, whilst simultaneously increasing the size of the available audience, effectively transforming fraud into a volume crime (Police Foundation, 2018) not necessarily requiring any specialist status. As a result, traditional understandings of white-collar crime, outside the rather narrow field of unauthorised trading at investment banks, have become less relevant. Nonetheless, this shift in focus has occurred before any real consensus as to the scope and definition of 'traditional' white-collar crime and it is therefore unclear whether rogue trading is within scope, with some definitions arguing for its inclusion, whilst others exclude it, as described in chapter 2.

With each new study concentrating on white-collar crime, it is tempting for the author to propose a new or slightly altered definition relevant to their particular field of study. However, in repeatedly re-defining the subject, the danger is that definitions ultimately become almost meaningless, with much time and effort spent in explaining and justifying which specific version is employed in any given study. Therefore, rather than propose a new definition, it may be time to accept that, whilst providing a historical academic backdrop, the concept of white-collar crime is ultimately now inadequate for explaining the topic of rogue trading and contemporary fraud studies may now provide a more appropriate framework.

Key recommendations

To improve the situation regarding rogue trading would appear to require significant structural and cultural changes within policing and the recommendations that follow may help to effect this.

- A definition and crime flag for rogue trading should be adopted by the Home Office to ensure consistency and allow scrutiny and evidence-based decision-making locally and nationally.

The confusion and inconsistency resulting from a lack of definition has been discussed at length, in respect of several phenomenon, including rogue trading and it represents a considerable barrier to research, performance-management and effective response. It is clear in some cases within the data that there is a lack of understanding of rogue trading as criminality, or else the lack of scrutiny is taken advantage of by officers to give a superficial response (see for example case 59 on p 189) and a definitive definition would help address this. The introduction of a crime flag alongside this would enable proper scrutiny of the response afforded to the incidents, a necessity given that only 38% of police forces are currently able to analyse or monitor rogue trading incidents (ACTSO, 2015). It would also enable the building of an intelligence base that could help link offences and develop understanding of the anatomy of rogue trading in academia and in practice at force level and nationally. Longitudinal trends could also start to be measured and any crime prevention, target hardening or enforcement initiatives implemented could be better assessed for effectiveness. Additionally, those categorised as non-crimes or

adult protection incidents could be scrutinised to ensure the categorisation is valid, rather than a means by which to avoid recording an incident as a crime, thereby increasing confidence in recorded crime statistics.

- Closer partnership working between police, Trading Standards and Local Authority Adult Care Services, including co-location, information-sharing agreements and multi-agency teams should be adopted to improve safeguarding and enforcement outcomes.

The improved identification of vulnerable victims could be supported with the inclusion at an early stage of adult care professionals in the evaluation of victims where officer perception is that they may be vulnerable. Moreover, this could also ensure victims are not deemed vulnerable simply as a result of stereotypical views of victims, particularly older victims, as inevitably vulnerable. This could provide potentially more reliable data for the future assessment of levels and rates of vulnerability of rogue trader victims, guarding against under and over-recording simultaneously. Closer working with Adult Care Services may also help to improve the very low uptake (2 cases within the 95 incidents) in the use of special measures (HMICFRS, 2019a) and victim/witness support for those that are vulnerable and/or intimidated if vulnerabilities can be definitively identified earlier in investigations, and addressing this should be a priority. Partnership-working could also assist in promotion of crime prevention and target hardening initiatives such as the use of CCTV (only utilised in 6 instances within the data) to reduce repeat victimisation (and simultaneously increase enforcement potential) especially where vulnerable victims are identified. With this research

showing that 40% of victims (and 49% of vulnerable victims) experienced more than a one-off episode of offending, this could have tangible benefits for victims and detections alike. More in-depth support for victims, thorough investigation and an empathic response could also improve the signposting of victims to relevant support agencies (HMICFRS, 2019a), benefitting health and well-being outcomes for victims, even without a corresponding improvement in detection rates (Great Britain. Home Office, 2003b; Great Britain. Home Office 2003c; Button et al., 2013, p 55; Stafford, 2016). Enforcement agencies working together may also improve the response to rogue trading, through shared intelligence and the sharing of investigative best-practice. For instance, it seems that those cases involving Trading Standards more routinely involved assessment of work conducted by suspects than those cases in which police conducted investigations in isolation (4 cases involving Trading Standards resulted in evaluation of the work conducted by suspects, compared with only 1 case in which police worked the case alone). Joint-working would provide mutual benefit to each enforcement agency, with Trading Standards able to share their seemingly greater familiarity with the Regulatory framework with police, in return for access to forensic tools that they would otherwise be without. Intuitively, the pooling of resources also reduces the potential for both agencies duplicating work by unwittingly resourcing the same cases separately, this may therefore build capacity (as well as capability) within each agency at a time when public service resources are strained as a result of repeated budget reductions. The sharing of resources and information could also enable creation of problem profiles, more effective risk-scoring of potential OCGs, and evidence-based decisions regarding the direction of resources to those suspects believed to be most prolific or causing the greatest harm.

Finally, shared ownership of cases between police and Trading Standards could eliminate referrals potentially being used as a means of foreclosing or avoiding responsibility for investigations, with multi-agency cases instead following the model illustrated in case 8 (see p 197 - 198).

- Training in the legislative framework (in particular the Consumer Protection from Unfair Trading Regulations and the Consumer Contracts (information, Cancellation and Additional Charges) Regulations) and investigative options (including special measures) in rogue trader cases could be provided to police forces.

Police officers, managers and scrutineers would seemingly all benefit from training in the relevant legislation, particularly given findings from this research which show only 4 cases gave regard to the provision of cancellation rights, cooling off periods contract or paper work, despite these being key factors in determining criminality (Consumer Contracts (information, Cancellation and Additional Charges) Regulations and Consumer Protection from Unfair Trading Regulations) in such cases. Similarly, the seeming failure by police to consider the offence of aggressive commercial practice (Consumer Protection from Unfair Trading Regulations) in cases of this type that are investigated as harassment could also be remedied (see p 184 - 185). Moreover, cases where dishonesty is difficult to evidence could still be proceeded against using misleading action and misleading omission offences (Consumer Protection from Unfair Trading Regulations), which largely mirror the offences of fraud by false representation and fraud by failure to disclose but do not require deliberate dishonesty to be evidenced. Training relating to investigative

options available in rogue trader cases would also seemingly be of benefit to officers, given the poor response routinely highlighted by this research. Training could include evidence of the victimology, the extent of financial losses and the wider harm rogue trading causes to demonstrate the need for a greater emphasis on effective enforcement action against professional criminality causing significant detriment. This could be combined with training in how to deal effectively with calls from financial institutions under the Banking Protocol, and the adoption of minimum standards of investigation so that police officers are aware of what is expected of them. For instance recording of both the actual and the intended financial loss could be made mandatory (given the data show only 58 of the 95 cases recording the financial loss), as could consideration of the contracts, paper work and cancellation rights. Senior officer input or endorsement of the training would further reinforce the message regarding expectations relating to service-level response.

- A Government backed official registration or licensing scheme for the building (including roofing) industry, legally requiring contractors to register and evidence competence should be introduced.

A scheme, akin to Gas Safe or NICEIC, could save considerable financial detriment for consumers, as highlighted by this study showing just 1 of 95 rogue trader incidents involving a trade with such a scheme. The scheme could hold multiple benefits for consumers and legitimate traders alike. It could ensure trader competence through qualification criteria and would increase consumer confidence in the trade sector and provide a directory of legitimate traders for consumers to employ as a result. Qualification criteria could ensure

regulatory compliance and trader traceability as well as competence of members. This would enable pursuit of civil law claims by consumers against traders where issues arose. For more serious matters involving criminal law breaches, enforcement agencies would be able to identify and locate those responsible far more easily than is currently the case. Moreover, if traders undertake to abide by a code of conduct to gain membership of the scheme, failing to abide by that code would constitute an offence under the Consumer Protection from Unfair Trading Regulations (regulations 5(3)(b) and 9). If knowledge of the regulations is a prerequisite for joining, if consistent non-compliance is identified the proving of *mens rea* in such incidents may also prove easier, enabling appropriate sanctions upon conviction. Moreover, the scheme could introduce a fit and proper persons test to exclude, for instance, anyone convicted of doorstep crime type offences to protect consumers and improve confidence in the trade, and the scheme.

Concerns regarding potential for HTMS within the construction industry could also be addressed by the scheme adopting an audit process and registration fees could be staggered such that larger firms pay higher rates, thereby growing a pot of money to enable funding for expert witness surveys to be carried out to suspect works and/or a compensation or redress scheme for victims in a similar way to the registration to NICEIC assists with the funding of the charity Electrical Safety First.

References

Action Fraud (2013, February 4). *Action Fraud roll out*. Retrieved from <http://www.actionfraud.police.uk/action-fraud-roll-out-jan13> accessed 22 July 2016.

Age UK (2014). *Dashboards and jam-jars. Helping consumers with small Defined Contribution pension pots make decisions about retirement income*. Retrieved from http://www.ageuk.org.uk/Documents/EN-GB/For-professionals/Policy/money-matters/dashboards_and_jamjars_helping_modest_savers_December_2014.pdf?dtrk=true accessed 17 July 2015.

Age UK (2015). *Financial Abuse Evidence Review*. Retrieved from https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/money-matters/financial_abuse_evidence_review-nov_2015.pdf accessed 21 May 2018.

Age UK (2018). *Applying the brakes: Slowing and stopping fraud against older people*. Retrieved from https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/safe-at-home/rb_mar18_applying_the_brakes.pdf accessed 8 May 2018.

Albanese, J. S. (1995). *White Collar Crime in America*. Englewood Cliffs, NJ: Prentice Hall.

Albanese, J. (1996). Offence-based versus Offender-based Definitions of White Collar Crime. Proceedings of the National White Collar Crime Centre Academic Workshop Definitional Dilemma: Can and Should There be a Universal Definition of White Collar Crime? (pp. 85-92). National White Collar Crime Center: West Virginia. Retrieved from http://jpsimsconsulting.s3.amazonaws.com/cms_page_media/44/Definitional%20Dilemma.pdf#page=78 accessed 29 December 2016.

Alzheimer's Society (2011). *Short changed: Protecting people with dementia from financial abuse*. Retrieved from http://alzheimers.org.uk/site/scripts/download_info.php?fileID=1296, accessed 30 May 2015.

Anchin, J.C. (2008). Contextualizing Discourse on a Philosophy of Science for Psychotherapy Integration. *Journal of Psychotherapy Integration*, 18, 1-24.

Aplin, R (2015, October). *Organisational culture: The impact on Police practice in the context of rogue trader crime in England and Wales*. Paper presented at the Operation Liberal National Conference.

Association of Chief Police Officers (ACPO) (2011). *A guide to investigative options and good practice*. Retrieved from http://www.acpo.police.uk/documents/crime/2011/201109CBAInv_BurGP.pdf, accessed 30 May 2015.

Armstrong, J. (1980). Unintelligible Management Research and Academic Prestige. *Interfaces*. 10 (2), 80-86. Retrieved from http://cogprints.org/5203/1/unintelligible_management_research.pdf

Association of Chief Trading Standards Officers (ACTSO) (2014). *Summary of Doorstep Crime Report to National Tasking Group*.

Association of Chief Trading Standards Officers (ACTSO) (2015). *Doorstep crime Project Report 2014/2015*.

Barratt, M. (2012). *Operation Liberal: Doorstep Crime Prevention 2012 Good Practice Guide*. Ripley: Derbyshire Constabulary, Design and Print Section.

Barrett, D. (2013, November 19). Police officers routinely fiddle crime figures, MPs are told. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/news/uknews/crime/10460158/Police-officers-routinely-fiddle-crime-figures-MPs-are-told.html> accessed 28 August 2016.

Bayley, J. (2012, 20 September). Travellers 'led high life while keeping drifters as slaves'. *The Derby Telegraph*. Retrieved from <http://www.derbytelegraph.co.uk/Travellers-led-high-life-keeping-drifters-slaves/story-16948365-detail/story.html>
Accessed 23 July 2016.

BBC (2010, 9 Aug) *Thames Valley pledge to solve more crimes*. BBC News. Retrieved from <http://www.bbc.co.uk/news/uk-england-10912778> accessed 11 Dec 2017.

BBC (2013, December 8). *Rhyl flood victims in rogue trader warning from council*. Retrieved from <http://www.bbc.co.uk/news/uk-wales-25283237> accessed 13 July 2016.

BBC (2014, September 4). *Policing report: Victims 'asked to investigate crime themselves'*. Retrieved from <http://www.bbc.co.uk/news/uk-29053978> accessed 22 July 2016.

BBC (2015a, June 8). *Oxford man jailed for slavery and fraud*. Retrieved from <http://www.bbc.co.uk/news/uk-england-oxfordshire-33047947> accessed 13 July 2016.

BBC (2015b, October 15). *One in three fraud victims 65 or over, charity says*. Retrieved from <http://www.bbc.co.uk/news/uk-34530586> accessed 22 July 2016.

BBC (2016a, July 19). *UK Fraud Police Release Wanted List*. Retrieved from <http://www.bbc.co.uk/news/uk-36825605> accessed 23 July 2016.

BBC (2016b, June 17). *St Albans slavery trial: Johnny Moloney jailed for four years*. Retrieved from <http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-36559445> accessed 31 March 2017.

BBC (2018, 15 Feb). *Police forces failing to record thousands of crimes*. Retrieved from <http://www.bbc.co.uk/news/uk-england-43060030> accessed 20 Mar 2018.

BBC (2018a, February 14). *Forced labour family preyed on workers*. Retrieved from <http://www.bbc.co.uk/news/uk-scotland-43057363> accessed 28 April 2018.

BBC (2018b, April 26). *Joseph Rooney jailed for 11 years for modern slavery offences*. Retrieved from <http://www.bbc.co.uk/news/uk-england-lincolnshire-43796222> accessed 28 April 2018.

Beckfor Thed, M. (2013, July 20). Fiasco as £2m fraud hotline loses 2,500 cases in just eight months... and blames error on computer fault. *The Mail On Sunday*. Retrieved from <http://www.dailymail.co.uk/news/article-2371791/Action-Fraud-hotline-loses-2-500-cases-just-months.html> accessed 23 June 2019.

Beeson, R., Horton-Deutsch, S., Farran, C and Neundorfer, M. (2000). Loneliness and Depression in Caregivers of Persons with Alzheimer's Disease or Related Disorders, *Issues in Mental Health Nursing*, 21, 779-806.

Bennett, D. A., Schneider, J. A., Yany, Y., Arnold, S. E., Wilson, R. S. (2006). The effect of social networks on the relationship between Alzheimer's disease pathology and level of cognitive function in older people: A longitudinal cohort study. *Lancet Neurology*, 5, 406-412.

Benson, M. L., Van Slyke, S. R. and Cullen, F. T. (2016). Core Themes in the study of White-Collar Crime. In S. R. Van Slyke, M. L. Benson and F. T Cullen (Eds.), *The Oxford Handbook of White-Collar Crime*. (pp. 1-22). New York, NY: Oxford University Press.

Berg, B. L. (2001). *Qualitative research methods for the social sciences*. (4th ed.) Boston, MA: Allyn and Bacon.

- Biggerstaff, D. & Thompson, A. R. (2008). Interpretative phenomenological analysis (IPA): A qualitative methodology of choice in healthcare research. *Qualitative Research in Psychology*, 5(3), 214–224.
- Bourner, T., Bowden, R. & Laing, S. (2001). Professional Doctorates in England, *Studies in Higher Education*, 26:1, 65-83.
- Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*. Vol. 9. No. 2. 27-40.
- Box, S. (1983). *Power, Crime and Mystification*. Tavistock Publications Ltd: London.
- Bowers, K. and Johnson, S. (2005). Using publicity for preventative purposes. In N. Tilley (Ed.), *Handbook of Crime Prevention and Community Safety*. (pp. 329-354). Cullompton, UK: Willan.
- Boyatzis, R. E. (1998). *Transforming Qualitative Information: Thematic Analysis and Code Development*. London: Sage.
- Braithwaite, J. (1985). White Collar Crime. *Annual Review of Sociology*, 11 1-25.
- Brandom, R. (2001). *Articulating Reasons*. Cambridge, MA: Harvard University Press.
- Braun, V. and Clarke, V. (2006). Using thematic analysis in Psychology. *Qualitative Research in Psychology*, 3 (2) pp 77-101.

Bridgeman, C. and Hobbs, L. (1997). *Preventing Repeat Victimisation: the police officers' guide*. Police Research Group. Retrieved from http://www.popcenter.org/problems/domestic_violence/PDFs/Bridgeman&Hobbs_1997.pdf accessed 21 May 2018.

Brocki, J. M., and Wearden A. J. (2006). A Critical Evaluation of the Use of Interpretive Phenomenological Analysis (IPA) in Health Psychology. *Psychology & Health, 21:1* 87-108.

Brogden, M. and Nighar, P. (2000). *Crime Abuse and the Elderly*. Willan, Cullompton.

Brookman, F. (1999). Accessing and analysing police murder files. In F. Brookman, L. Noaks and E. Wincup (Eds.), *Qualitative Research in Criminology*. (pp. 45-61). Aldershot: Ashgate.

Brown, J. (1996). Police Research: Some critical issues. In F. Leishman, B. Loveday, and S. Savage (Eds.), *Core Issues in Policing*. (pp. 177-190). London: Longman.

Bryman, A. (2006). Integrating Quantitative and Qualitative Research: How is it Done? *Qualitative Research, Vol. 6*. No. 1. February 2006. 97-113.

Bryman, A. (2007). Barriers to Integrating Quantitative and Qualitative Research. *Journal of Mixed Methods Research, 1(8)*, 8-22.

Buerger, M, E. (2010). Policing and research: two cultures separated by an almost common language. *Police Practice and Research, 11(2)*, 135-143. <http://dx.doi.org/10.1080/15614261003593187>

- Burr, V. (1995). *An introduction to social constructionism*. London: Routledge.
- Button, M., Gee, J., Lewis, C. and Tapley, J. (2010). *The Human Cost of Fraud a Vox Populi*. Centre for Counter Fraud Studies & MacIntyre Hudson. Portsmouth: University of Portsmouth.
- Button, M., Johnston, L., Frimpong, K. and Smith, G (2007). 'New Directions in Policing Fraud: The emergence of the Counter Fraud Specialist in the United Kingdom' *International Journal of the Sociology of Law*, 35: 192-208
- Button, M., Lewis, C., Shepherd, D., Brooks, G. and Wakefield, A. (2012). *Fraud and Punishment: Enhancing deterrence through more effective sanctions*. Centre for Counter Fraud Studies. Portsmouth: University of Portsmouth.
- Button, M., Lewis, C. and Tapley, J. (2009). *Fraud Typologies and Victims of Fraud*. Centre for Counter Fraud Studies, Institute of Criminal Justice Studies, University of Portsmouth.
- Button, M., Lewis, C. and Tapley, J. (2014) Not a Victimless Crime: The Impact of Fraud on Individual Victims and their Families. *Security Journal* 27(1) 36-54. Doi: 10.1057/sj.2012.11. P 53-55
- Button, M., Tapley, J. and Lewis, C. (2013). 'The 'Fraud Justice Network' and the Infra-Structure of Support for Individual Fraud Victims in England and Wales', *Criminology and Criminal Justice* 13 (1): 37-61.

Cacioppo, J. T. and Patrick, W. (2008). *Loneliness: Human nature and the need for social connection*. New York, NY, US: W W Norton & Co.

Carswell, A. (2015, April 28). Tony Williams, Dax Wharf and Billysam Doe jailed for conning pensioners, including people living in Beaconsfield, Chalfont St Giles and Chalfont St Peter. *The Bucks Free Press*. Retrieved from http://www.bucksfreepress.co.uk/chalfonts/12919072.Conmen_who_targeted_pensioners_jailed/ accessed 20 November 2015.

Chartered Trading Standards Institute (CTSI) (2010). *A former top detective received national trading standards award for his fight against rogues*. Retrieved from <http://www.tradingstandards.uk/policy/policy-pressitem.cfm/newsid/490> accessed 16 June 2016.

Chartered Trading Standards Institute (CTSI) (2013). *Vision and Strategy: Statutory Powers*. Retrieved from <https://www.tradingstandards.uk/news-policy/vision-and-strategy-1/statutory-powers> accessed 4 Feb 2019.

Chartered Trading Standards Institute (CTSI) (2016). *Brave pensioner who lost home to fraudsters is recognised with CTSI Hero Award*. Retrieved from <https://www.tradingstandards.uk/news-policy/news-room/2016/brave-pensioner-who-lost-home-to-fraudsters-is-recognised-with-ctsi-hero-award> accessed 21 May 2018.

Chartered Trading Standards Institute (CTSI) (2017). *Chartered Trading Standards Institute Workforce Survey 2017*. Retrieved from <https://www.tradingstandards.uk/media/documents/news--policy/surveys/ctsi-workforce-survey-2017.pdf> accessed 3 Feb 2019

Coleman, C. and Moynihan, J. (1996). *Understanding Crime Data: Haunted by the Dark Figure*. Buckingham: Open University Press.

Coleman, J. W. (1994). *The Criminal Elite: The Sociology of White Collar Crime*. New York: St. Martin's Press.

College of Policing (2014). *Five-year strategy*. Retrieved from http://www.college.police.uk/About/Documents/Five-Year_Strategy.pdf, accessed 30 May 2015.

College of Policing (2015). *College of Policing Analysis: Estimating demand on the police service*. Retrieved from https://www.college.police.uk/News/College-news/Documents/Demand%20Report%2023_1_15_noBleed.pdf accessed 13 June 2019

Colley, A (2016, July 13). Cowboy Roofing Scam: Elderly couple conned out of £900k. *The Bucks Free Press*. Retrieved from http://www.bucksfreepress.co.uk/news/14616365.COWBOY_ROOFING_SCAM__Elderly_couple_conned_out_of___900k/ accessed 23 July 2016.

Cozens, P.M. (2014). *Think Crime! Using Evidence, Theory and Crime Prevention through Environmental Design (CPTED) For Planning Safer Cities*. Quinns Rocks, Western Australia: Praxis Education.

Corbin, J., and Strauss, A. (2008). *Basics of Qualitative Research: Techniques and Procedures For Developing Grounded Theory*. 3rd edition. Sage Publications, Thousand Oaks CA.

Cresswell, J. W. (2003). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. Thousand Oaks: CA. Sage.

Criminal Justice Alliance (CJA) (no date). *Structured mayhem: Personal experiences of the Crown Court*. Retrieved from: http://www.icpr.org.uk/media/40957/cjaj3555_cja_report_web.pdf accessed 30 August 2016.

Croall, H. (1989). Who is the White Collar Criminal? *The British Journal of Criminology*, 29 (2), 157-174.

Croall, H. (1992). *White Collar Crime: Criminal Justice and Criminology*. Buckingham: Open University Press.

Croall, H. (1999). White-Collar Crime: an Overview and Discussion. In P. Davies, P. Francis and V. Jupp (Eds.), *Invisible Crimes: Their victims and their regulation*. (pp. 29-53). Palgrave Macmillan, London.

Croall, H. (2007a). *Understanding White Collar Crime*. Buckingham: Open University Press.

Croall, H. (2007b). Victims of White-collar and Corporate Crime. In P. Davies, P. Francis and C. Greer (Eds.), *Victims, crime and society*. (pp. 78-108). London: Sage.

Croall, H. (2016). What is known and what should be known about White-Collar Crime Victimization? In S. R. Van Slyke, M. L. Benson and F. T Cullen (Eds.), *The Oxford Handbook of White-Collar Crime*. (pp. 59-77). New York, NY: Oxford University Press.

Cross, C. (2013). Nobody's holding a gun to your head: Examining current discourses surrounding victims of online fraud. In K. Richards and J. Tauri (Eds.), *Crime, Justice and Social Democracy: Proceedings of the 2nd International Conference*. (pp. 25-32). Brisbane: Queensland University of Technology.

Cross, C. (2015). No laughing matter: Blaming the victim of fraud. *International Review of Victimology*, 21(2), 187-204, DOI: 10.1177/0269758015571471

Cross, C. (2016). 'They're very lonely': Understanding the fraud victimisation of seniors. *International Journal for Crime, Justice and Social Democracy*, 5(4), 60-75, DOI: 10.5204/ijcjsd.v5i4.268.

Cross, C., Richards, K. and Smith, R. G. (2016). *Improving Responses to Online Fraud Victims: An Examination of Reporting and Support: Final Report*. Canberra. Criminology Research Grant Scheme, Australian Institute of Criminology. Retrieved from <http://crg.aic.gov.au/reports/1617/29-1314-FinalReport.pdf> accessed 20 Feb 2019.

Crown Prosecution Service (CPS) (no date). *The Fraud Act 2006, Legal guidance, fraud and economic crime*. Retrieved from <https://www.cps.gov.uk/legal-guidance/fraud-act-2006> Accessed 9 March 2019.

Crown Prosecution Service (CPS) (no date). *Special Measures*. Retrieved from: http://www.cps.gov.uk/legal/s_to_u/special_measures/ accessed 30 August 2016.

Crown Prosecution Service (CPS) (2013). *Appalling scam targeted vulnerable victims*. Retrieved from http://www.cps.gov.uk/thames_chiltern/cps_thames_and_chiltern_news/appalling_scam_targeted_vulnerable_victims/ accessed 23 July 2016.

Daigle, L. (2013). *Victimology: The Essentials*. London Sage.

Daily Mail (2011, November 8). Father and twin sons who targeted elderly and vulnerable jailed for 15 years for dodgy driveway fraud. The Daily Mail. Retrieved from <http://www.dailymail.co.uk/news/article-2058723/Father-twin-sons-targeted-elderly-vulnerable-jailed-15-years-dodgy-driveway-fraud.html> accessed 23 July 2016.

Daly, K. (1989). Gender and varieties of white collar crime. *Criminology*, 27, 769-793.

Day, T. (2015). Lost in the system: Locating rogue trading incidents in police statistics. *The International Journal of Crime Prevention and Community Safety*, 17, 189-204.

Day, T. (2017). Doorstep crime: Rogue trading and distraction burglary. In L. Fenge, S. Lee and K. Brown (Eds.), *Safeguarding Adults: Scamming and Mental Capacity* (pp. 118-140). London: Sage.

Denscombe, M. (2010). *The Good Research Guide: For Small-scale Social Research Projects*. McGraw-Hill.

Doig, A. (2006). *Fraud*. Cullompton: Willan.

Doig, A and Levi, M. (2009). Inter-Agency Work and the UK Public Sector Investigation of Fraud, 1996-2006: Joined up Rhetoric and Disjointed Reality. *Policing and Society*, 19:199-215.

Doyle, J. (2014, April 9). Police fiddle crime figures 'to hit targets': Even rapes are not recorded, say MPs. *The Daily Mail*. 9 Apr. Retrieved from <http://www.dailymail.co.uk/news/article-2600217/Police-fiddle-crime-figures-hit-targets-Even-rapes-not-recorded-say-MPs.html> accessed 28 August 2016.

Eck, J.E. (2005). Evaluation for lesson learning. In N. Tilley (Ed.), *Handbook of Crime Prevention and Community Safety*. (pp 699-733). Cullompton, UK: Willan Publishing.

Eck, J. and Spelman, W. (1987). *Solving problems: Problem oriented policing in Newport News*. Washington DC: Police Executive Research Forum.

Edelhertz, H. (1970). *The Nature, Impact and Prosecution of White Collar Crime*. National Institute of Law Enforcement and Criminal Justice, U.S Department of Justice: Washington.

Eckblom, P. and Pease, K. (1995). Evaluating crime prevention. In: *Crime and Justice A Review of Research*, (19), 585–662, Chicago: University of Chicago Press.

Elias, R. (1992). Which Victim Movement? The politics of victim policy in Fattah, E. A. (Ed.), *Towards a critical Victimology*. (pp. 74-99). St Martin's Press.

Ely, M., Vinz, R., Downing, M., and Anzul, M. (1997). *On Writing Qualitative research: Living by words*. London: Routledge/Falmer.

Evans, M. (2014, July 3). Cowboy builders jailed for fleecing elderly victims of more than £1m. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/news/uknews/crime/10944472/Cowboy-builders-jailed-for-fleecing-elderly-victims-of-more-than-1m.html> accessed 23 June 2019.

Farrell, G., Sousa, W. H., and Lamm Weisel, D. (2002). The Time-Window Effect in the Measurement of Repeat Victimization: A Methodology for its Examination, and an Empirical Study. In N. Tilley (Ed.), *Analysis for Crime Prevention. Crime Prevention Studies, Vol. 13*. (pp. 15-27). Monsey, New York, Criminal Justice Press. 15-29.

Felson, M. (2002). *Crime and Everyday Life* (3rd ed.). Thousand Oaks: Sage 2002.

Fenton-O' Creevy, M (2016). Little White Lies: The psychology of scams: How we become complicit in our own deception. *TS Review*, May 2016, 6, 25-31.

Fielding, N. G. and Lee, R. M. (1998). *Computer Analysis and Qualitative Research*. London: Sage Publication Limited.

Financial Fraud Action UK (2017). *Financial industry, police and trading standards unite to tackle fraud*. Retrieved from <https://www.financialfraudaction.org.uk/news/2017/12/13/finance-industry-police-and-trading-standards-unite-to-tackle-fraud/> accessed 28 December 2017.

Fingeld-Connett, D. (2014). Use of Content Analysis to Conduct Knowledge-Building and Theory-Generating Qualitative Systematic Reviews. *Qualitative Research*. 14 (3), 431-352.

Fisher, L. and Hamilton, H. (2017, April 17). Criminals the police don't chase. *The Times*. Retrieved from <https://www.thetimes.co.uk/article/criminals-the-police-dont-chase-22vzkfhvs?shareToken=6f8a07e9006d973b3f95f16fa006fe84> accessed 23 June 2019.

Friedrichs, D. O. (1996). *Trusted Criminals*. New York: Wadsworth.

Fuller, R. and Petch, A (1995). *Practitioner Research: The reflexive social worker*. Buckingham: Open University Press.

Gabor, T. (1994). *"Everybody Does It!": Crime by the Public*. Toronto. University of Toronto Press.

Gannon, R. and Doig, A. (2010). Ducking the answer? Fraud strategies and police resources, *Policing and Society*, 20:1, 39-60, DOI: 10.1080/10439460903377329

Ganzini, L., McFarland, B, and Bloom, J. (1990). Victims of Fraud: Comparing victims of white collar and violent crime. *The Bulletin of the American Academy of Psychiatry and the Law*, 18(1), 55-63.

Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.

Geis, G. (2016). The Roots and Variant Definitions of the Concept of “White-Collar Crime”. In S. R. Van Slyke, M. L. Benson and F. T Cullen (Eds.), *The Oxford Handbook of White-Collar Crime*. (pp. 25-38). New York, NY: Oxford University Press.

Geis, G. and Meier, R.F. (1977). *White Collar Crime: Offences in Business, Politics and the Professions*. New York: The Free Press

Gelo, O., Braakmann, D., & Benetka, G. (2008). Quantitative and Qualitative Research: Beyond the Debate. *Integrative Psychological & Behavioural Science*, 42. 266-290.

Gergen, K. J. (1985). The Social Constructionist Movement in Modern Psychology. *American Psychologist*, 40(3), 266-275

Gilling, D. (2005). Partnership and crime prevention. In: N. Tilley (ed.) *Handbook of Crime Prevention and Community Safety*. (pp. 734-756). Cullompton, UK: Willan Publishing.

Goffman, E. (1990). *The Presentation of the Self in Everyday Life*. Harmondsworth: Penguin

Golden J., Conroy, R. M., Bruce, I., Denihan, A., Greene, E., Kirby, M., & Lawlor, B. A. (2009). The Spectrum of worry in the community-dwelling elderly, *Aging and Mental Health*, 15, 985-994 doi: 10/1080/13607863.2011.583621

Goodman, A., Adams, A., & Swift, H. J. (2015). *Hidden Citizens: How can we identify the most lonely older adults?* The Campaign to End Loneliness: London.

Gorden, C., and Buchanan, J. (2013). A Systematic Literature Review of Doorstep Crime: Are the Crime-Prevention Strategies More Harmful than the Crime? *The Howard Journal of Criminal Justice*. Vol. 52, Issue 5. 498–515. doi: 10.1111/hojo.12036

Great Britain. Home Office. (1988). *The Kirkholt Burglary Prevention Project, Rochdale. (Crime Prevention Unit Paper 13)*. London, UK. Home Office.

Great Britain. Home Office. (1999). *Recorded Crime Statistics: England and Wales, April 1998 to March 1999*. (Home Office Statistical Bulletin 18/ 99). London: Home Office.

Great Britain. Home Office. (2000a). *The Economic and Social Costs of Crime*. (Home Office Research Study 217). London: Home Office. P52

Great Britain. Home Office. (2000b). *Review of Police Forces' Crime Recording Practices*. (Home Office Research Study 204). London: Home Office. P90

Great Britain. Home Office. (2002). *Crime, Policing and Justice: The Experience of Older People*, Statistical Bulletin 08/02. London: Home Office

Great Britain. Home Office. (2003a). *'They Didn't Just Steal My Money': Tackling Distraction Burglary A National Distraction Burglary Taskforce*. Report. London: Home Office. Retrieved from: <http://webarchive.nationalarchives.gov.uk/20100413151441/crimereduction.homeoffice.gov.uk/burglary58.pdf> accessed 17 June 2016.

Great Britain. Home Office (2003b). *Distraction Burglary amongst Older Adults and Ethnic Minority Communities*. Home Office Research Study 269 London: Home Office.

Great Britain. Home Office. (2003c). *Experiences of Older Burglary Victims*. Home Office Research, Development and Statistics Directorate, Findings No. 198. London: Home Office.

Great Britain. Home Office. (2004a). Evaluation of the Leeds distraction burglary initiative (Home Office Online Report 44/04). Retrieved from http://www.popcenter.org/library/scp/pdf/113-Lister_Wall_and_Bryan.pdf accessed 17 June 2016

Great Britain. Home Office. (2004b). Cold Calling. Private Members Bill. Retrieved from <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040303/halltext/40303h02.html> accessed 17 June 2016.

Great Britain. Home Office. (2005a). *Fraud and Technology Crimes: Findings*

from the 2002/03 British Crime Survey and 2003 Offending, Crime and Justice Survey. Home Office Online Report 34/05. London: Home Office.

Great Britain. Home Office (2005b). *The Economic and Social Costs of Crime Against Individuals and Households 2003-04.* London: Home Office.

Great Britain. Home Office (2010). *Police Service Strength, England and Wales, 31 March 2010.* Statistical Bulletin 14/10. London: Home Office.

Great Britain. Home Office (2011a). Counting Rules for Recorded Crime 2012. Retrieved from <http://webarchive.nationalarchives.gov.uk/20130126060112/http://www.home-office.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/count-intro> accessed 5 May 2018

Great Britain. Home Office (2011b). The National Crime Recording Standard (NCRS) What you need to know. Retrieved from <http://webarchive.nationalarchives.gov.uk/20130126060154/http://www.home-office.gov.uk/publications/science-research-statistics/research-statistics/crime-research/ncrs> accessed 5 May 2018.

Great Britain. Home Office (2012a). Home Office Rules for Recorded Crime with effect from April 2012. Retrieved from <http://webarchive.nationalarchives.gov.uk/20130126060124/http://www.home-office.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/count-general> accessed 5 May 2018.

Great Britain. Home Office (2012b). Counting Rules: Notifiable Offences 2012-2013. Retrieved from <http://webarchive.nationalarchives.gov.uk/20130125164530/http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/> accessed 9 May 2018.

Great Britain. Home Office (2013). Home Office Counting Rules for Recorded Crime with effect from April 2013. Retrieved from <http://webarchive.nationalarchives.gov.uk/20130125164530/http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/> accessed 9 May 2018

Great Britain. Home Office (2014). Modern Slavery: How the UK is leading the fight. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/328096/Modern_slavery_booklet_v12_WEB__2_.pdf accessed 19 July 2019

Great Britain. Home Office (2018). *Police Workforce England and Wales, 31 March 2018*. Statistical Bulletin 11/18. London: Home Office.

Great Britain. Office for National Statistics. (ONS) (2013). *Crime Survey for England and Wales*. Retrieved from http://webarchive.nationalarchives.gov.uk/20160106234227/http://www.ons.gov.uk/ons/dcp171776_339553.pdf accessed 21 May 2018.

Great Britain. Office for National Statistics. (ONS) (2016). *Overview of fraud statistics: year ending Mar 2016*. Retrieved from <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/overviewoffraudstatistics/yearendingmarch2016> accessed 21 January 2017.

Great Britain. Office for National Statistics. (ONS) (2017). *Crime in England and Wales: Year Ending March 2017. Appendix, bulletin, experimental and crime outcomes tables*. Statistical Bulletin, July 2017.

Greater Manchester Police (2013). *Greater Manchester Police and Crime Plan 2013-2016*. Retrieved from <http://www.gmpcc.org.uk/wp-content/uploads/2014/09/Police-and-Crime-Plan-refresh-DRAFT.pdf> accessed 7 August 2016.

Green, S. P. (2004). The Concept of White Collar Crime in Law and Legal Theory. *Buffalo Criminal Law Review*. 8 (1) 1-34. doi: 10.1525/nclr.2004.8.1.1

Green, S. (2007). Crime, Victimisation and Vulnerability. In S. Walklate (ed.) *Handbook of Victims and Victimology*. (pp 91-117). Cullompton, Devon: Willan Publishing. 27(1) 101-115.

Green, P. J. and Ward, T. (2000). State Crime, Human Rights and the limits of Criminology. *Social Justice*.

Grierson, J. (2017, Aug 11). UK family found guilty of enslaving homeless and disabled people. *The Guardian*. Retrieved from <https://www.theguardian.com/uk-news/2017/aug/11/uk-family-found-guilty-of-enslaving-homeless-and-disabled-people> accessed 11th August 2017.

Groff, E.R. and La Vigne, N.G. (2002). Forecasting the future of predictive crime mapping. In: N. Tilley (ed.) *Analysis for Crime Prevention. Crime Prevention Studies*. (pp. 29–58). Vol. 13. Monsey, NY: Willan Criminal Justice Press.

Guest, G., MacQueen, K. M., and Namey, E. E. (2012). *Applied Thematic Analysis*. London: Sage.

Hagan, F. E. (2006). *Research Methods in Criminal Justice and Criminology* (7th ed.). Boston : Allyn and Bacon.

Hart, C (2001). *Doing a Literature Search: A comprehensive guide for the social sciences*. London: Sage.

Hartley, R. D. (2008). *Corporate Crime A Reference Handbook*. ABC- CLIO Santa Barbara: California.

Hawkley, L. C., Masi, C. M., Berry, J. D. and Cacioppo, J. T. (2006). Loneliness is a unique predictor of age-related differences in systolic blood pressure. *Psychology and Aging, 21*, 152-164

Hawkley, L. C., Preacher, K. J., & Cacioppo, J. T. (2010b). Loneliness impairs daytime functioning but not sleep duration. *Health Psychology, 29*(2), 124-129.

Hawkley, L. C., Thisted, R. A., Masi, C. M. and Cacioppo, J. T. (2010a). Loneliness predicts increased blood pressure: 5-year cross-lagged analysis in middle-aged and older adults. *Psychology and Aging, 25*, 132-141, doi: 10.1037/a0017805

Hearne, E. (2016, July 14). Man jailed after fleecing elderly couple. *The Bucks Herald*. Retrieved from <http://www.bucksherald.co.uk/news/more-news/man-jailed-after-fleecing-elderly-couple-1-7477724> Accessed 14 July 2016.

Heath H, Cowley S (2004). Developing a grounded theory approach: a comparison of Glaser and Strauss. *International Journal of Nursing Studies, 41*(2), 141-150.

Hedgecoe, A. (2016). Reputational risk, academic freedom and research ethics review. *Sociology 50*(3), 486-501

Herts Advertiser (2016, June 22). St Albans traveller is jailed for four years for slavery offences. Retrieved from http://www.hertsad.co.uk/news/court-watch/st_albans_traveller_is_jailed_for_four_years_for_slavery_offences_1_4587342 accessed 31 March 2017.

Hibberd, M. (1990). *Research and Evaluation: A Manual for Police Officers*. The Police Foundation: Anthony Rowe Ltd. Wiltshire.

Hillingdon Times (2015, February 23). Jailed fraudster conned elderly Hillingdon couples out of their life savings. Retrieved from <https://www.hillingdontimes.co.uk/news/11812497.jailed-fraudster-conned-elderly-hillingdon-couples-out-of-their-life-savings/> accessed 14 June 2019.

Hines, J. (2001) Telemarketing Fraud Upon the Elderly: Minimizing its Effects through Legislation, Law Enforcement and Education. *Albany Law Journal of Science and Technology*, 12(3): 839-862.

HMIC (2013). *Policing in austerity: Rising to the challenge*. The Stationery Office: London. ISBN: 978-1-78246-221-7

HMIC (2014). *An inspection into crime prevention, police attendance and the use of police time*. The Stationery Office: London. ISBN: 978-1-78246-503-4

HMIC (2017). *Living in fear – the police and CPS response to harassment and stalking*. A joint inspection by HMIC and HMCPSI. ISBN: 978-1-78655-414-7.

HMICFRS (2019a). *The poor relation: The police and CPS response to crimes against older people*. HMICFRS: London ISBN: 978-1-78655-854-1

HMICFRS (2019b). *Fraud: Time to choose. An inspection of the police response to fraud*. HMICFRS: London. ISBN: 978-1-78655-784-1

Hochstetler, A. (2005). White-Collar Crime. In N. Shover and A. Hochstetler (Eds.), *Choosing White-Collar Crime*. (pp. 1-26). Cambridge: Cambridge University Press.

Holloway, I. and Todres, L. (2003). The status of method: flexibility consistency and coherence. *Qualitative Research*, 3 (3), 345-357

Holtfreter, K., Reisig, M. and Blomberg, T. (2006). Consumer Fraud Victimization in Florida: An empirical study. *St. Thomas Law Review* 18(3), 761-789

Holtfreter, K., Reisig, M. and Pratt, T. (2008). Low Self-Control, Routine Activities, and Fraud Victimization. *Criminology* 46 (1), 189-220.

Holt-Lunstad, J., Smith, T. B., Baker, M., Harris, T., and Stephenson, D. (2015). Loneliness and social isolation as risk factors for mortality: A meta-analytic review. *Perspectives on Psychological Science*, 10(2) 227-237

Homans, G. (1961). *Social Behaviour: Its Elementary Forms*. London: Routledge and Kegan Paul.

Honey, B. (2014). *A study in blue: Exploring the relationship between the police and academia*. Institute of Criminal Justice Studies, University of Portsmouth.

House of Commons Committee of Public Accounts (2018). Reducing Modern Slavery. 36th report of Session 2017-19. <https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/886/886.pdf> accessed 2 May 2018.

Hull, A. (2013, February 18). Jailed: Illiterate cowboy builder who shamefully swindled £18,00 from vulnerable pensioner. *The Bucks Herald*. Retrieved from <https://www.bucksherald.co.uk/news/jailed-illiterate-cowboy-builder-who-shamefully-swindled-18-000-from-vulnerable-pensioner-1-4800938> accessed 13 June 2019.

Hunter, N. (2013a, April 19). You big fat liar! Rogue trader ordered to repay con cash. *The Northern Echo*. Retrieved from http://www.thenorthernecho.co.uk/news/10365936.You_Big_Fat_Liar__Rogue_trader_ordered_to_repay_con_cash/ Accessed 23 June 2019

Hunter, N. (2013b, July 8). Rogue trader trio from Stokesley and Whitby face jail after targeting elderly and vulnerable. *The Northern Echo*. Retrieved from http://www.thenorthernecho.co.uk/news/10534011.Rogue_trader_trio_who_targeted_elderly_and_vulnerable_face_jail/ accessed 23 June 2019

Hutter, B. M. (2011) *Managing Food Safety and Hygiene: Governance and Regulation as Risk Management*. Cheltenham: Edward Elgar Publishing.

James, B. D., Wilson, R. S., Barns, L. L., & Bennett, D. A. (2011). Later-life social activity and cognitive decline in old age. *Journal of the International Neuropsychological Society*, 17, 998-1005. Doi: 10.1017/S1355617711000531

Karmen, A. (2013). *Crime Victims: An introduction to Victimology* (8th ed.). Wadsworth, Cengage Learning.

Karstedt, S. and Farrall, S. (2005). *Communicating Crime, Risk and Blame: Constructing the Moral Climate of the Market*. Paper presented at the Berlin Workshop on White Collar Crime, July 2005.

Karstedt, S. and Farrall, S. (2006). The Moral Economy of Everyday Crime: Markets, Consumers and Citizens. *British Journal of Criminology*, 46 (6): 1011-1036. DOI: <https://doi.org/10.1093/bjc/azl082>

Katz, J. (1988). *Seductions of Crime: Moral and Sensual Attractions in Doing Evil*. New York: Basic Books.

Kearon, T. and Godfrey, B. S. (2007). Setting the Scene: A question of history in S. Walklate (Ed.), *Handbook of victims and victimology*. (pp. 17-36). Collumpton: Willan Publishing.

Keen, L. (2016, April 20). Traveller gang 'kidnapped two men to keep them as slaves for 26 years' court hears. *The Mirror*. Retrieved from <http://www.mirror.co.uk/news/uk-news/traveller-gang-kidnapped-two-men-7792268> Accessed 13 July 2016.

Kelling, G.L. (2005). Community crime reduction: Activating formal and informal control. In: N. Tilley (ed.) *Handbook of Crime Prevention and Community Safety*. (pp. 107-142). Cullompton, UK: Willan Publishing.

Kendall, J. (1999). Axial coding and the grounded theory controversy. *Western Journal of Nursing Research*, (2), 6, 743-737.

Kenny, D. E. (2016). *A Force for Good: Exploring the future of non-crime policing*. (Unpublished Professional Doctoral Thesis). Institute of Criminal Justice Studies, University of Portsmouth. Portsmouth.

Kent Trading Standards (2008). *Why Prosecute? Doorstep crime - Joint investigations and enforcement*. Kent Trading Standards. Retrieved from <http://www.tradingstandards.gov.uk/policy/researchandreports.cfm>. Accessed 21 July 2016.

Lader, D., Short, S. and Gershuny, J. (2006). *The Time Use Survey, 2005*. London: National Statistics.

Landsberger, H.(1958). *Hawthorne Revisited*. Ithaca, NY: Cornell University Press.

Langenderfer, J. and Shimp, T. A. (2001) Consumer vulnerability to scams, swindles, and fraud: A new theory of visceral influences on persuasion. *Psychology and Marketing* 18(7): 763-783.
Doi: 10.1002/mar.1029.

Lee, J. and Geistfeld, L. (1999). Elderly consumers; receptiveness to telemarketing fraud. *Journal of Public Policy and Marketing*, 18(2), 208-217.

Lee, J. and Soberon-Ferrer, H. (1997). Consumer Vulnerability to Fraud: Influencing Factors. *Journal of Consumer Affairs*, 31(1), 70-89.

Levi, M., (1986). Investigating fraud. *Policing*, 2(3), 196-211.

Levi, M. (1992). *The Investigation, Prosecution and Trial of Serious Fraud*. London: HMSO.

Levi, M. (2008a). Organized frauds and organizing frauds: Unpacking the research on networks and organization. *Criminology and Criminal Justice*, 8(4), 389–419.

Levi, M. (2008b). Policing Fraud and Organised Crime. In T. Newburn (Ed.), *Handbook of Policing*. (pp. 522-551). Cullompton: Willan Publishing.

Levi, M. (2019). Theoretical Perspectives on White-Collar Crime. *Criminology and Criminal Justice*. DOI: 10.1093/acrefore/9780190264079.013.266

Levi, M. and Burrows, J. (2008). 'Measuring the Impact of Fraud in the UK: A Conceptual and Empirical Journey'. *British Journal of Criminology*, 48(3), 293-318. doi:10.1093/bjc/azn001.

Levi, M and Jones, S. (1985). 'Public and Police Perceptions of Crime Seriousness in England and Wales'. *British Journal of Criminology*, 25(3), 234-250.

Lister, S. and Wall, D.S. (2006). Deconstructing distraction burglary: An ageing offence. In: A. Wahidin and M. Cain (Eds.), *Ageing, Crime and Society*. (pp. 107-123). Cullompton, UK: Willan Publishing.

Loftus, B. (2010). Police occupational culture: classic themes, altered times. *Policing and Society*, 20:1, 1-20, DOI: 10.1080/10439460903281547.

Lonner, W. J. (2009). Senior Editor's Introduction to the Special Issue: Qualitative and mixed methods research in cross-cultural psychology. *Journal of Cross-Cultural Psychology*, 40, 907-908.

Macpherson, C. (2001). The Youth Justice and Criminal Evidence Act 1999: Achieving Best Evidence? *Medicine, Science and the Law*, 41(3), 230-236.

Maguire, M. (2003). Criminal Investigation and Crime Control. In T. Newburn (Ed.), *Handbook of Policing*. (pp.430-464). Collumpton: Willan Publishing.

Mason, J. (2006). Mixing methods in a qualitatively driven way. *Qualitative Research*, 6(1), 9-25.

Mawby, R. (2007). Public Sector services and the victim of crime in S. Walklate (Ed.), *Handbook of victims and victimology*. (pp. 209-332). Willan Publishing, Cullompton, Devon.

Mawby, R. I., and Walklate, S (2002). *Critical victimology*. 4th edition Sage, London.

Mayhew, P, and Hough, M. (1988). The British Crime Survey: Origins and Impact. In M. Maguire and J. Pointing (Eds.), *Victims of Crime: A New Deal?* (pp. 156-163). Milton Keynes: Open University Press.

McGurrin, D. and Friedrichs, D. O. (2010). Victims of Economic Crime on a Grand Scale." *International Journal of Victimology* 8, 147–57.

Melia, K. M. (1996). Rediscovering Glaser. *Qualitative Health Research*. 6(3), 368-378.

Merton, R. K. (1972). Insiders and Outsiders: A Chapter in the Sociology of Knowledge. *American Journal of Sociology*, 78(1), 9-47.

Moore, E. and Mills, M. (1990). The neglected victims and unexamined costs of White-Collar Crime. *Crime and Delinquency*, 36(3), 408-418.

Morgan, F. (2001). Repeat Burglary in a Perth Suburb: Indicator of Short-term or Long-term Risk? In Farrell, G., and Pease, K. (eds.), *Repeat Victimization. Crime Prevention Studies, Vol. 12*. (pp. 83-118). Monsey, New York: Criminal Justice Press.

Murray, S. J., and Holmes, D. (2014). Interpretive Phenomenological Analysis (IPA) and the Ethics of Body and Place: Critical Methodological Reflections. *Human Studies*, 37 (1) 15-30.

National Audit Office (NAO) (2016). *Protecting consumers from scams, unfair trading and unsafe goods*. Retrieved from <https://www.nao.org.uk/wp-content/uploads/2016/12/Protecting-consumers-from-scams-unfair-trading-and-unsafe-goods.pdf> accessed 3 Feb 2019.

National Fraud Authority (NFA) (2011). *National Fraud Segmentation*. London: National Fraud Authority. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118481/national-fraud-segmentation.pdf (accessed 20 Feb 2019)

National Trading Standards (NTS) (2019) Annual Business Plan 2018-2019 retrieved from <https://www.nationaltradingstandards.uk/uploads/nts%20business%20plan%202018-19.pdf> accessed 3 November 2019

National White Collar Crime Center (NW3C) (2006). *The 2005 National Public Survey on White Collar Crime*. National White Collar Crime Center: West Virginia. Retrieved from <http://fraudresearchcenter.org/wp-content/uploads/2012/02/NWCCC-2005-national-public-household-survey.pdf> accessed 12th December, 2016.

National White Collar Crime Center (NW3C) (2010). *The 2010 National Public Survey on White Collar Crime*. National White Collar Crime Center: West Virginia. Retrieved from <http://www.fraudaid.com/library/2010-national-public-survey-on-white-collar-crime.pdf> accessed 12 December, 2016.

Neuman, W. L. (2000). *Social Research Methods: Qualitative and Quantitative Approaches*. Boston, MA: Allyn and Bacon.

Newburn, T. (2007). *Criminology*. Cullompton: Willian.

Noakes, L. and Wincup, E. (2004). *Criminological Research: Understanding Qualitative Methods*. London: Sage

Olivier, S., Burls, T., Fenge, L., & Brown, K. (2016). Safeguarding adults and mass marketing fraud – Perspectives from the police, trading standards and the voluntary sector, *Journal of Social Welfare and Family Law*, 38:2, 140-151, DOI: 10.1080/09649069.2016.1161872

Operation Liberal (no date). *Health and Social Care Doorstep Crime Prevention Training Manual*. Nottingham: Operation Liberal Publishing.

Ormerod, D. (2007). The Fraud Act 2006 - Criminalising Lying?. *The Criminal Law review*, March 2007, 193-219.

Passas, N. (2005). Lawful but awful: Legal corporate crimes. *Journal of Socioeconomics*, 34, 771-786.

Patton, M.Q. (2002). *Qualitative Research and Evaluation Methods*. (2nd ed.). Newbury Park, California: Sage.

Peachey, P. (2014). Police officers under investigation over massaged crime figures. *The Independent*. 28 Mar. Retrieved from <http://www.independent.co.uk/news/uk/crime/police-officers-under-investigation-over-massaged-crime-statistics-9222319.html> Accessed 28 August 2016

Pearce, F. (1976). *Crimes of the Powerful – Marxism, Crime and Deviance*. Pluto Press Ltd. London: UK

Pennells, S. (2015, January 18). Dementia is on the increase, and so are the rogues. *The Independent on Sunday* p 57.

Pettit, B., Greenhead, S., Khalifeh, H., Drennan V., Hart, T., Hogg, J., Borschmann, R., Mamo, E., & Moran, P. (2013). *At risk, yet dismissed: The criminal victimisation of people with mental health problems*. Retrieved from <https://www.victimsupport.org.uk/sites/default/files/At%20risk%2C%20yet%20dismissed%20-%20full%20report.pdf> accessed 22 July, 2016.

Phillips, C. (1996). *International, national, inter-force crime: research data for a study commissioned by the Association of Chief Police Officers*. Police Research Group Department. London: Home Office.

Phillips, C. (2016a). *Doorstep Crime: Prisoner Interviews*. Report for National Trading Standards Doorstep Crime Project, June 2016.

Phillips, C. (2016b). From 'Rogue Traders' to Organized Crime Groups: Doorstep Fraud of Older Adults. *British Journal of Criminology* 57(3), 608-626. doi:10.1093/bjc/azw011.

Police Federation (2018). *Demand, Capacity and Welfare Workshops April 2018*. Research and Policy Support: Report 2018/046. Retrieved from <http://www.polfed.org/documents/DCWorkshops%20-%20ReportOnly%20-%2017-05-18-V0.1.pdf> Accessed 3 Feb 2019.

Police Foundation (2018) More than just a number: Improving the police response to victims of fraud. Retrieved from <http://www.police-foundation.org.uk/publication/more-than-just-a-number-improving-the-police-response-to-victims-of-fraud/> accessed 19 July 2019.

Ponterotto, J. G., Mathew, J. T., and Raughley, B. (2013). The Value of Mixed Methods Designs to Social Justice Research in Counseling and Psychology. *Journal for Social Action in Counseling and Psychology*, 5(2) 42-68.

Powell, J. L., and Wahidin, A. (2008). Understanding old age and victimisation: A critical exploration. *International Journal of Sociology and Social Policy*, 28(3/4). (pp. 90-99).

Press Association (2013, November 24). Theresa May makes modern slavery her 'personal priority'. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2013/nov/24/theresa-may-modern-slavery-priority> accessed 24 July 2016.

Punch, M., and James, S. (2016). Researching law enforcement and public health. *Policing and Society*, 251-260.
<https://doi.org/10.1080/10439463.2016.1205066>

Reiboldt, W. and Vogel, R. (2003). A critical analysis of telemarketing fraud in a gated senior community. *Journal of Elder Abuse and Neglect*, 13(4), 21-38.
DOI: 10.1300/J084v13n04_02.

Reiner, R. (2000). Police Research. In R. King and E. Wincup (Eds.), *Doing Research on Crime and Justice*. (pp. 210-231). Oxford: Oxford University Press.

Reilly, B., Rickman, N. and Witt, R. (2012). Robbing banks: Crime does pay – but not very much. *Significance*, 9: 17–21. doi:10.1111/j.1740-9713.2012.00570.x

Reiss, A. J. Jr. and Biderman, A. D. (1980). *Data-Sources on White-collar Law-breaking*. Washington D.C.: U.S. Government Printing Office.

Rescher, N (2003). *Epistemology: An Introduction to the Philosophy of Knowledge*. Albany, NY: SUNY Press. Rorty,

Richards, J. (2016, September 16). *Social care funding gap to reach £2.8bn by 2019-20, report finds*. Public Finance. Retrieved from <http://www.publicfinance.co.uk/news/2016/09/social-care-funding-gap-reach-ps28bn-2019> accessed 29 January 2017.

Ridley, N. (2008). Analyse this (and that): the international role of analysis. In Steven David Brown (Ed.), *Combating International Crime: The longer arm of the Law*. (pp. 205-213). Routledge Cavendish: London

Ridley, N. (2012). *Terrorist Financing The failure of counter measures*. Edward Elgar Publishing Ltd: Cheltenham, Gloucester.

Robson, C. (1993). *Real World Research: A Resource for Social Scientists and Practitioner-Researchers*. Blackwell: Oxford.

Robson, C. (2001). *Real world Research*. Oxford: Blackwell.

Roethlisberger, F. I., and Dickson, W. T. (1939). *Management and the Worker*. Cambridge, Mass.: Harvard University Press.

Rolfe, G. (2006). Validity, trustworthiness and rigour: Quality and the idea of qualitative research. *Journal of Advanced Nursing*, 53(3), 304-310.

Roman, J. and Farrell, G. (2002). Cost-benefit analysis for crime prevention: Opportunity costs, routine savings and crime externalities. In: N. Tilley (ed.) *Evaluation for Crime Prevention, Crime Prevention Studies*. (pp. 53–92) Vol. 14. Monsey, NY: Willan Criminal Justice Press.

Rosenbaum, D. (2010). Police research: merging the policy and action research traditions. *Police Practice and Research*, 11(2), pp.144-149.
<http://dx.doi.org/10.1080/15614261003593203>

Ross, M., Grossman, I. and Schryer, E. (2014). Contrary to psychological and popular opinion, there is no compelling evidence that older adults are disproportionately victimised by consumer fraud. *Perspectives of Psychological Science*, 9(4) 427-442. DOI: 10.1177/1745691614535935

Rowlingson, K., Whyley, C., Newburn, T., Berthoud, R. (1997). *Social Security Fraud: The Role of Penalties*. London: The Stationery Office.

San Miguel, C., and Nelson, C. D. (2007). Key writing challenges of practice-based doctorates. *Journal of English for Academic Purposes*, 6 (1), 71-86.

Sandelowski M. (2010). What's in a Name? Qualitative Description Revisited. *Research in Nursing and Health*, 33, 77–84.

Schoen, D. A. (1983). *The Reflective Practitioner: How professionals Think In Action*. New York: Basic Books.

Scott, J. (2000). Rational Choice Theory. In G. Browning, A. Halcli, and F. Webster (Eds.), *Understanding Contemporary Society: Theories of The Present*. (pp. 126-138). Sage Publications.

Sentencing Council (2014). *Fraud, Bribery and Money Laundering Offences. Definitive Guideline*. Retrieved from https://www.sentencingcouncil.org.uk/wp-content/uploads/Fraud_bribery_and_money_laundering_offences_-_Definitive_guideline.pdf accessed 18 May 2018.

Serious Organised Crime Agency (SOCA) (2013). *UKHTC: A strategic Assessment on the Nature and Scale of Human Trafficking in 2012*. SOCA.

Sixsmith, A.J. (1990). The meaning and experience of home in later life. In: B. Bytheway and J. Johnson (Eds.), *Welfare and the Ageing Experience*. (pp. 172-192). Aldershot: Avebury.

Shapiro, S. (1990). Collaring the Crime, not the Criminal: Reconsidering the Concept of White Collar Crime. *American Sociological Review*, 55(3), 346-365.

Shover, N, Coffey G. S., Hobbs, D. (2003). Crime on the line. *British Journal of Criminology*, 43(3), 489–505. DOI: <https://doi.org/10.1093/bjc/43.3.489>.

Silverman, D. (1998). Qualitative/Quantitative. In Jenks, C., (Ed.), *Core Sociological Dichotomies*. (pp. 78-95). London: Sage.

Silvester, K (2016). Skeleton Staff. *TS Review*. August 2016 Issue 7, 20-23.

Simon, D. R. (1996). From White Collar Crime to Elite Deviance: Reasons for a Paradigm Shift. Proceedings of the National White Collar Crime Centre Academic Workshop Definitional Dilemma: Can and Should There be a Universal Definition of White Collar Crime? (pp. 93-102). National White Collar Crime Center: West Virginia. Retrieved from http://jpsimsconsulting.s3.amazonaws.com/cms_page_media/44/Definitional%20Dilemma.pdf#page=78 accessed 29 December 2016

Sklansky, D. (2007). Seeing Blue: Police reform, Occupational Culture and Cognitive Burn-In. In M. O'Neill, M. Marks & A. Singh, (Eds.), *Police Occupational Culture: New debates and directions*. (pp. 19-46). Oxford, Elsevier JAI.

- Slapper, G., and Tombs, S. (1999). *Corporate Crime*. Harlow: Longman.
- Smith, G., Button, M., Johnston, L., and Frimpong, K. (2011). *Studying Fraud as White Collar Crime*. Basingstoke: Palgrave Macmillan.
- Smith, J. A. (1996). Beyond the divide between cognition and discourse: Using interpretive phenomenological analysis in health psychology. *Psychology and Health*. 11(2), 261-271.
- Smith, S. R. and Freinkel, S. (1988). *Adjusting the balance: federal policy & victim services*. Westport, CT: Greenwood.
- South, N. (2014). 'Foreword' in P. Davies, P. Francis and T. Wyatt (Eds.), *Invisible Crimes and Social Harms*, Basingstoke: Palgrave Macmillan.
- Spalek, B. (1999). Exploring the impact of financial crime: A study looking into the effects of the Maxwell scandal upon the Maxwell pensioners. *International Review of Victimology*, 6(3), 213-230.
- Staub, E. (1989). *The roots of evil: The origins of genocide and other group violence*. Cambridge: Cambridge University Press.
- Stafford, A. B. (2016). What matters to the public when they call the police? Insights from a call centre. *Policing and Society*, 26(4), 375-392, DOI: 10.1080/10439463.2014.942853

Stephens, D. (2010). Enhancing the impact of research on police practice, *Police Practice and Research*, 11(2), 50-154.
<http://dx.doi.org/10.1080/15614261003593278>

Steele, B., Thornton, A., McKillop, C. and Dover, H. (2001). *The Formulation of a Strategy to Prevent and Detect Distraction Burglary Offences Against Older People* (Police Award Scheme), London: Home Office.

Stephoe, A., Owen, N., Kunz-Ebrecht, S.R., & Brydon, L. (2004). Loneliness an neuroendocrine, cardiovascular, and inflammatory stress response in middle-age men and women. *Psychoneuroendocrinology*, 29(5), 593-611.

Strauss, A., and Corbin. J. (1998). *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*. Second edition. Sage Publications, Thousand Oaks CA.

Surrey County Council (2004). *Trading Standards praise quick thinking bank cashier*. Retrieved from <https://mycouncil.surreycc.gov.uk/Data/Woking%20Local%20Committee/20041014/Agenda/Item%2012%20Annex%203.pdf> accessed 21 May 2018

Sutherland, E. H. (1949). *White Collar Crime*. New York: Holt, Reinhart and Winston.

Sutton, M. (2007). Improving National Crime Surveys: With a Focus Upon Strangely neglected Offenders and Their Offences, Including Fraud, High-Tech Crimes, and Handling Stolen Goods. In M. Hough and M. Maxfield (Eds.), *Surveying Crime in the 21st Century* (pp. 243-261). Criminal Justice Press.

Sykes, G. and Matza, D. (1957). Techniques of Neutralization: A Theory of Delinquency. *American Sociological Review* 22(6); 664-670

Talisse, R. B. and Aikin, S. F. (2008). *Pragmatism: A Guide for the Perplexed*. London: Continuum.

Tappan, P. (1947). Who is the Criminal? *American Sociological Review*. 12 (1) 96-102.

Thames Valley Police (TVP) (2013). *Police and crime plan 2013 – 2017*. Oxford: Office of the Police and Crime Commissioner. Retrieved from <http://www.thamesvalley-pcc.gov.uk/Document-Library/Police-and-Crime-Plan.pdf> accessed 26 November 2015.

Thames Valley Police (TVP) (no date). *How to report a crime or emergency: Action Fraud*. Retrieved from <http://thamesvalley.police.uk/reptcr/reptcr-af> accessed 22 July 2016.

Thornton, A., Hatton, C. and McGraw, C. (2006). *Nurse for Victims of Distraction Burglary: An Evaluation of the London Borough of Islington Crime and Disorder Partnership*. London: Islington Council.

Thornton, A., Hatton, C., Ralph, L. and Owen, T. (2005). Understanding the older person's awareness and experience of doorstep crime: Results of a national survey. *Crime Prevention and Community Safety: An International Journal*, 7(1), 31–42.

Tilley, N. (2002). Introduction: Evaluation for Crime Prevention. In N. Tilley (Ed.), *Evaluation for Crime Prevention Studies*. (pp. 1–10) Vol. 14. Monsey, NY: Willan Criminal Justice Press.

Tilves, R. S., Kahonen-Vare M. H., Jolkkonen, J., Valvanne, J., Pitkala, K. H., Strandberg, T. E. (2004). Predictor of cognitive decline and mortality of aged people over a 10-year period. *Journal of Gerontology series A Biological Science and Medical Science*, 59, 268-274.

Tombs, S. (2010). Corporate Violence and harm. In F. Brookman, M. Maguire, H. Pierpoint and T. Bennett (eds.), *Handbook on crime*. (pp. 884-903) Collompton: Willan.

Tombs, S. (2016). *Social Protection after the Crisis: Regulation without Enforcement*. Policy Press.

Tombs, S. and Whyte, D. (2010). Crime, harm and corporate power. In J. Muncie, D. Talbot and R. Walters (Eds.), *Crime, Local and Global*, (pp. 137-172) Collompton: Willan.

Townsley, M. and Pease, K. (2002). Hot spots and cold comfort: The importance of having a working thermometer. In N. Tilly (Ed.), *Analysis for Crime Prevention. Crime Prevention Studies*. Vol. 13. (pp. 59–69). Monsey, NY: Willan Criminal Justice Press.

Tunley, M. (2014). *Mandating the measurement of fraud: Legislating against loss*. Springer.

UK Finance (2018). *Banking Protocol prevents £25m in fraud and leads to 197 arrests*. Retrieved from <https://www.ukfinance.org.uk/banking-protocol-prevents-£25m-fraud-and-leads-197-arrests> accessed 28 June 2019.

Usher, R. (2002). A diversity of doctorates: Fitness for the knowledge economy? *Higher Education Research and Development*, 21(2), 143–153.

Vaismoradi, M., Turunen, H., and Bondas T. (2013). Content Analysis and Thematic Analysis: Implications for Conducting a Qualitative Descriptive Study. *Nursing and Health Sciences*. 15, 398-405.

Van Dijk, A., and Crofts, N. (2017). Law enforcement and public health as an emerging field, *Policing and Society*, 27(3), 261-275. DOI: 10.1080/10439463.2016.1219735

Walklate, S. (2005). Researching Victims. In R. King and E. Wincup (Eds.), *Doing Research on Crime and Justice*. 2nd edition (pp. 315-342). Oxford: Oxford University Press.

Walklate, S. (2007). Introduction. In S. Walklate (Ed.), *Handbook of victims and victimology*. (pp. 1-9). Willan publishing Cullompton, Devon.

Watkins, T (2015, June 9). Traveller couple stole £21,000 from vulnerable man and made him their 'slave' for TWO years. The Mirror. Retrieved from <http://www.mirror.co.uk/news/uk-news/traveller-couple-stole-21000-vulnerable-5852873> accessed 31 March 2017.

Westera, N. J., Kebbell, M. R., Milne, R., and Green, T. (2016). The prospective detective: developing the effective detective of the future, *Policing and Society*, 26:2, 197-209, DOI: 10.1080/10439463.2014.942845

Whyte, D. (2007). Victims of Corporate Crime. In: S. Walklate (Ed.), *Handbook of Victims and Victimology*. (pp. 446-463). Collompton: Willan.

Wilson, D. and Segrave, M. (2015). Care bears and crime-fighters: Police operational styles and victims of crime. In: D. Wilson and S. Ross (Eds.), *Crime, victims and policy: International contexts, local experiences*. (pp. 133-160). Basingstoke: Palgrave Macmillan.

Appendix

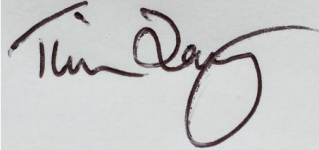
FORM UPR16

Research Ethics Review Checklist



Please include this completed form as an appendix to your thesis (see the Postgraduate Research Student Handbook for more information)

Postgraduate Research Student (PGRS) Information		Student ID:	707187
PGRS Name:	Tim Day		
Department:	ICJS	First Supervisor:	Sarah Charman
Start Date: (or progression date for Prof Doc students)	October 2015		
Study Mode and Route:	Part-time <input checked="" type="checkbox"/>	MPhil <input type="checkbox"/>	MD <input type="checkbox"/>
	Full-time <input type="checkbox"/>	PhD <input type="checkbox"/>	Professional Doctorate <input checked="" type="checkbox"/>
Title of Thesis:	"What's going on 'ere, then?" An empirical exploration of the anatomy of rogue trading incidents.		
Thesis Word Count: (excluding ancillary data)	57382		
<p>If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University's Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study</p> <p>Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).</p>			
UKRIO Finished Research Checklist:			
(If you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: http://www.ukrio.org/what-we-do/code-of-practice-for-research/)			
a) Have all of your research and findings been reported accurately, honestly and within a reasonable time frame?	YES	<input checked="" type="checkbox"/>	
	NO	<input type="checkbox"/>	
b) Have all contributions to knowledge been acknowledged?	YES	<input checked="" type="checkbox"/>	
	NO	<input type="checkbox"/>	
c) Have you complied with all agreements relating to intellectual property, publication and authorship?	YES	<input checked="" type="checkbox"/>	
	NO	<input type="checkbox"/>	
d) Has your research data been retained in a secure and accessible form and will it remain so for the required duration?	YES	<input checked="" type="checkbox"/>	
	NO	<input type="checkbox"/>	
e) Does your research comply with all legal, ethical, and contractual requirements?	YES	<input checked="" type="checkbox"/>	
	NO	<input type="checkbox"/>	
Candidate Statement:			
I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)			
Ethical review number(s) from Faculty Ethics Committee (or from NRES/SCREC):	15/16:51		
If you have <i>not</i> submitted your work for ethical review, and/or you have answered 'No' to one or more of questions a) to e), please explain below why this is so:			
N/a			

Signed (PGRS):		Date: 17/11/19
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