

Are criminals getting away with their crimes by moving across police borders? Mike Barron argues for a policy change.

# Falling into the gap



There has been considerable discussion and action by the government during the last few months to begin the process of reducing the number of UK police forces. This has descended into complete confusion with the Home Secretary effectively pulling the plug on the mergers for the foreseeable future.

The motivation for the mergers was based on suggestions by HM Inspectorate of Constabulary that larger forces will be able to deal more easily and efficiently with terrorism and the threat posed by organised criminals operating across force and international boundaries.

Effectively dealing with cross border crime has been a problem, in my experience as a detective inspector in Merseyside Police. John Reid, the Home Secretary, has called for 'greater co-operation and flexibility' between forces as a means of addressing the vacuum left by this debacle. However this issue is eventually resolved, unless we create a national force, there will always be borders and the age old problems of jurisdiction and responsibility for investigating crime or a series of crimes will remain.

The purpose of this article is to outline some of the issues raised by a lack of cross border cooperation between forces and propose a locally

focused solution that will encourage the type of cooperation the Home Secretary now seems to want to achieve, without the need for hugely expensive and distracting amalgamations.

## The problem

The basic problem that exists is a contradiction of modern policing. On the one hand the police service claims to be intelligence-led and driven by the National Intelligence Model. Intelligence is essentially gathering information on criminals and their actions and behaviour. However, on the other hand, responsibility and jurisdiction for investigating a crime, in the first instance, largely ignores the criminal and is based purely on the location of the crime. Therefore, the current system focuses on the crime, a mere symptom of the problem and not its root cause, the criminal who committed it.

Leaving the police service in 2002, I became involved in working for corporate clients to combat fraud and business crime professionally. I have been involved in reporting crimes in around 20 different force areas; I have seen this problem from the other side of the counter.

Two examples I have come across illustrate the issues around cross border crime. One case involved a regional manager for a client company who began stealing goods from his employers under the guise of transferring stock between the shops he was responsible for. From a police perspective, these shops were located in seven different force areas in the South. I was left with the unfortunate task of attempting to persuade one force to take responsibility for the whole matter. Fortunately, one of the twenty or so crimes he had committed was located in the town where he lived.

There are several questions posed by this case:-

- What would the outcome have been if no crime had been committed in the town where he lived?
- Why should a victim/business

affected by a crime have to negotiate an outcome in this way?

- Why is there no policy in place to routinely assign responsibility for common scenarios like this?

The second series of cases involved the theft of £29,000 worth of electrical goods from a client by means of deception. Our investigation to support the police quickly uncovered a series of at least six similar cases positively linked by physical evidence covering forces in the North, the East, the Midlands and Wales. The total value of goods stolen fell just short of £500,000. Our clients funded considerable support to assist the police, but the crimes were never brought together for investigation.

All the victims were extremely frustrated and reasonably asked us the following questions:-

- Why the investigation was not collated in one place?
- Why seemingly bureaucratic jurisdictional obstacles seemed to take precedence over catching offenders?
- Why potential opportunities to pursue those responsible were not properly developed?

## Current policy issues

Briefly there are three principal problems:-

1. By concentrating on the location of the offence as the determining the 'local' element for jurisdiction, it ignores the fact that a crime is made up of three elements, the victim, the offence and the offender. All the other elements also have locations attached to them that are equally as important. Why are these largely ignored by the current policy?
2. The system itself is used by some forces and BCUs to justify and avoid taking positive action. Even if a force does want to investigate a cross border crime, the policy itself creates a situation that demands vast and inefficient travelling expense and

subsistence in distant hotels by officers who arrive in a town or city they have no knowledge of. Organised travelling criminals know all this; plan it into their enterprises and benefit from it.

3. Although it will vary considerably from case to case, the current policy allows the activities of cross border criminals to be ignored for far too long. As their activities are expanding, their power and influence grows in their home communities. This feeds back into those communities potentially creating numerous local policing problems including violence, extortion and drawing others into their criminal networks

I believe, that in determining jurisdiction for investigating a crime, equal weight should be given to the address or force where the offender lives or is suspected of living. Such a change will mean that a decision to move the investigation of a crime away from the force where it was committed to another one will be, as it should be, an intelligence and evidence led matter. The main effects of such a proposal may be briefly summarised as follows:-

1. The vast majority of volume crime is committed by 'local' criminals near to where they live. These matters would not be affected by this proposal.
2. Suspected cross border crimes with no intelligence to connect them to an area or force where the offender(s) are suspected of being resident would remain under the current policy.
3. Crimes involving an identified offender, such as the manager in the first case study who had committed offences in many different force areas, will have a proper policy in place to determine who takes responsibility for dealing with it

# Crime

## Moving forward

This proposal advocates a major cultural change. Isolation and parochialism is promoted by the current policy because the problem is fixed by crime location and largely ignores how criminals, with no knowledge of borders, naturally behave. If the new proposal is designed correctly, greater cooperation between forces will be promoted by a system that focuses on criminals and their behaviour.

Finally, albeit on a small scale, I have managed, while serving, operations using the type of jurisdictional rules I have proposed. The privately funded vehicle fraud units in Liverpool and London which, I devised, based their acceptance criteria on both the crime and the criminals' addresses. The results were and are extremely positive and enable swift action against local criminals committing crimes many miles away from those cities.

Mike Barron retired from Merseyside Police in 2002 as detective inspector in charge of their organised stolen vehicle unit. He spent most of the last year of his service on secondment to the Met Police helping them set up their new, privately funded, vehicle fraud unit at Chalk Farm. He is now director of a company working for a range of corporate clients around the UK to investigate and combat fraud and crime in business.

# Cross border

instead of placing a victim in the position of arbiter between squabbling forces.

4. All the forces involved in the level two case study were in possession of strong evidential and intelligence links that indicated the offenders, although unidentified, were resident in one force area. In this case all the individual forces involved would submit evidence and intelligence packages to the force intelligence bureau of suspected offender(s) force who would allocate the joined package, according to force priority, for investigation.
5. An individual's criminal activities would be tracked more closely in one place.
6. Emerging criminal threats could be monitored more closely, resourced and prioritised for action with more complete intelligence available.