



HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND

**PNC Inspections:
National overview report**

4 August 2010



Contents

Introduction

Background

National themes

- Leadership and strategic direction
- Partnerships
- Preventing system abuse
- Performance results
- Impending prosecutions
- National weeding policy

Conclusion

Annex A

PNC performance statistics, July 2009 to June 2010



Introduction

1. The Police National Computer (PNC) is the primary police computer system in the UK. It holds details of people, vehicles, crimes and property that can be electronically accessed 24 hours a day by the police and other criminal justice agencies. It allows information to be shared through a secure network and is also electronically linked to a number of other databases used in public protection and law enforcement.
2. While all police forces in Scotland can and do have direct access to PNC, the vast majority of transactions concerning the start and end results of criminal proceedings are processed through Scotland's own computerised Criminal History System (CHS). The CHS has a wide range of functions, allowing procurators fiscal to update impending cases and courts to enter case results, all of which are subsequently transferred to PNC. These transfers are automated updates between the CHS and PNC which occur in close to real time.
3. It is essential that the PNC is well managed and that data integrity, quality and security are maintained. The police service, its criminal justice partners and the public need to be assured that the information it holds is reliable and not misused.
4. The Scottish Police Services Authority (SPSA) is responsible for overseeing and managing the CHS, as well as ensuring the police service's compliance with the accompanying Code of Practice. That is, it ensures that the data held about an individual is accurate, up-to-date and compliant, i.e. that it is allowed to be there¹. Ownership of the data sits with the chief constables of each force who are formally the data controllers under the Data Protection Act.²
5. This overview report highlights the main findings of a review of Scottish forces' compliance with the PNC code of practice, that have a national bearing across Scotland. The themes were identified during separate PNC audits of the individual Scottish police forces, carried out at our request by PNC inspectors in Her Majesty's Inspectorate of Constabulary (HMIC) England and Wales.
6. HM Inspector of Constabulary for Scotland would like to thank the HMIC PNC Audit Team for their support in the preparation of this report.

Background

7. In 2005, Her Majesty's Inspector of Constabulary (HMICS) instigated an inspection of Scottish forces by HMIC inspectors to review their compliance with the [Police National Computer \(PNC\) Code of Practice](#). All eight forces were inspected and a total of 97 recommendations made.
8. In 2009, HMIC inspectors re-visited all Scottish forces to review their progress against the 2005 recommendations. Individual inspection reports of their findings have been submitted to each force. The inspectors were also asked to identify any Scotland-wide themes, which form the subject of this report.

¹ see SPSA website

² http://regulatorylaw.co.uk/Data_Protection_Act_2003.html



9. Many of the recommendations directed at forces concern business processes linked to common computer systems that are integrated into the business processes of all the criminal justice partners. Established good practice for system-mapping suggests that definitive conclusions about these concerns can only be drawn from an end-to-end analysis of processes. It has not been possible to do that on this occasion. During the exercise only personnel from the forces and the SPSA were interviewed. There was no discussion with representatives of either the Crown Office and Procurator Fiscal Service (COPFS) or the Scottish Courts Service (SCS). Thus, the conclusions of this report come solely from the police perspective.
10. Further examination of the business processes of partner agencies needs to be undertaken before a number of concerns raised in this report can be fully understood and consequently resolved.

National themes

Leadership and strategic direction

11. We found that little had been done across Scotland to address the 2005 recommendations. Despite the fact that four years have elapsed since the original inspection, approximately only a third (32.0%) of the recommendations could be classified as fully achieved.
12. Reasons for this varied. In most forces an action plan or similar document had been drawn up and, in some cases, reviewed. Few tangible outputs had emerged, however, with national pressure on resources often cited to explain this. We suggest that applying clearer strategic direction to the management of PNC in forces could help them to work better within existing budgets and possibly to realise some savings.
13. In fact the majority of Scottish police forces lacked a clear strategic direction on PNC. Everything that follows, people, partnerships, processes and results, is dependent on having a clear strategy and policy. Without these the police service will struggle to perform consistently, particularly given its high turnover of senior personnel.
14. It is of course the case that a great many demands are made of chief officers³. Nonetheless, more direct involvement in PNC matters on their part is required because only they can make the necessary strategic decisions and changes to budgets, personnel and relationships with external organisations. What we commonly found in most forces was junior members of staff working hard to comply with the PNC Code of Practice, using outdated and often costly working processes that were urgently in need of review.

Partnerships

15. The integrity of data held on the CHS relies on the actions of the three main criminal justice agencies, namely the police service, the crown office and procurator fiscal service, and the Scottish courts service. Effective data management by these partner agencies is therefore crucial. In practice, liaison between the three in relation to CHS (and subsequently PNC) data could be improved.

³ Officers above the rank of chief superintendent.



16. The COPFS is responsible for updating CHS with case information, and the SCS for entering details on the final outcomes of the cases. The flows of information between these agencies and the police are, however, not sufficiently robust to prevent omissions and failures arising between CHS and PNC. These are predominately caused either by malfunctions/incompatibility of electronic systems and/or inconsistencies or errors in inputs and updates.
17. Moreover, little accountability is exercised at the locations where these omissions and errors occur because all the computer record errors default to the police. To give two examples, if the SCS finalises a case before the COPFS has updated the record, the system will not allow the COPFS access to the record, which will then fail and default back to the police. Similarly, if the SCS enters an incorrect record, it cannot be changed and instead will default back to the police. In addition, all interface errors generated when CHS attempts to transfer data to PNC are also dealt with by the police.
18. Consequently, every force in Scotland is responsible for correcting not only its own failures and errors but also those made by criminal justice and specialist reporting agencies⁴. In order to do so, all Scottish forces have a number of staff working full-time to resolve what are in effect the results of inefficient working practices and ineffective systems. Furthermore, there is little or no prospect of the volume of errors decreasing if we continue with the perverse situation whereby the business is, at significant cost, supporting the computer system as opposed to the system supporting the business. This should not be allowed to continue, particularly at a time when other important policing projects are being scaled back because of budgetary pressures.
19. This arrangement, to which it has been suggested ACPOS originally agreed as an interim measure, neither provides value for money nor promotes robust working practices by partner agencies. Business logic dictates that errors be identified and rectified at source. Repeat errors can then be minimised where they occur by raising user awareness or adjusting computerised and/or manual business processes.
20. Recently, many Scottish forces have discontinued the practice of police officers rather than court staff updating the CHS with the results of court proceedings. Whether officers should be doing this is a policy matter for each force. What was of particular concern to us was that the processes for dealing with these results have not been updated to accommodate the change in practice.

Preventing system abuse

21. The requirement to conduct system audits is set out in the ACPO Audit Manual and the Code of Connection, and yet the majority of forces had not undertaken a recent audit of any type. A properly planned and funded audit regime is the only means by which chief officers can be assured that the force is not breaching data protection legislation. Similarly, transaction and user audits are the primary means by which unlawful access to, and the theft of, data can be reduced.

⁴ Over 50 specialist reporting agencies, other than the Police, report cases to the Procurator Fiscal each year - <http://www.copfs.gov.uk/About/roles/pf-role/specialists>



22. While dip-sample audits will meet the minimum ACPOS standards, they are time-consuming and rarely detect these types of abuse. We suggest that all forces become more proactive in this area. Forces could, for example, consider adopting one of the relatively inexpensive NPIA-approved software⁵ applications designed to detect unlawful access to any computer system as it happens. These applications also offer a greatly enhanced auditing capability, a facility that is particularly relevant in the current climate of increasing data theft.

Performance results

23. The current Scottish performance targets for entering start and end of process information on cases onto PNC are:
- **arrest and charge** - 70% of cases to be entered within 24 hours of the start of the process, and 90% of cases within five days of the start of the process; and
 - **court case results** - 75% to be entered within seven days of coming into police possession (the courts' service level agreement is to send 100% of results within three working days after the court date).
24. The performance requirement in Scotland is less demanding than that in England and Wales. Some forces are better than others at achieving compliance (see Annex A for statistics on Scottish forces' performance). Nevertheless, the evidence suggests that the business processes underpinning the transfer of data to the PNC do not themselves support continuous compliance, for reasons that are referred to in this report.

Impending prosecutions

25. The number of impending prosecutions⁶ (IPs) in Scotland appeared to be excessive when compared with that for the rest of the UK, and thus was a matter of some concern to us. The precise reason for this situation is not known. However, an unduly high number of IPs indicates failures in either manual (often multi-agency) business processes or computer interfaces.
26. The process of electronically updating IPs is shared by COPFS and SCS. In addition to known problems with the computer interface, it is thought that some IPs are the result of poor administrative processes, such as where an incorrect court result has been entered by the SCS, which then defaults to the police for correction (see paragraph 17), or where COPFS has not updated a record following the disposal of a case without a court appearance.
27. At the time of the inspection, the eight forces in Scotland had over 188,000 IPs. The total for all 43 forces in England and Wales was 385,000. These are cumulative totals, meaning that a number are legitimately pending, usually where proceedings have not

⁵ Further information can be obtained from the Hendon Helpdesk.

⁶ The term "impending prosecution" refers to a prosecution, the commencement of which has been recorded on PNC, where no result has subsequently been added.


been finalised. Therefore IPs created within the previous 12 months are not of serious concern as many of these cases are still passing through the criminal justice system.

28. There are, however, a large number of IPs in Scotland that are over two years old and still do not have a result recorded against them. At the time of the inspection, the total number of IPs raised in 2007 still outstanding in Scotland was in excess of 35,000; in the same year, in England and Wales the total was 15,000. It is of particular concern to us that the system may hold a number of IPs for cases that have in fact been finalised but for which no result has been recorded. In these instances, any records viewed by Disclosure Scotland, the Criminal Record Bureau and the ACPO Criminal Record Office will be incomplete, thus potentially compromising public and police officer safety. In addition, the reliability of QUEST⁷ searches will also be compromised.
29. The full gravity of the situation is unknown. The best case scenario is that the outstanding IPs reflect administrative omissions or errors caused by poor processes. The worst case scenario is that a conviction record for an individual working in a sensitive environment has not been correctly recorded. Because of the risk this poses we have already drawn this matter to the attention of ACPOS and the SPSA. As a result a national data quality group has been charged with identifying the main reasons behind cases not being updated, while the new CHS Governance Group will work with criminal justice partners to rectify the situation.

National weeding policy

30. The risk of the omissions identified above is exacerbated by the fact that the CHS system will automatically weed or delete an IP after three years. The PNC record is then automatically deleted too as, if there is no other record of the accused on PNC, will all DNA and fingerprint records.
31. This is different from the situation in England and Wales where the IP remains in place until “resulted” or, in the absence of a result, manually deleted as part of a data management exercise. An outstanding IP is evidence of a prosecution taking place even though the record is incomplete. In Scotland, once the IP has gone so too is any evidence on the system that a prosecution took place.
32. The police have been compelled to introduce costly cross-checking mechanisms to prevent records being incorrectly weeded out. All forces receive a report generated by CHS detailing all two-year old IPs, followed by regular updates. In one specific force this report could run to as many as twenty pages per day, requiring the person inputting the data to go through each in order to identify cases that should not be weeded. In this force there is no force policy on what should be retained, the whole process being entirely dependant upon the experience, skill and diligence of the operator.
33. At the time of the on-site inspection activity at least one force was unable to carry out the work generated by these reports. It is highly likely, therefore, that IPs awaiting court results have been incorrectly deleted from CHS/PNC. ACPOS has informed us that this problem has now been addressed and that each force now has thorough

⁷ Query Using Enhanced Search Techniques – an intelligence search function allowing searches on the PNC system on (amongst other features) offence attributes including conviction type.



cross-checking mechanisms in place. Nonetheless, even with these mechanisms there is no guarantee that all records are being correctly identified and saved. The resultant gap in the conviction histories associated with these cases is bound to have an adverse effect upon not only subsequent police investigations but also information supplied to the courts.

Conclusion

34. In this report we have highlighted the main national themes and risks identified during the force PNC audits. We have also expressed our concern at the slow progress being made in responding to the 2005 recommendations.
35. We believe that maintaining accurate criminal records is of critical importance not just to the criminal justice organisations who use this information but also for reasons of public safety. While we appreciate that the eight local audit reports will require activity on the part of individual forces, we would urge the police service and SPSA to work collectively and quickly with criminal justice partners to mitigate the national risks outlined here. It is essential that in doing so they strive to provide a cost-effective public service.
36. We have already received action plans from the eight forces, which we will examine through our usual business processes. We will also observe national developments and monitor the progress made by ACPOS and the SPSA. We intend to return to this subject in our future inspection programme.

Annex A

Arrest and charge: percentage achieved (target = 70% within 24 hours)												
	Jul -09	Aug-09	Sept-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Central	92.0	92.0	91.4	88.7	94.0	92.6	93.4	94.1	92.1	91.5	93.4	94.4
Dumfries & Galloway	82.9	83.6	85.7	78.0	88.1	81.1	85.6	82.2	82.7	83.3	86.1	85.3
Fife	87.5	89.7	88.4	82.4	87.6	87.8	88.5	88.5	87.4	88.8	89.4	86.6
Grampian	92.1	91.7	90.2	86.5	92.5	92.7	93.1	91.8	90.8	89.7	87.1	91.6
Lothian & Borders	92.0	93.9	92.4	86.1	93.7	93.1	94.0	93.0	93.2	90.7	91.7	92.9
Northern	52.9	53.8	48.1	46.9	52.7	53.1	54.8	58.6	60.1	57.7	63.1	56.9
Strathclyde	82.6	82.0	84.0	81.1	82.8	85.0	84.8	84.5	86.9	84.9	84.2	81.1
Tayside	80.8	80.0	76.4	72.1	82.4	83.7	71.8	80.8	83.7	82.2	80.7	78.2
Scotland	84.0	84.0	84.1	80.5	84.8	85.8	84.9	85.6	86.9	85.3	85.1	83.4

Arrest and charge: number of days to achieve 90% (target = 5 days)												
	Jul -09	Aug-09	Sept-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Central	1	1	1	1	1	1	1	1	1	1	1	1
Dumfries & Galloway	4	3	2	4	2	2	2	9	3	4	2	2
Fife	2	1	2	2	2	2	1	1	2	1	1	2
Grampian	1	1	1	2	1	1	1	1	1	1	4	1
Lothian & Borders	1	1	1	2	1	1	1	1	1	1	1	1
Northern	49	29	36	53	65	49	89	68	33	23	22	23
Strathclyde	5	5	4	6	6	3	4	4	3	4	4	7
Tayside	4	5	6	9	6	6	29	9	4	5	8	8
Scotland	6	5	5	7	7	5	10	6	4	4	4	6

Annex A

Court case results: percentage achieved in 10 days (target = 75%)												
	Jul -09	Aug-09	Sept-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Central	61.3	63.0	67.4	75.3	70.0	76.4	70.3	66.8	64.9	60.5	70.6	74.6
Dumfries & Galloway	59.2	66.3	48.2	54.3	65.0	63.8	63.0	59.4	60.6	66.9	64.1	73.2
Fife	81.7	72.1	71.0	64.3	80.1	69.7	68.3	64.9	78.2	75.6	75.5	67.8
Grampian	62.6	67.1	69.7	70.6	71.4	74.1	72.2	76.4	75.1	70.7	70.1	71.3
Lothian & Borders	72.5	70.1	73.5	73.3	74.3	71.2	76.0	75.8	73.0	57.6	58.7	75.4
Northern	75.6	76.4	73.3	68.3	74.4	77.0	64.8	64.9	68.5	69.9	69.8	73.9
Strathclyde	70.9	70.4	72.4	71.9	70.9	71.8	66.7	60.8	70.0	71.4	69.9	69.6
Tayside	70.4	73.3	71.1	67.2	65.4	72.5	62.5	67.4	69.9	76.0	65.3	70.8
Scotland	70.4	70.1	71.1	70.5	71.7	72.1	68.1	65.2	70.7	68.6	68.2	71.1

Court case results: number of days taken to achieve 75% (target = 10 days)												
	Jul -09	Aug-09	Sept-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Central	178	52	29	8	25	7	26	30	60	98	22	11
Dumfries & Galloway	28	24	377	42	26	24	28	30	28	17	28	12
Fife	3	13	21	68	3	26	32	57	6	8	7	38
Grampian	36	24	23	16	15	11	13	9	10	14	17	19
Lothian & Borders	17	19	15	13	11	16	7	9	13	71	55	9
Northern	9	7	13	26	11	7	36	61	24	23	23	16
Strathclyde	20	22	19	18	21	19	40	122	25	23	23	23
Tayside	17	12	14	22	24	13	29	23	24	8	30	23
Scotland	31	22	29	22	18	17	31	77	23	33	27	21