



# Are Investigative Plans at Risk of Becoming ‘The Emperor’s New Clothes’?

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The rise in complexity and severity of crime calls for innovations in investigative approaches in law enforcement. Ideally, investigation plans (I-plans) are an important improvement in procedural standards and hypothesis-driven methodology that ensures improved clear-up rates, notoriety of evidence and, ultimately, the legal rights of all actors involved. But these potentials are only realised if the expressed ideal behind the I-plan is put into practice. Based on Knutsen’s (2020) critical examination of investigators’ reasoning of the use of I-plans in practice, where Hartmann and Bjørkelo acted as supervisors, we question to what extent I-plans are *actually* being used as intended or are at risk of becoming ‘The Emperor’s New Clothes’. After contextualising the expressed goals and intentions behind the implementation of the I-plan, in the Norwegian Police Service (NPS), we present the study’s key insights and implications for future consideration.

## Context for the Implementation of I-Plans in the Norwegian police

Increased complexities of crime, advancements in technologies and changing societal expectations towards democratically-sound law enforcement requires a dynamic and innovative police organisation (Bjørkelo & Gundhus, 2015; Glømseth, 2018; Hartmann, 2018), of which the area of investigation is in critical need of professionalisation (Hestehave, 2021) and research (Fahsing et al., 2021).

Urged by political pressure and public exposure of certain case failures (Schaefer, 2015), a number of efforts have been initiated to strengthen the area of investigation in general, and I-plans management in particular (The National Police Directorate, NPD, 2016; NPD, 2017a; NPD, 2017b). The aim of one such measure is to provide a common platform for police

professionals and prosecuting investigators, in addition to others who have a responsibility in an investigation. Thus, I-plans push for the development of investigative competencies in support of knowledge-based, hypothesis-driven practices and procedures, thereby speeding up the process and preventing incorrect conclusions or dead ends.

The NPS is a frontrunner among the Nordic countries (Rønn et al., 2020) in respect of initiating an action plan for competence development of investigation (NPD, 2016). The action plan includes the prospect of increased resources, expertise, and competence development together with a specific intervention for establishing clear and systematic national guidelines. In addition, new ways of organising investigative subject knowledge competence are to be strengthened, along with education programmes across organisational functions and levels. These changes are assumed to enable a push for a greater opening towards specialisation, competence and evaluation practices, including implementation of quality measurement systems, research and further development of investigative approaches and practices in the NPS. In sum, the hopes and intentions of the I-plan are clearly described, and we know that it is being used (Solheim & Tveit, 2020). Still, even though the requirements for the intended and wished-for *content* of the I-plan are clear, there are no requirements for their format or shape. This study therefore set out to investigate which arguments, in practice, are emphasised when the decision to apply an I-plan is made.

To answer this research question, Knutsen (2020) conducted a qualitative inquiry and in-depth interviews (semi-structured) with four SIOs investigating cases that qualified for an I-plan (e.g., murder, sexual abuse, and domestic violence, Attorney General, 2018; NPD, 2017b). The interviews were digitally audio-recorded, transcribed and coded (see Knutsen, 2020 for specifications of methods, analysis and findings). In the following sections, we present key insights of the study, each followed by a discussion of the critical implications.

### **No System Is Better Than How It Is Used**

While the investigators report that they are familiar with the purpose and requirements for the use of I-plans, they do not fully follow these prescriptions. Rather, in practice, the conception of I-plans is often reduced to the creation of a project in Indicia (a computer program for investigation management, among other functions), which does not offer the full spectrum of documentation and reflection required for an I-plan in accordance with its ideals. While it is well known that, in organisations, the “world of ideas is very different from the world of action” (Brunsson, 1993, p. 490), the study indicates that the ‘glitches’ of I-plan implementation are primarily related to managerial oversights, which we will further specify.

### **I-plans Need Localized ‘On the Ground’ Implementation**

The study shows that the assurance of qualitative fulfilment of I-plans seems to be overruled by managerial attention to quantity (number of solved cases). This potential ‘numbers game’ is known to steal focus away from good intentions in policing (Eterno & Silverman, 2012). Furthermore, the investigators experienced a neglect of organisational commitment and managerial support for implementing I-plans in their everyday practices. They neither experienced clear expectations from leaders nor clear working conditions.

As a result of these dynamics, the informants experienced an indirect pressure to either superficially or selectively use I-plans in what to them seemed to be professionally unsat-

isfactory ways. Further, even though all participants worked on issues that warrant an I-plan, working conditions (e.g., time and resources) created a situation of a “tug of war” in the form of some cases (e.g., sexual abuse) not getting as much attention as others (e.g., aggravated assault). It is documented that different forms of police work may have different statuses and are weighted differently (see e.g., Andersson, 2003; Bloksgaard et al., 2020; Gundhus, 2005; Sliper & Vigen, 2021 on value hierarchies).

“Peace-time plans are of no particular value, but peace-time planning is indispensable,” Eisenhower wrote in a letter to a US diplomat in 1950 (Eisenhower, 1950, cited in Galambos et al., 1984, p. 1516). This wisdom resonates well with the findings of the study that show how, in practice, the I-plans lack substantiation – this may not immediately pose problems, but it most likely will in situations where the content of the I-plans are scrutinised and potentially questioned.

I-plans are not automatically implemented in local practices. Rather, such implementation calls for active translations (Czarniawska & Sévon, 1996) and active incorporation into local communities and practices (Kellogg, 1996).

It seems to be particularly relevant to align SIOs’ and line managers’ incentives to implement substantive I-plans, since “the weak link in the implementation of individual performance appraisal systems” seems to be due to a “lack of incentives, inadequate training, a short-term focus and increasing pressure on time” (Butterfield et al., 2004, p. 398).

## **Learning with Guidance Rather than Being Bewildered**

Another key insight of the study is that the skills and competences needed by investigators and managers to master the I-plans were not provided for. Or, conversely, some informants reported that while they were competent to use the I-plans as intended, their expertise was not made use of, or their working conditions did not allow for the use of it. These processes are well known in working life research in general. All focus seems to be devoted to individual employees with less attention devoted to “chang[ing] the source of the problem: work organization itself” (Karasek & Theorell, 1990, p. 1).

As a result of unclear operative conditions and mismanaged competences, the learning processes and use of I-plans become individualised and based on experimental, peer-to-peer learning rather than knowledge-based substantiation, training and guidance. A similar form of ‘shadow learning’ is described by Beane (2019) in the setting of healthcare, where robotic surgical trainees had to experimentally learn how to operate new robotic technology in relative isolation. Only, in the case of I-plans in the police, the study shows that they may be in risk of pseudo-implementation.

We therefore argue that it is crucial that national initiatives are supplemented by local learning practices combining systematic development and sharing of best practices with nationally facilitated knowledge-based practices. We also call for more co-determination in the organisation of work, and investigative work conditions – the latter in a way that allows for the possibility of using one’s competence in a way that enhances the quality and not only the quantity of the investigation of severe criminal cases, regardless of content.

## Conclusion

We have raised the question of whether national guidelines of the use of I-plans in Norway resulted in substantive change – or are I-plans merely ‘The Emperor’s New Clothes’? By examining how I-plans are actually being used in-depth rather than in general, we call for critical attention to be paid to the experiences and justifications of the use, misuse or lack of use of I-plans. We suggest that future implementation initiatives include specific responsibilities and learning interventions that bridge central and local realities while focusing on incentive alignments of line managers and SIOs. Proper selection and use of I-plans starts with management’s understanding, prioritisation, and motivation of quality in the investigation. Required resources, focus (areas of concern), organisation of investigative work, working conditions, and learning processes require concrete clarification and careful, localised organising.

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