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Position Paper

## Competing concepts of public value and legitimacy in the police: Organisational challenges in the investigation of rape and serious sexual offences

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## A B S T R A C T

Conviction rates for rape and serious sexual offences (RASSO) in England and Wales are at an all-time low, with 1.6% of cases resulting in conviction. Whilst officers value victim care, their ability to support victims is compromised by organisational expectations aimed at regaining legitimacy. The authors argue that strategies employed to re-establish legitimacy may conflict with wider public value delivery. They question the application of New Public Management and target setting approaches to evaluate good policing. The paper offers suggestions as to why internal and external legitimacy is required to achieve transformational change and wider legitimacy in RASSO investigations.

## 1. Introduction

Between 2002/3 to 2019/20, the reporting of rape and serious sexual offences (RASSO) has increased by 188% in England and Wales ([Office for National Statistics, 2021](#)), whilst at the same time there has been a decline in cases going to court (Crown Prosecution Service, 2022). Over this same period, several reforms to legislation, policy and policing have occurred ([Appendix 1](#)) and yet the conviction rate in England and Wales remains at 1.6% ([HM Government, 2021](#)). RASSO and the associated high attrition rates at the police investigation stage have been the focus of both academic and government enquiry for decades ([Horvath et al., 2011](#)). Despite this long history of scrutiny, the literature confirms that the process of RASSO investigation is plagued by a myriad of issues ([Murphy et al., 2017](#)). As the UK Government's end to end rape review ([HM Government, 2021: 3](#)) identified, 'the prevalence of rape and sexual violence has not materially changed in the last five years', however, the prosecution of rape cases whilst 'always worryingly low' has seen a sharp decrease since 2016/17. The reasons for the lack of prosecutions are complex, but has been attributed, at least in part, to an absence of access to specialist training and knowledge for investigators ([Rumney et al., 2018](#)). Increased reporting and demand on RASSO investigators has led to a severe accumulation of cases, underpinned by a lack of resourcing. This under resourcing is indicative of a wider trend in UK policing of "a national crisis in the severe shortage of investigators, such as detectives" (Her Majesty's Chief Inspectorate of Constabulary [HMCIC], 2017: 12). These shortages of appropriately trained RASSO investigators have often resulted from restructuring and rationalisation exercises as policing organisations have responded to the impacts of government-imposed austerity measures following the financial crisis of 2008/9. In the absence of specialist knowledge and skills, underqualified and inexperienced officers are often required to take on responsibilities for which they are not prepared ([HMCIC, 2019](#); [Stanko, 2022](#)), exacerbating the challenges to effective RASSO investigation. The work of Operation Soteria Bluestone<sup>1</sup> has highlighted the need for RASSO investigation to be victim-centred. Whilst acknowledging the practical difficulties of rape investigations, it highlights the frequent investigative focus on the moment of offending rather than wider 'whole story' narratives, high attrition rates and long

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waiting times for those few cases that get to court.

This continued failure to address deficiencies in RASSO prevention and investigation suggests that policing organisations might be considered, in this area at least, ‘permanently failing organisations, that careen from crisis to crisis’ (Meyer and Zucker, 1990). Here, policing organisations are unlikely to completely fail to survive, in the sense of ceasing to exist as a private sector organisation might in the face of repeated and serious failure, however legitimacy in the eyes of the publics and policy makers is at risk (Crank and Langworthy, 1992). In such crisis conditions, rapid decisions can be made with limited evidence or assessment of risk over the systemic and transformational change needed to re-establish legitimacy and address public concern (Williams, 2019; Rumney et al., 2018).

Media reporting on cases, such as the Sarah Everard murder (BBC News, 2021) and poor rape conviction rates (ONS, 2021) have focussed attention on the legitimacy of current approaches to RASSO investigations, and wider policy and decision-making processes within policing. Failed investigations, high attrition rates, and poor victim care challenge the process and perception of procedural and distributive justice in this area of police work. Subsequently the legitimacy of and confidence in the police is impacted and the distribution of justice for RASSO victim-survivors is negatively impacted (Charman and Williams, 2021).

This paper explores the challenges to reform in this area of policing through the lens of Suchman’s (1995) legitimacy theory, and Faulkner and Kaufman’s (2018) proposed public value (PV) measurement dimensions contrasted against the prevalent New Public Management (NPM) approaches currently employed in policing institutions in England and Wales. These perspectives are applied to empirical research undertaken as part of project ‘Operation Soteria Bluestone’. Operation Soteria Bluestone is a collaborative research programme between a number of academic institutions and police forces in England and Wales, exploring the barriers to the successful investigation of RASSO. The paper problematises the use of NPM inspired approaches under conditions of austerity to build legitimacy and raises questions about how it impacts on the credibility and utility attached to certain tasks and behaviours within policing.

## 2. Legitimacy

Potentially one of the key factors in understanding the effect of policy and delivery in the public sector is legitimacy. Like other concepts discussed in this paper it is contested and field and context dependent, but in the criminological literature it has been the subject of discussion for over 20 years. Being seen as a central issue in policing’s role and exercise of coercive power in civil society (Charman et al., 2022), there has been considerable theoretical and practical focus on the issue of procedural justice. Authors (e.g., Bottoms and Tankebe, 2012) have suggested that understandings of legitimacy from other sources, notably the political science literature, have not been fully explored in considering legitimacy in the CJS. In this vein we draw on literature from the organisational and management studies literature to further illuminate issues pertinent to understanding legitimacy in the context of policing policy and practice. From these sources legitimacy can perhaps best be understood as a multidimensional concept, arising from the interplay of rules, normative beliefs, and appropriate actions. Here organisations morally and practically legitimise themselves through their adherence to established rules, their exercise of power in ways which are normatively congruent with accepted societal beliefs about its source and use, and where such exercises of power are confirmed through appropriate acts of recognition and acknowledgement (Beetham, 2013).

Legitimacy can therefore be seen as the ‘generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions’ (Suchman, 1995: 574). Importantly legitimacy, much like PV, is seen as being created through a dialectic and relational process conducted between public sector organisations and their publics (Dunn, 2017). Such dialectics between policing organisations and their publics are seen as central to the creation and maintenance of legitimacy (Neyroud and Sherman, 2013). Usefully Suchman (1995) sets out three distinct categories of legitimacy (Table 1) which support understanding in this context, and it is this model we apply to our analysis in this paper.

Pragmatic legitimacy is based on organisational self-interest and the desire to illustrate to or redress with stakeholders their legitimacy and usefulness (Elms and Phillips, 2009). The notion of pragmatic legitimacy is central to this paper. The authors argue that pragmatic, rational reforms to respond to the repeated crises precipitated by continual failures to resolve the issues with RASSO investigation (amongst others) are grounded in the attempts to maintain pragmatic legitimacy. In contrast the notion of moral legitimacy is based on what is perceived as right, whilst cognitive legitimacy arises from normative perspectives of how an organisation is expected to behave versus the experienced/perceived reality. Considering the links and dependencies of these three forms of

**Table 1**  
Three categories of legitimacy (adapted from Suchman, 1995).

Pragmatic legitimacy	Pragmatic legitimacy rests on the self-interested calculations of an organisation’s most immediate audiences. Often, this immediacy involves direct exchanges between organisation and audience; however, it also can involve broader political, economic, or social interdependencies, in which organisational action nonetheless visibly affects the audience’s well-being .... Pragmatic legitimacy boils down to a sort of exchange legitimacy-support for an organisational policy based on that policy’s expected value to a particular set of constituents (578)
Moral legitimacy	Moral legitimacy reflects a positive normative evaluation of the organisation and its activities. Unlike pragmatic legitimacy, moral legitimacy is “sociotropic”-it rests not on judgments about whether a given activity benefits the evaluator, but rather on judgments about whether the activity is “the right thing to do.” These judgments, in turn, usually reflect beliefs about whether the activity effectively promotes societal welfare, as defined by the audience’s socially constructed value system (579)
Cognitive legitimacy	Cognitive legitimacy stems mainly from the availability of cultural models that furnish plausible explanations for the organisation and its endeavours. In the presence of such models, organisational activity will prove predictable, meaningful, and inviting; in their absence, activity will collapse- not necessarily because of overt hostility (although this is certainly possible, given the threatening nature of the inexplicable), but more often because of repeated miscues, oversights, and distractions .... Not all explanations are equally viable: To provide legitimacy, an account must mesh both with larger belief systems and with the experienced reality of the audience’s daily life (582)

legitimacy is central to understanding transformational change in this field. Given the continuity of negative reviews and limited change in rape investigation outcomes, the notion of all three elements of Suchman's legitimacy is central to this paper.

### 2.1. New Public Management (NPM)

The policy, legislative and performance/inspection landscapes operating at field and institutional level undoubtedly shape the structures and actions of public organisations, as well as their approaches and understandings of performance and value, which in turn influence public confidence in, and the legitimisation of, police work (Crank and Langworthy, 1992). One such influence, New Public Management (NPM), has been widely written about and contested over the last decade (Chandler et al., 2017). NPM is a broad set of private sector management approaches focussed on performance that have been adopted by governments and policy makers, to demonstrate their effective management of the public purse (Lapsley, 2009). NPM might best be conceived as 'a trajectory rather than as a distinct, static set of ideas at a point in time' (Hyndman and Lapsley, 2016: 387) and as varying across and within sectors (Chandler et al., 2017), with its actual mechanisms of application evolving and mutating over time (Hyndman and Lapsley, 2016).

Despite some observers' views (e.g., Levy, 2010) the financial crash of 2008/9 and the austerity that followed did not signal the end of NPM (Hyndman and Lapsley, 2016). Analysis of the policy debates and actions of successive UK governments in the years following demonstrates 'clear evidence of NPM ideas asserting themselves' (ibid, 394). Hood's (1991, 1995) seminal work suggests the key components of NPM approaches as described in Table 2.

### 2.2. Austerity

Austerity is often narrowly defined as cuts to public sector organisations following the financial crash of 2008/9, but its wider political and socio-economic effects have been equally influential on policing policy and practice (Greig-Midlane, 2019). These have impacted on policing governance, austerity provided the political conditions for radical reform attempts (Loader, 2014); structure and approach, police numbers fell due to disinvestment (Barker and Crawford, 2013), and policing de-specialised and switched to more generalist delivery approaches as a result (Innes, 2014); and in prioritization and regulation, with greater focus on efficiency (Greig-Midlane, 2019). This second factor has potentially been important as initiatives which might have driven wider legitimacy, such as the introduction of Police Community Support Officers (PCSOs) and neighbourhood policing models, initially introduced under NPM dominant policy regimes, contracted during austerity in the move towards resource constraint and de-specialisation (Greig-Midlane, 2019). In 2010/11 there was a 23% reduction in expenditure in the UK Home Office (responsible for UK policing) and Justice Department (responsible for the courts system) respectively (Hyndman and Lapsley (2016), which suggests the impact of purely fiscal constraint was also potentially significant. Wider research points to a greater focus on efficiency, formal performance measures and managerial, top-down approaches to organisational control and production within policy and inspection approaches generally over the period of austerity (e.g., den Heyer, 2014; Lodge and Hood, 2012; Murphy et al., 2017; Porter, 2019), all key hallmarks of NPM under Hood's model. Whilst policing may have successfully resisted NPM approaches throughout the 1980s and 1990s, their subsequent incorporation into policing created a system of 'new police management', where accountability and performance are inextricably intertwined in policing, and where managerial approaches are preferred over legal and public interest ones (Metcalfe, 2017). Over the preceding decade much of the focus within policing has undoubtedly been on reform and meeting the challenges of austerity, using broadly NPM inspired approaches to do so, rather than on legitimacy per se. However, legitimacy is one of the three areas subject to HMICFRS' PEEL inspection (which focuses on effectiveness, efficiency, and legitimacy<sup>1</sup>), and we argue that the constraints of both austerity and NPM inspired approaches have created a narrow view of legitimacy, largely focussed on creating and maintaining its more pragmatic forms.

**Table 2**  
NPM Components (Hood 1991 & 1995, cited in Hyndman and Lapsley, 2016).

1	Unbundling the public sector into corporatised units organised by product
2	More contract-based competitive provision, with internal markets and term contracts
3	Stress on private sector management styles
4	More stress on discipline and frugality in resource use
5	Visible hands-on top management
6	Explicit formal measurable standards and measurement of performance and success
7	Greater emphasis on output controls

<sup>1</sup> For more information see: <https://hmicfrs.justiceinspectorates.gov.uk/peel-assessments/peel-assessments-2023-25/>.

### 2.3. Public value

The concept of public value (PV) has been described as ‘fuzzy’ (Rutgers, 2015: 40), and like NPM it has been much contested. It is recognised as something that brings value and contributes to the notion of a democratic and fair society (Moore, 2014). The pillars of trust, legitimacy and quality underpin the PV model, due to its contribution to the common good for society (Evetts, 2009). The term is commonly used based on an assumption that it is simply what the public wants (Hartley et al., 2019), however such conceptions leave uncontested the needs of different publics, the agency of public managers and the subsequent diverse expectations placed on the public sector. PV arises from the balancing of two factors ‘What does the public most value?’ and ‘What adds value to the public sphere?’ (Benington, 2011: 31), and should be outward facing in its view and action (Faulkner and Kaufman, 2018). In this view PV is created through the recognition of diverse individual values and needs, which is achieved through a didactic process of negotiation between the often-competing values of the public sector and the needs of individuals and groups. However, PV delivery can be negatively affected by factors such as decisions made by leaders, managers, and politicians that damage an organisation’s reputation and impact on trust, as well as by short term planning and the prioritisation of efficiency over PV creation (Parker et al., 2022).

### 2.4. Sequential and contested concepts

Given the sequential and overlapping nature of the movements between the governance paradigms they tend to overlap in operation, leading to a complex inter-relationship between them. In this context the development of PV theory and practice can, at least partly, be viewed as a response to the narrowly utilitarian approaches of NPM (Stoker, 2006). Both NPM and PV are conceptually contested, and whilst attempts have been made to operationalise PV via the creation of mechanisms such as the PV scorecard (Meynhardt, 2015) it is clear that due to the political and policy focus of NPM inspired approaches in the UK, that the application of NPM inspired initiatives have been more widely explored from a delivery perspective (Stoker, 2006). This has meant that public sector services and the public goods they seek to deliver, have increasingly been run like private sector businesses (Box, 1999). Public managers have therefore come to regard their publics as customers to be served rather than as constituting citizens involved in self-government through processes of discourse. As a consequence, elected officials and public managers have tended to withdraw from direct and frequent citizen focussed engagement, and the balance of control of the conception and implementation of public goods has shifted towards the professionals (Cope, 1997). This trend has had a tendency to decrease accountability at policy and operational levels and to increase the risk of unexpected outcomes that fail to align with general conceptions of public service (Box, 1999). So whilst NPM approaches are prevalent and persistent in UK policy making, and specifically in policing, their application can be problematic when considering the internal and external needs of an organisation, and both contexts should be acknowledged and satisfied to achieve success (Boselie, Van Harten, and Veld’s, 2021).

### 2.5. The challenges of measurement

Despite the potentially significant divergences in the origins, practical applications and implications of NPM and PV approaches, there is general agreement between practitioners and academics that identifying what should be measured, what can be measured, and how it is measured, is challenging (e.g., Lewis, 2015). Due to governmental focus, there has been much policy and practical effort devoted to devising, implementing, and revising forms of measurement conforming to the NPM paradigm (see Table 2), and markedly fewer to those of PV approaches, particularly in policing. Whilst performance management in the public sector is not new, it received particular focus under NPM (Lewis, 2015). However, at the same time the increased focus on frugality, cost, outputs and tight control, potentially diminished the attention paid to other values such as, for example, honesty and security (Hood, 1991). This is pertinent when considering the impacts NPM inspired target focussed approaches have had on police behaviour (Tiwana et al., 2015) and subsequent outcomes (Charman and Williams, 2021), and that ‘police practices and organisational structures cannot be understood either simply in terms of production economies or solely from the perspective of technical efficiency and effectiveness’ (Crank and Langworthy 1992: 341).

### 2.6. Creating wider value

Policing organisations gain their legitimacy by participating with partners and agents of authority who can influence policy, resource allocation, public opinion and legitimacy (e.g., politicians, citizens, and staff associations). Legitimacy occurs when policing organisations behave in ways that align with the prevailing model of what a fair policing organisation should look and behave like (Bradford, 2014). In effect, they have to span all three types of Suchman’s (1995) legitimacy. In PV terms here the organisations’ external partners should be creating and shaping their authorising environments in a true collaboration (Moore, 1995) across the spheres in which policing operates. The question of how and whether PV is created through the actions of public managers is important (Faulkner and Kaufman, 2018), particularly in the context of practitioner action and behaviour and the evaluation of good performance. Practitioners need to demonstrate internal and external accountability and align mission and strategy effectively through the achievement of the internal targets (Moore, 2007). However, reliably measuring the achievement of PV through these processes is challenging. Faulkner and Kaufman (2018) identify a range of suggested measures in their systematic literature review, synthesising a

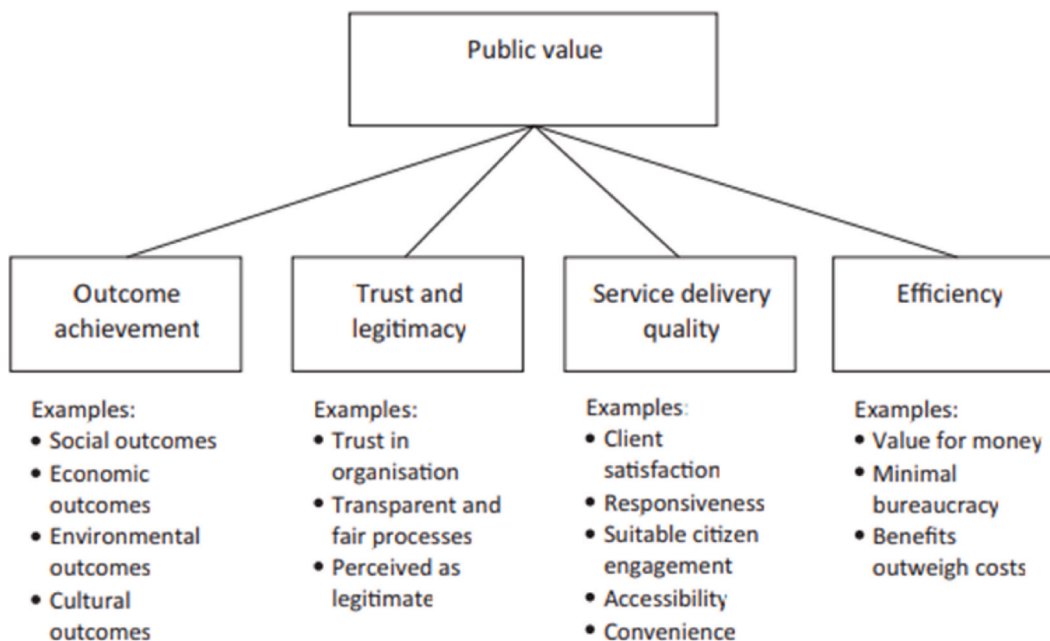


Fig. 1. Summary of proposed PV measurement dimensions (Faulkner and Kaufman, 2018).

set of proposed measurement dimensions; outcome achievement, trust and legitimacy, service delivery quality and Efficiency (Fig. 1).

The model demonstrates the range of measures that both policing policy makers and practitioners should seek to achieve when dealing with the human element of policing and seeking to deliver wider PV outcomes.

NPM influenced approaches certainly seem capable of meeting some of these criteria (e.g., value for money, cost/benefit calculations, accessibility and convenience), but not all. The broader scope of the PV based approaches, focussed on the creation of wider external value and trust and legitimacy suggests that such approaches might encompass a wider and differently orientated set of measurement and success criteria, more suited to supporting the important dialectics between policing and its publics which are acknowledged as critical to legitimacy, and importantly in the context of this paper with RASSO victim-survivors.

NPM and its target driven approaches predominates in the policy and practice spaces. However, issues arising from austerity and the necessity to prioritise in the face shrinking resources, and rising workloads remain. In these circumstances NPM inspired approaches can begin to address pragmatic legitimacy (see Table 1), but the organisation's incentives and abilities to fulfil moral and cognitive legitimacy, for both their investigators' and publics (Evetts, 2009) remains largely unaddressed in these circumstances. Here whilst policing organisations cannot remain isolated from their wider field and policy environments, and therefore would be expected to adopt (albeit reluctantly) the prevailing governance paradigms, how they choose to implement them, what they choose to pay attention to, and measure beyond the statutory minima, and how they choose to engage or disengage with their publics, and thus address wider issues of legitimacy, is much more within their gift. There are therefore potentially significant differences and tensions between NPM and PV inspired approaches to understanding and delivering value strategically from an organisational perspective and functionally from the perspectives of public managers. It is these tensions we seek to explore below by contrasting current approaches with those possible under more PV inspired approaches.

### 3. Methods

The findings presented here are part of a wider research project 'Operation Soteria Bluestone'<sup>11</sup> The research team adopted an interpretive, mixed-methods approach, employing qualitative data collection methods, including interviews and focus groups and a survey analysed using quantitative data analysis methods. Following on from a successful pilot study in one force exploring learning and development and investigator wellbeing in a RASSO context, this paper utilises analysis from the first two out of a further four forces examined as part of deep-dive explorations. Ethical approval was gained by the Open University Human Research Ethics Committee ahead of data collection. All interviews and focus groups were held online due to extended Covid restrictions and the participants were appropriately consented. All interviews and focus groups were recorded, transcribed, and, along with the free text responses from the survey, were subject to thematic analysis using NVivo-One. At least two additional researchers in the team analysed the findings to determine inter-rater reliability. Data were initially interpretively coded based on study participant response to develop a set of initial themes following the approach suggested by Gioia et al. (2013) and subsequent rounds of analysis were undertaken to develop higher order and overarching themes in the data. To protect the identity of the participants included here, they are quoted using unique participant identifiers only, e.g., P123. Quotes are used to illustrate themes.

Force 1 is a large (in the UK context), predominantly urban, force. Data collection consisted of  $n = 8$  interviews and  $n = 9$  focus groups, comprised of  $n = 51$  participants (officers, investigators and trainers) and a survey undertaken by  $n = 198$  investigators, with an additional  $n = 102$  survey free text comments.

Force 2 is a smaller force (in the UK context), encompassing a mixture of urban and rural environments. Data collection consisted of  $n = 6$  interviews and  $n = 5$  focus groups, comprised of  $n = 36$  participants (officers, investigators and trainers) and a survey undertaken by  $n = 89$  investigators, with an additional  $n = 28$  survey free text comments.

#### 4. Results

The aim of this article is to construct a more nuanced narrative about current processes aimed at regaining public trust and legitimacy in this problematic area of police work, accordingly in this section we explore insights from the officers who featured in this research. The findings suggest that the work of the police is founded on approaches that address pragmatic legitimacy, with little focus on the experiences and activities that support moral and cognitive legitimacy (Suchman, 1995) or the creation of wider PV. Predominantly, the existing literature exploring the nature of rape investigation and the issue of attrition focuses on officers' belief in rape myths and victim-survivor blaming (Sleath and Bull, 2017). There is some, yet more limited, literature on the training of officers and the use of specialist roles in the investigation of RASSO (Tidmarsh et al., 2021; Rumney et al., 2018). The findings and subsequent discussion outlined here extend this knowledge by highlighting the powerful influence of the interaction of NPM inspired approaches and austerity measures in the investigation of RASSO through the lenses of legitimacy and PV.

##### 4.1. What constitutes a 'good' and 'just' outcome?

Research highlights inequity in the distribution of justice for victim-survivors of rape and how the distribution of attrition is impacted on by the vulnerabilities presented by the victim-survivors (Charman and Williams, 2021; Hohl and Stanko, 2015). 'Messy' and 'unworthy' cases, often involve victim-survivors with similar vulnerabilities (Reiner, 2010). Crimes falling within this 'messy' category include rape, domestic violence and hate crimes. Such allegations further problematise investigations for officers as they may be deemed unworthy of attention or simply too complicated (Horvath et al., 2011).

*'I think the statistics, if you looked at every single job, we ever had that gets reported, and looked at the conviction rate, yes, it is low because there is so much that's reported that just can't be progressed. But I think if you looked at the actual proper jobs that came in, I think you'd be surprised to see that that's probably quite high.'* (Force 2, P165)

Here the categorisation of 'proper jobs', and by inference 'non-proper jobs' suggests the normative application of calculations of relative worth between different presentations by victim-survivors. Considering this in the context of attrition is important as many victim-survivors may match the archetype of 'non-ideal' (Reiner, 2010). The impact of the utilitarian underpinnings of NPM are illustrated in this theme as it highlights the way perceived, worthy cases are believed to achieve the desired outcomes.

Standardisation of work and managing the outputs of activities are two pre-requisites for efficiency and effectiveness in the service delivery of public sector organisations (Evetts, 2009). This creates a tension between organisational governance and management, which attempts to portray authority and legitimacy, versus individual identity within the work culture (Evetts, 2011). The focus on measurements and targets reduces the ability for practitioners in the public sector to participate in the caring aspects of their role (George and Ferguson, 2021). For officers supporting victim-survivors with often complex needs, the delivery of corporate goals and standardised outcomes can be perceived as a form of control, bound by internal structures, which removes professional discretion (Fleming and Scott, 2008).

*'The way things are in our force at the minute, we're measured on absolutely everything. And I mean measured on your victims, your crimes, your outcome rates, your resolved rates, your created crimes ... we are measured on absolutely everything and we are criticised for everything as well'* (Force 1, P80).

There are cultural pressures that exist in organisations, with outcomes that can create contradictions between what is required to satisfy both the inward and outward facing needs of the public and the organisation (Suchman, 1995). Internal issues conflict with the need to be outwardly seen as an organisation that delivers services transparently and fairly, to win public support (Talbot and Wiggan, 2010). Increasing levels of organisational professionalisation at a strategic level, using NPM inspired quality control measures such as key performance indicators and prescriptive targets fails to adequately engage the wider authorising environment in which the police operate, by reducing officer autonomy and their ability to exercise their professional discretion (Fleming and Scott, 2008) when engaging victim-survivors with complex needs and conceptions of 'value'.

##### 4.2. Austerity-efficiencies and doing more with less

The methods officers apply to produce the required performance norms within policing – that of sanctioned detection rates, is further compounded by current resource levels and organisational capability. The production of value outcomes needs to be delivered whilst recognising the constraints of capacity and capability within the context of the field they are being applied (Faulkner and Kaufman, 2018). The constraining and broadly negative impact of austerity measures and subsequent workforce planning decisions to change the structure and resourcing of RASSO investigative teams (Rumney et al., 2018) plus a lack of experience within those teams (Williams and Sondhi, 2022) was clearly highlighted in our data. Officers described significant barriers to conducting effective

investigations due to a lack of investigators, under investment and under resourcing. The further burden of recorded targets and charge rates was reported as undermining the process and the time available to spend on 'good policing'.

*'If, for example, I have 20 investigations during a five-day week, if I spend one day on each investigation, it's going to be another four weeks before I can spend another day on your investigation. And when he heard that, he (the victim) was like, oh, right. But it's just not ideal from a victim point of view. That's the reality'* (Force 1, P622)

The term 'efficiency' refers to how much an organisation is achieving maximum benefits with reduced capacity (Talbot and Wiggan, 2010). This research questions how maximum benefits are defined and to whom they apply. There is a need to acknowledge that value outcomes should be measured in public and collective terms, rather than through the lens of an individual decision maker, to balance the publics' and public managers' conceptions of PV (Benington, 2011). The police forces who featured in this research have sought to influence their authorising environments through the strategies adopted at senior leadership level to manage organisational capability and invest in officers, particularly during a time of austerity:

*'The fact you've lost specialisation amongst dedicated teams is very bad. I mean, not only have you removed the opportunity for people who actually have a particular passion for this kind of work to go and that, which they would probably feel happier about. You're then also chucking people in who might not be as passionate or as considerate towards sexual offences as say, they would if they liked burglaries or robberies, that makes them miserable. Because now they have this massive RASSO job and they don't care, they don't want to do it, it's not in their avenue of interest ...'* (Force 2, P680)

Stratification exists in the workplace, with jurisdictional competition of time, procedures and resourcing (Evetts, 2011). There appears to be a lack of recognition of the underlying level of work required to successfully investigate a RASSO allegation.

*'They are all passionate and committed. What, I genuinely feel is that they are broken. They have been so overwhelmed in work, work lives, that they are not able to do their best. And actually, as a result, that, is where some of the corner cutting comes from and where some of the sort of victim credibility [assessment], for example, comes from'* (Force 1, P941)

The tension seen here is between investigators 'doing the right thing' by victim-survivors, focussed on achieving moral and cognitive legitimacy and wider PV, versus the more rational interests of the organisation in meeting outcomes focussed on the achievement of pragmatic legitimacy.

#### 4.3. Workload

The burden of the administration of complex RASSO cases is amplified and compounded by under-resourced working environments. The lack of investigative experience and on-going difficulties of recruiting into CID and particularly the RASSO specialism adds to managing capacity and capability, and further impacts the workload of the available investigators. These themes are reoccurring in this research.

*'We have to be, we're always victim focused, but in my opinion, victims don't get the greatest service from us. And that's not because of our deficiencies. It's because of the mountain of work we have to do. And like you say, you can't pick up a job a day and plan to run with it again tomorrow. It's just impossible to do'* [Force 2, P458]

Excessive workloads restrict officer ability to undertake their job and significantly impact victim-survivor experiences and thus moral and cognitive legitimacy and the ability to deliver PV orientated outcomes. The demonstration of value from public service budgets from a regulatory perspective often narrowly defines professionalism and accountability as measurable outcomes (Evetts, 2011). However, these may not be responsive to the victim-survivors', and wider, notions of value. This creates a paradox for investigators who appear to want to demonstrate moral and cognitive legitimacy, whilst being inhibited from producing the outcomes they desire in the face of bureaucratic control measures and performance measures that shape sense making and normative approaches to focus on narrowly focussed performance measures. This is fundamentally due to a misalignment between the internal and external conceptions of value and of resources, experience and the high caseloads they are required to manage.

*'You've got to factor in that things take so long now. Third party material, you can spend a couple of days on that, at least. Mobile phone downloads, you can spend a couple of days on that, at least. So, say if I've got three days of mobile phone material to look at, based on that, that's three months before I can go and maybe take some statements and things like that. There's not enough staff, basically, for the amount of jobs that are coming in'* [Force 1, P974]

The lack of specialism in RASSO is compounded by the strongly signalled inexperience, high workload, and deficiencies of understanding amongst investigators about the links between often complex victim-survivor presentation, and victim-survivor and investigation attrition rates. Our analysis strongly suggests that the desires of neither investigators nor victim-survivors are being achieved in RASSO investigations. Indeed, policy and budgetary decisions to improve efficiency often do not translate into realistic externally valued outcomes 'on the ground' as policing continues to focus on maintaining pragmatic legitimacy over other forms of legitimacy or wider PV.

*'It's impossible, it really is. I think juggling wise, I always drop something. I cannot do this impossible workload 100%. I would have to drop something to manage something else'* [Force 1, P551]

For all the challenges faced by RASSO primary and secondary investigators, particularly in an environment of adverse media

reporting that erodes wider legitimacy and trust, under resourcing and a perceived lack of organisational support, the vast majority of those interviewed in our research expressed their resolve to demonstrate moral and cognitive legitimacy. They managed this by fulfilling their role to the best of their abilities to deliver outcomes that have the potential to deliver wider PV measures rather than narrowly defined NPM style ones.

*'I really am proud of the police. I think it's a valuable institution. I think we're under massive scrutiny and we all know probably confidence in legitimacy has never been as challenged as it is now. And I understand that. But I'm proud to be in the police'* [Force 2, P93].

## 5. Discussion

This study offers a unique perspective into this area of policing in England and Wales, as the analysis reveals organisational challenges that impact on the ability of primary and secondary investigators to conduct professional investigations which meet broader value and legitimacy expectations in these areas. These factors have implications beyond the immediate process of investigation as they further impact on victim-survivors' access to justice or wider 'valued' outcomes. The four core dimensions of PV for the police to deliver, based on [Faulkner and Kaufman's \(2018\)](#) model are outcome achievement, legitimacy, efficiency, and quality of service. Whilst these tenets are central to policing, they require adapting for policing purposes, for instance where conflicts can arise, such as a lack of victim satisfaction (service delivery) due to an issue with efficiency (delays to court dates).

In the period since 2009/10 police forces in England and Wales have faced significant reductions in finance and resourcing because of austerity measures imposed following the financial crash. At the same time, they have experienced additional politically orientated oversight and control at a local level with the introduction of Police and Crime Commissioners ([Lister and Rowe, 2015](#)). NPM ideologies have been reinforced within policing by both policy and inspection regimes aligned to the concepts of efficiency and effectiveness, and their effects have been potentially amplified by the necessity to react to austerity and crisis. Whilst legitimacy is subject to inspection it appears to be narrowly conceived and focused on NPM approaches to understanding value rather than potentially more externally relevant PV ones. In the context of RASSO this has equated to counting judicial disposal rates and other criminal justice outcomes and the establishment and measurement of bureaucratic processes for investigators ([Fleming and Scott, 2008](#)). In response to the current crisis in RASSO investigation, policing organisations have continued to apply the NPM and managerial approaches of previous control regimes, creating and applying a variety of performance measures to understand and manage the reshaping and restructuring of their delivery and capacity. This is evident in the context of RASSO as forces dissolved specialist investigative units in an attempt to save money ([Rumney et al., 2018](#); [Williams, 2019](#)). Such decisions are undoubtedly driven by the need to distribute resources across other areas of police business within forces, but which ultimately focus on attempts to establish narrowly defined, pragmatic, legitimacy to key internal and political audiences. Whilst we acknowledge that such approaches are driven by Home Office and HMICFRS' inspection regimes and intended to satisfy political and wider external audiences ([Gov.UK, 2023](#)), they appear to do so to the detriment of both investigator and victim-survivor conceptions of value and legitimacy.

At a field and institutional level, the operating environment that English and Welsh policing exists within has been, and continues to be, heavily influenced by NPM approaches ([Hyndman and Lapsley, 2016](#)). We note clear signals in our data of the presence of [Hood's \(1991, 1995\)](#) components of NPM, including a preference for private sector management styles, significant stress on discipline and frugality of resource use, top-down management, explicit, formal standards for the measurement of performance and success and emphasis on output controls, in policing's approaches and systems. Importantly the reporting of outcomes and the legitimacy it might create are conducted in narrowly defined political and institutional spaces, that appear to inhibit, or at least de-prioritise, the critical didactic engagement between policing and its wider audiences, particularly in this case RASSO victim-survivors, and thus the creation of more widely conceptualised, and potentially more relevant, legitimacy and value.

A potentially useful by-product of such NPM inspired targets and approaches is the offer of both simpler performance measures and a rapid method to illustrate pragmatic legitimacy. However, research suggests that victims report their experiences to the police for a number of complex reasons and that the interaction with investigators is what is often highly valued within the investigative process ([Williams and Sondhi, 2022](#); [Hohl and Stanko, 2015](#); [House of Commons Home Affairs Committee, 2022](#)). The relationship between victim-survivors and investigators is a key element in supporting them through their journey and the criminal justice processes, and in creating the conditions for wider value delivery. This research indicates that investigators recognise that being accessible and responsive to victim-survivor needs is critical, and that despite often lengthy delays due to excessive caseloads, is a two-way process. Investigators articulated the need to acknowledge the beliefs and values of the victim-survivors, and the unique nature of RASSO offences which suggests that they innately understand the necessity for valuing or caring as a human trait ([Meynhardt, 2009](#)). That they are inhibited from doing so by their organisational policies, processes and operating environments is worthy of note. One of the other negative consequences of these NPM type approaches arises from officer's increased administrative burden impacting on the time spent on public care and support, a factor particularly valued by victims of RASSO ([Fleming and Scott, 2008](#)). As [Evetts \(2009\)](#) highlights, securing professionalism in organisations through processes such as audits and targets can create individualism and competitiveness in a drive for career progression and credibility. These effects may be particularly pertinent in the context of RASSO outcomes as officers strive to demonstrate 'performance' against normative organisational measures, which potentially exclude elements that might constitute wider PV and/or moral and cognitive legitimacy.

As [Moore \(2021\)](#) posits, when decisions on what constitutes PV are decided by a public authority such as the police, then assumed, rational decisions about how to measure such values require a supposition that there is a normative standard. These often lack any empirical or philosophical justification when claiming it is the right standard to apply, and we suggest that in conditions that support

reduced engagement between public managers and their publics are likely to preference internal rather than external value logics. The aim of such policies and processes should be to assist with developing a standard for morally responsible public decision-making. This research suggests that in the case of policing they appear to have been shaped more by the repeated failures of policing and wider policy approaches in tackling violence against women and girls, and RASSO specifically, which have precipitated repeated 'legitimacy crises' (Crank and Langworthy, 1992: 355). Such 'crisis' resolution preferences rapid decision making by politicians and public managers, often on the basis of limited evidence or assessment of risk over the systemic and transformational changes imposed, in an attempt to re-establish public confidence and address public concern (Williams, 2019; Rumney et al., 2018). As a consequence, they often reinforce the lack of external consultation or validity, and thus the normative standards applied may be even more narrowly focussed on delivering more pragmatic forms of legitimacy, which are likely to exclude wider considerations of legitimacy or PV. In these circumstances they might perhaps be considered as creating more quasi organizationally private value since they primarily focus on the needs of the organisation to restore the trust in an exchange with its most immediate political and regulatory audiences. In the complex area of RASSO investigation victims-survivors' personal characteristics challenge the achievement of internally derived and focused normative standards of 'value' and what constitutes 'good policing' inevitably become simplified under such conditions.

The current applied internal targets for measuring the policing of RASSO assume value to be focused on the achievement of quantifiable outcomes. Internally valued outcomes are represented largely by sanctioned detection and judicial outcome rates, however, other salient issues such as victim care and satisfaction, or trust and legitimacy, are not valued or captured so readily within policing systems (Fleming and Scott, 2008; Williams, 2019). NPM practices are deeply embedded and shape policing policies and outcome measures (Brown, 2021), such approaches are based on the utilitarian underpinnings of NPM (Stoker, 2006) by assuming a standardisation in required outcomes and potentially ignoring the diversity of public and specifically, RASSO victim-survivors', needs, as these tend to undermine attempts at standardisation. In these circumstances, tools for evaluating 'good' practice in workplaces often miss the more qualitative elements such as customer care and service (Acker, 1990). By relying on narrowly defined performance measurement as the basis for generating understandings and the achievement of value, any solutions to improve RASSO outcomes remain within fundamentally NPM based frameworks, and in these circumstances the conception of wider PV becomes condensed to fit within the current performance measurement practices. Additionally, the use of NPM approaches places significant responsibility on officers to record performance and quality assurance factors (Butterfield et al, 2007), and this analysis suggests they do so in circumstances where their normative effect on performance approaches and value systems tend to constrain many approaches which might be useful in the delivery of external PV and wider legitimacy.

As public sector organisations, the service delivered by police organisations should be measured in political, public and private spaces. Policing is accountable to these spheres and should, amongst other things, be evaluated against victim-survivor satisfaction and responsiveness. However, this analysis suggests that Suchman's (1995) moral and cognitive legitimacies and wider PV considerations are largely missing or excluded from the policy, strategic, and operational levels of delivery of RASSO investigations. On the basis of 'what gets measured gets done' PV and/or wider legitimacy outcomes seem less likely to be realised.

As Hartley, Parker and Beashel (2019) suggest, there are 'publics' rather than 'public' value and it is argued that applying wider and more nuanced understanding of value for victim-survivors of RASSO is critical to considering intersectional issues and the diversity of required outcomes from a police and victim interaction. Institutional legitimacy, like PV, is influenced by a sense of co-produced understandings of PV and this appears compromised by policing organisation's long-standing top-down standardised approaches to measuring 'good' service delivery (Faulkner and Kaufman, 2018). Here, we suggest that recognising, embedding, measuring and rewarding activities which constitute broader conceptualisations of PV as suggested by Faulkner and Kaufman (2018), might create more appropriate measures of police performance in relation to RASSO investigations. These have the potential to encompass not only the useful, but narrow, concepts of efficiency and effectiveness, but also the wider measures of police performance that demonstrate external, as well as internal validity and legitimacy to their publics. Here, moving beyond the inward facing perspectives which may result from the narrow definition of value as policing pursues pragmatic legitimacy, may support a more nuanced and bespoke view of what constitutes wider PV to support notions of 'value-centred management' (Meynhardt, 2019: 94).

Service delivery quality aspects of PV requires that individuals who engage with a service provider interpret that experience as being responsive, accessible and, during the engagement, considerate to their bespoke requirements and needs (Faulkner and Kaufman, 2018). This becomes more pertinent in a RASSO investigation where complexities of needs and outcomes, are highly prevalent and salient to value and legitimacy creation. In the context of policing RASSO, this research indicates that current measurements of 'good' performance and conformity to procedures is undermining the service delivery quality aspects of PV. When the public trust the police and believe them to be fair, they are more likely to be confident in the support provided and grant it legitimacy (MacQueen and Bradford, 2015). In the absence of more holistic and outward facing approaches to understanding the delivery of RASSO investigations at field, institutional, organisational, and operational levels such confidence and legitimacy may be harder to achieve.

This application of largely NPM/pragmatic legitimacy focused performance regimes on RASSO investigations in the form of targets and measurements, particularly under conditions of austerity and crisis, creates tensions between the internal views of policing managers, and investigators and the external views and perspectives of victims and wider publics on what constitutes value. There appear to be implicit assumptions in the use of these methods that the valued outcome of the police and victim interaction is usually a criminal justice one. Here the public manager's position in Benington's (2011) PV equation (what adds value to the public sphere) appears to dominate the calculation of value. We suggest that to redress this balance, re-invigorate the critical external dialectic engagement, and to deliver wider conceptualisations of both value and legitimacy, that Faulkner and Kaufman's (2018) dimensions of PV may be usefully considered. Moreover, we argue that more emphasis should be placed on implementing and testing PV based approaches in policy and practice as a more appropriate way to deliver wider legitimacy in policing. Few, if any, of these approaches are currently used, potentially to the detriment of victim-survivors and the wider publics served by policing.

## 6. Conclusion

We have highlighted both the organisational challenges faced by those undertaking RASSO investigations through the lens of three types of legitimacy; pragmatic, moral and cognitive, and the conflicts created when applying narrowly focussed performance approaches focused on pragmatic legitimacy, which fail to measure wider PV. The police are held to account for their outcomes and performance, but we argue the lens of looking continually inward at accountability and measurement is too narrow. We conclude that there are tensions between the need for organisational delivery, the provision of greater support for investigators to undertake their roles, and the provision of outcomes that are valued by RASSO victim-survivors. We have highlighted the impacts of high workloads, under funding and low numbers of competent officers. Policing only receives legitimacy in the eyes of the public when confidence and trust is achieved. Investigators strive to deliver legitimacy through procedural and distributive justice, carrying out investigations with professional rigour and providing the best support to victim-survivors. In attaining organisational efficiency outcomes, competing values exist for officers' own sense of autonomy, worth and value in their work.

As well as recognising the influence NPM approaches to potentially limiting target driven outcomes, we have considered here the need for greater outward gaze and the recognition of investigators to be given moral and cognitive space to conduct work in this specialist field, which would benefit not only police legitimacy and PV outcomes but also investigator wellbeing. Notwithstanding the need for scrutiny and efficiency as a public sector organisation, the current narrow measurement of RASSO outcomes does not account for the bespoke and complex nature of RASSO cases.

Current methods of performance measurement bring into question the idea of important aims in managing policy activity [Brown et al. \(2021\)](#). Relating their work to policing, we argue that NPM inspired approaches to improving efficiencies may create inefficiencies elsewhere. We suggest consideration should be given to the application of more widely conceptualised legitimacy and PV-based approaches that recognise the personal and professional needs of the officers, as well as those of victim-survivors. Since PV influences perceived legitimacy in police work ([Evetts, 2009](#)) taking this approach, rather than narrower NPM or pragmatic legitimacy focused ones, may be important in creating and sustaining police legitimacy in the eyes of the public.

This research was focused on policing organisations within England and Wales. Whilst its findings are therefore centred on the UK model of policing, we suspect that the issues highlighted here have broader applicability to other regimes where NPM approaches have influenced policing policy and approaches. Further research might usefully explore a more comparative application of the lenses we have employed to understand the extent to which our findings are more generalizable beyond the UK setting.

### Footnote<sup>1</sup>

Operation Soteria Bluestone is a UK Home Office-funded programme designed to improve the investigation of rape and serious sexual offences (RASSO) in England and Wales. It is a unique project which is underpinned by rigorous social science. With multi-disciplined academics located in multiple universities, mixed qualitative and quantitative methods are applied to a six pillared approach to organisational change with police forces, uplifting the capability of more specialist police decision-making in RASSO cases. The research informs policing practice as well as government policy and is set to inform a national change. These research informed pillars pinpoint specific areas for improvement which will form part of the new framework for investigating RASSO: 1) suspect-focused investigations; 2) disrupting repeat suspects; 3) victim engagement as procedural justice; 4) promoting better learning, development, and wellbeing for police officers; 5) using data more effectively in RASSO investigations; and 6) using digital material and technology in RASSO investigations. The pathfinder project started in 2021, based in Avon and Somerset Constabulary. Designed by Katrin Hohl and Betsy Stanko, the pillar leads include Kari Davies, Miranda Horvath, Kelly Johnson, Jo Lovett, Tiggey May, Olivia Smith and Emma Williams.

## Appendix

Overview of RASSO review and reform (adapted<sup>1</sup> and updated<sup>2</sup> from [Horvath et al., 2011](#))

Type	Description	Source/year
Review <sup>1</sup>	Review concluded investigators (detectives) required no specific training.	Desborough Committee (1919)
Legislation <sup>1</sup>	Sexual Offences Act 1956 – Consolidated the existing statute law of England and Wales relating to sexual crimes, to the abduction, procurement and prostitution of women and kindred offences.	Sexual Offences Act 1956
Policy <sup>1</sup>	Home Office Circulars 25/83 and 69/86 - response to growing public concern about conduct of rape investigations.	Home Office (1983 & 1986)
Policy <sup>1</sup>	New training courses for rape investigators introduced and greater support for victims initiated, specially designed rape suites away from police stations established and increased number of female police surgeons available to conduct examinations.	Towards end of 1980's
Policy <sup>1</sup>	First Sexual Assault Referral Centre (SARC) established at St Mary's Manchester.	1987
Legislation <sup>1</sup>	Marital rape becomes a criminal offence.	Case law – Regina v 'R', 1991
Legislation <sup>1</sup>	Male rape recognised in law.	Criminal Justice and Public Order Act 1994
Review <sup>1</sup>	Home Office initiated Sex Offences Review - overall aim of creating a 'safe, just and tolerant society'	Home Office 2000

(continued on next page)

(continued)

Legislation <sup>1</sup>	Introduction of Sexual Offences Act 2003 – defined rape in gender neutral terms, expanded definition to include oral penetration with a penis, introduced irrebuttable presumption that child under 13 could not consent to sexual activity and codified marital rape into statute law.	Sexual Offences Act 2003
Review <sup>1</sup>	Her Majesty's Inspectorate of Constabularies (HMIC) review - Developed the 18 recommendations of the 'Rape Action Plan' which were accepted by the Government	HMIC 2002
Policy <sup>1</sup>	Manual of Guidance on Investigating Serious Sexual Offences published by the Association of Chief Police Officers (ACPO).	ACPO 2005
Review <sup>1</sup>	London Rape Review - aimed to increase understanding about rapes reported in London conducted annually 2005-2012	2005 – 2012
Policy <sup>1</sup>	CPS took over charging decisions in the most serious, sensitive and complex cases, including rape.	2006
Review <sup>1</sup>	Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) review- Acknowledged developments that should have improved rape investigation/prosecution.	HMCPSI 2007
Policy <sup>1</sup>	Revised Manual of Guidance on Investigating Serious Sexual Offences published jointly by NCA on behalf of ACPO and CPS.	2009
Review <sup>1</sup>	Fawcett Society Commission on Women and the Criminal Justice System "Engendering Justice: From Policy to Practice"	2009
Review <sup>1</sup>	Report on the views of rape victims led by Victims Champion Sara Payne	Payne, (2009)
Review <sup>1</sup>	Review into the sexualisation of young people led by Dr Linda Papadopoulos	Papadopoulos, (2010)
Review <sup>1</sup>	Stern Review	2010
Review <sup>1</sup>	The assessment of evidence, knowledge and practice in responses to rape - commissioned as part of the Stern Review – Concluded many of the recommendations made in research and by previous enquiries and audits have not been consistently implemented	Brown et al, (2010)
Policy <sup>1</sup>	Introduction of the Professionalising Investigation Programme (PIP) training programme for detectives	National Police Improvement Agency (2010)
Review <sup>2</sup>	Report of the independent review into the investigation and prosecution of rape in London	Angiolini, E. (2015).
Review <sup>2</sup>	London Rape Review - aimed to increase understanding about rapes reported in London	MOPAC, (2019)
Review <sup>2</sup>	London Rape Review - aimed to increase understanding about rapes reported in London	MOPAC, (2021)
Review <sup>2</sup>	The end-to-end rape review report on findings and actions	HM Government, (2021)

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