'Is that good enough policin	ς?
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An	investig	ation	ınto	learning	trom	tne	experience	of gre	y-area	cases

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Abstract

This in-depth study looks into and discusses the way in which senior police officers exercise leadership and manage experience-based learning. We look at cases where police employees are suspected of committing criminal offences whilst on duty and the Norwegian Bureau for the Investigation of Police Affairs (NBIA) decides not to bring charges but still requests that police managers address the issue 'in house'. Based on actual cases, our findings show that police leaders interpret the bureau's request as an invitation to look into current practice, and that the way they lead experience-based learning in these cases mainly takes the form of 'straightening up' practice through instrumental learning measures, i.e., based on the criminal law. The findings also indicate that learning from such cases requires leadership through the opening up for reflection and dialogue of the question; 'Is *that* good enough policing?' The main findings are discussed in relation to what may be viewed as the conditions for learning from experience.

Keywords

Learning from experience, The Norwegian Bureau for the Investigation of Police Affairs, police, organisational learning, leadership, 'Is *that* good enough policing?'²

² The study's title is taken from the work of Tor-Geir Myhrer (2010, p. 185).

'Is that good enough policing?'

An investigation into learning from the experience of grey-area cases.

In a modern state, under the rule of law, openness concerning the use of police powers, and the control of those powers, is essential (Presthus, 2009).³ Members of the police are, for the most part, subject to the same laws as other members of society. The only exception, and where they have some latitude, is in the exercise of their duties with lawful use of force, in, for example, search and arrest. This means that the Norwegian Bureau for the Investigation of Police Affairs (*Spesialenheten* hereafter SE) investigates police officers in the same way, and with the same evidential requirements for conviction, as all others in our society are investigated.⁴ At the same time, police are seldom able to operate on any ready-made basis, relying instead on the officer's judgement (Gundhus, 2016). Police practice comes in shades – from the good and correct to that requiring punishment, and between these two extremes, we find grey-areas, from the unfortunate and inexpedient to the improper, reprehensible or unlawful execution of their duties (Myhrer, 2012). An example of such a grey area is where police are referred to SE in respect of a potentially punishable offence but are not prosecuted. According to SE themselves, it requires 'a great deal before an event whilst on duty is punishable' (*Spesialenheten*, 2008).

When a police officer in a grey-area case is found not to have committed a punishable offence, this can be interpreted in at least two ways. One takes the view that, although no offence has been committed in this case, it nonetheless represents an opportunity for training with a view to improving practice (Myhrer; 2010; Norwegian Official Report – hereafter

³ Where the police's powers of arrest and search are concerned, the rule is that, usually, such actions are authorised by the Public Prosecutor. However, in exceptional cases where the delay involved in authorisation represents a danger, the officer may carry out an arrest or search without having first received the authority of the court of the prosecutor (Fredriksen, 2016, p. 10). This represents an exception to the rule in which the officer must make a decision according to the prevailing circumstances.

⁴ For more concerning the aims of investigation see The Criminal Procedures Law § 226. The general rules regarding punishment are set out in the Penal Code of 20th May 2005, No. 28 - Chapter 3.

NOU - 2009:12; Presthus, 2009). The other takes a more categorical view; the acquittal clearly indicating that the accusation was wrongly made in the first place (see Myhrer, 2010; Presthus, 2009). Presthus (2009) writes that, 'SE is aware of cases in which the decision of the court to acquit whilst expressing doubt is laid claim to as describing legitimate room for manoeuvre' (p. 190). The question of what forms the basis of these two interpretations is not something that we will go into in this paper. However, we can assume that whilst these two interpretations appear to disagree as to the learning potential of grey-area cases, they nonetheless agree that police work should, at all times, be undertaken in the best possible way when it comes to meeting society's needs. We also think that they will be in agreement that formal responsibility in respect of grey-area cases lies with senior police officers of different ranks, these having a leadership and employer responsibility for police employees and their practice (see, for example NOU 2009:12, p.53).

The principal role of SE 'is to investigate and consider cases concerning punishable offences committed by members of the police on duty and by the police prosecution authority'. (*Spesialenheten*, 2008, p.3). According to the Prosecution Instructions Section 34-7, paragraph 2, the head of the bureau (SE) is to send the case to the relevant chief of police, the head of the special unit or other relevant person, wherever, by means of either the initial complaint or through investigation, it is indicated that the case should be dealt with by means of executive action.⁵ On SE's homepage, this executive action is equated with experiential learning - learning from the experience of the event.⁶ Our understanding is that SE intends that grey-area cases should be used as the basis for learning from experience, but we have not found any further description as to how SE sees this being undertaken. This study widens the

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⁵ Cases considered by SE to be criminal can also be sent back to the chief of police if the investigation has raised issues needing to be addressed administratively (*Spesialenheten*, 2010, p.25)

⁶ See SE's webpage under the heading: *Avgjørelser - Erfaringslæring/administrative avgjørelser* [Decisions – Experiential learning / administrative decisions] For English webpages see here, http://spesialenheten.no/English/Caseprocessing.aspx

discussion on the learning potential of grey-area cases by looking at the ways in which senior police officers manage SE's referral of cases where the police officer has been acquitted of criminal liability. The study highlights the following issue: how do senior police officers manage and lead experiential learning in grey-area cases referred back to them by SE?

In what follows, we look more closely at what conditions can be seen to facilitate learning from experience, before looking at relevant studies in this area from the police. This will form the background to our choice of method and conduct of the study.

To learn from experience

In this study, we use pragmatic and hermeneutic philosophy concerning experience and experience creation in order to understand how best experiential learning can be managed and led. Dewey (2005) formulates his pragmatic philosophy from out of the idea that learning is derived much more from events and practice than from formal instruction. He makes a distinction between an experience and something experienced. By this is meant that people live in a perpetual stream of experiences, where we can be, for much of the time, both passive and observers of what is happening (Dewey, 2005). The experiences we form in this way, Thiele (2006) calls cheap experiences. This is to say that these experiences do not affect us consciously, but nonetheless, and without reflection, take a hold in our body and our head, forming part of and confirming our common sense capabilities (McGuirk, 2015). Although the acquisition of these has cost us little, they serve us well as useful knowledge of everyday practicalities. This everyday knowledge is not something that we think about or justify, largely because it forms part of experience-related habits, experienced as self-evident. It is a form of knowledge 'that lies under our skin and finds its expression in events' (McGuirk & Methi, 2015, p.13).

In a professional context, this kind of knowledge is called 'custom and practice', 'tacit knowledge', 'common sense' or 'practical knowledge'. But, of course, this knowledge can be immoral, unhealthy, unreasonable and impractical (Hoel, 2013). Where custom and practice leads to bad practice, change can be difficult to achieve because, where habits are concerned, we find ourselves in a stream of consciousness in which nothing marks itself out.

Wackerhausen (2015) claims that changing practices based on custom is difficult because 'customs are by their nature conservative and seldom thematise or revolutionalise themselves' (p.91). The custom therefore meets with no resistance so long as it remains unchallenged.

If an experience is to lead to learning and change, it must yield meaning. Dewey's (2005) distinction between something experienced and an experience indicates that an event which demands nothing of us yields in turn no conscious meaning, whilst an experience – in the true sense of the word – will be able to affect us to the extent that changing ourself seems worthwhile. This will involve a change in our way of thinking, a modest alteration in perspective on, and stance towards, the world, that can be significant for our choices and actions (Jørgensen, 2008). Against this background, learning from experience can be seen as a subjective acknowledgement that one needs to change course or practice (Lindseth, 2015).

Lindseth (2015) argues that when professional practice falls short, and the organisation is called upon to change and improve its practice, there are two approaches open to those in leadership roles. One is to develop new routines and procedures in order that it does not happen again. This approach can be seen as part of an instrumental perspective in which laws, rules and regulations take pride of place (Christensen, Egeberg, Lægreid, Roness & Røvik, 2015). This perspective sees the organisation as the equipment or tools of the management. When the management steers practice by means of this perspective, the aim is to ensure that police officers, and the managers themselves, do not repeat the same mistake in the future. Argyris (1976) calls this single-loop learning. Single-loop learning is defined as

when we correct what we already have 'without raising the question of whether the grounds for what we are doing are correct' (Kvålshaugen & Wennes, 2012, p. 242, see also Filstad, 2010, p. 50). This kind of learning looks straight at the problem, is concrete, task-orientated and takes no overall view (Argyris, 1976). From out of this perspective, the manager is likely to be preoccupied with changing routines, while the causes of the event, the practice and the underlying circumstances are not necessarily thematised. It can also mean that the manager is not open to feedback from employees.

The other way of engaging with failures of practice is to make oneself open to the experience in such a way that it is possible to get something out of it, and to reflect on and discuss what has happened (Lindseth, 2015). Inviting employees into such a process may be called for before one can reach a conclusion or form a judgement as to what was the cause of the particular event (Lindseth, 2015). The point of such an approach is to investigate, through critical questioning, the event itself with a view to improving the professional's judgement (Lindseth, 2015). Being open to these experiences may also be important for the leader's understanding of how the institution functions. From an organisational perspective, the life and culture of an organisation can be seen as 'informal rules, values and norms', not necessarily in line with official guidelines (Christensen et al., 2015, p.9). This means that (s)he in a leadership role must lead in a situation where that which they are trying to achieve is affected by other factors (values, norms, rules) which don't in any 'simple way lend themselves to the signals for change from the management' (Christensen et al, 2015, p.9). Striving for openness so that these factors can also be brought into play in the managers' leading of learning from experience, can be characterised as double loop learning. This is a form of learning focusing on arriving at insight by means of challenging and questioning each other's assumptions and at reaching joint, binding understandings (Argyris, 1976). Double loop learning can be defined as challenging and raising question marks in respect of basic

assumptions and values, hopefully contributing to change in 'the controlling factors' (Kvålshaugen & Wennes, 2012, p. 242; see also Filstad, 2010, p. 50). This may involve raising questions about experience of the processes and underlying themes relating to the employee's values, attitudes and work culture, looked at from an institutional perspective. Lindseth (2015) describes openness to experience as the surest way of coming to new understandings of the delivery of practice and of what influences are in play.

Earlier studies of learning from experience in the police

The police force is continually being developed and subject to comprehensive reform in order to arrive at a service that in the eyes of the authorities and the public is seen as fully meeting society's needs. One of the measures the state has in order to implement such reforms is public inquiries. One such, the Finstad Committee, investigated, among other matters, how the police can pursue continuing improvement and development in order to achieve openness around their use of, and control of, police powers (NOU 2009:12). The investigation deals with the police's various control mechanisms and is particularly clear on how internal and external systems can promote learning from experience. The ability to learn from the experience of earlier events is emphasised as necessary to the maintenance and development of a just and effective police force in a democratic state, under the rule of law. The idea being that when an external control mechanism, such as for example SE, uncovers, through their investigations, failures in police practice, the police can learn from this in order to avoid future undesirable events. As SE arrive at each of their verdicts in a 'thoroughgoing way', the Finstad Committee found that these form a 'unique knowledge bank for experiences' that the police could learn from (NOU 2009:12, p.185).

A study which looked at the police as a learning organisation⁷, focusing on the police districts' handling of cases from SE, found variation in the level of capability and freedom to pose fundamental questions about dominant values and norms (Wathne, 2009, 2012⁸). How the case was understood by senior police officers had a wider significance for the way in which feedback was received and managed, and whether it was seen as concerning the individual or the organisation. In other words, the way the case was understood, affected whether it was worked with as calling for individual learning or organisational learning. The study also found that even where there were local systems for learning at an organisational level, a strategy for collective learning was not in place (Wathne, 2012). Even though there was variation in how much attention and follow-up cases received in the police districts, and little systematic documentation of the work undertaken as a result, the study showed that the feedback from SE was valued by most senior officers. Some even used it in work with practice norms (Wathne, 2012). In such cases, they seized on specific cases, and served as role models for other leaders and employees by demonstrating in practice how to manage learning from experience.

In 2010 and 2013, two studies of senior police officers looked at how they used feedback from SE in learning from experience (Berge, Hermansen, Hjeltnes & Nilsen, 2013; Thokle et al., 2010). Like Wathnes (2012), these studies found that the extent to which cases from SE caught the attention of senior officers, beyond simply passing them on (purely administrative action), was coincidental. The finding may point to a low level of collective and organisational learning and indicate that SE's feedback was little used as a basis for

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⁷ The aim of this paper was to consider the use of terms - in the literature generally and particularly their use in the police -used to discuss knowledge acquisition at the individual, collective and organisational level. This is not unproblematic, when it comes to consideration of the cross-disciplinary use of terms such as learning, experiential learning, knowledge-based experiential learning, knowledge-based police work, organisational learning and learning organisation (see, for example, Easterby-Smith, Burgoyne & Araujo, 1999; Filstad, 2016; Finstad, 2014; Hove, 2014; Örtenblad, 2013).

⁸ The studies are presented in chronological order in respect of when the data were collected. The data in Wathnes' study is from 2007 and is therefore presented first.

learning from experience. What stood out, on the other hand, was that police managers emphasised dealing with these cases administratively rather than any ongoing focus on reflection and learning (Berge et al., 2013). This is to say that, to a large extent, they had reported back to the National Police Directorate (POD) on the measures taken, more than they had evaluated the meaning of the feedback for existing practice. This despite that a shortage of focus on the deployment and control of police powers can 'result in repeated serious incidents and criminal offences' (Thokle et al., 2010, p.31). An evaluation report from POD (2015) highlights the 'significant potential for learning and improvement of the police service' contained in such cases (p.4). Taken together, the findings of these two studies suggest that the intention in respect of learning from these cases from SE concerns the formulation of, for example, new instructions and guidelines much more than being receptive to individual and collective understanding as to the meaning and cause of the grey area case. At the same time, there is variation in the findings of earlier studies showing that some police managers made use of the content in work on standards whilst others did not despite previously having had similar cases.

Earlier studies have looked at the prevailing culture in order to understand the variation in the way grey area cases are received in practice (see, among others, Wathne, 2012). Several studies (Finstad, 2000; Granér, 2004; Gundhus, 2013; Loftus, 2008; Punch, 1983; Chan, 2007; Reuss-Ianni, 1983/1999) point out that police culture is by no means homogeneous, there being different cultures within the police force. Some researchers have shown how organisational culture can play a part in learning from experience in particular (see Bjørkelo, 2014; Bjørkelo & Gundhus, 2015). An indirect picture of culture can be seen in studies looking at the same participants over time. Such a study of Swedish police students looked at what assessments form the basis for the use of interventionary police powers (Fekjær, Petersson & Thomassen, 2014). The study showed that early in their training the

students expressed strongly legalistic attitudes. Over time, and with more experience of police practice, these legalistic attitudes give way to judgements, which can well be called 'Dirty Harry' thinking, where the ends justify the means (Fekjær et al., 2014). Fekjær and colleagues explain this reorientation in terms of police culture. This finding may indirectly indicate that experience of police culture can lead to a changed attitude that challenges the limits of the powers entrusted to the police.

Variation in the way in which grey area cases are managed, can also be understood by looking at earlier studies of the socialisation process in the police. These have studied how police students and newly appointed police learn police culture through a master-servantinteraction (Glomseth, 2002). The 'master-teacher' role includes elements of supervision, demonstration, reflection and practice (see Åsvoll, 2007). Such informal teaching in the police is, at its best, able 'to support, correct and instruct without causing damage to the individual's integrity' (Sørensen & Hetle, 1990, p.143). It can also have unintended consequences, restricting the ability of those lacking experience to learn what the culture regards as 'the actual work of the police' (see Finstad, 2000). Ekman (1999) found that those with practical experience had greater credibility as sources of knowledge than those without. Overall, these studies indicate that the culture dictates who in the police are valid bearers of knowledge (see also Gundhus, 2013). This in turn implies that if there is to be learning in the police, those with the role of leading the learning must be seen as credible sources of such knowledge. Studies have shown that informal leaders in the police can be thought of as legitimate sources of knowledge, who can indirectly steer learning via urban legend and myth (see for example Arntén, 2013; Granås, Lindesteg & Otterstad, 2015; Sørensen & Hetle, 1990). This is to say that, sometimes, informal leaders can be seen as being closer to reality - that is to operative police practice - than are formal leaders.

Leadership is thought as comprising the personal traits of the individual, the situation being managed and ability or competence (Northouse, 2013). A meta-study by the police showed that all managers, irrespective of seniority, need communication skills, capability in decision-making and the ability to create a shared vision (Pearson-Goff & Herrington, 2014). Further, a Swedish study showed that to be a learning organisation requires a long-term effort by police managers (Arntén, 2013). Structural changes are not enough if the aim is to become a learning organisation (Arntén, 2014). According to Arntén, police managers need to move in the direction of leadership, inviting the participation of colleagues and managers at all levels. This is in agreement with the findings of a Norwegian study of police managers (Hole, Glomseth & Gottschalk, 2010). Participants experienced the police as more educative the more direct communication, openness and co-determination were (Hole et al., 2010). Furthermore, the way of doing police work in the Norwegian police has been characterised as largely driven by action, rather than planning, change and challenge to the established ways of working and problem solving (Filstad & Gottschalk, 2013). According to Filstad and Gottschalk, the prerequisite for a good learning climate is that the manager creates the conditions for learning, openness and freedom, which both recognises the employee as an individual, and as a member of a group working together as a team or engaged in specific projects. In summary, a learning organisation is characterised by on-the-job learning, organisational learning, a climate for learning and structures for learning (Örtenblad, 2013). The management's role is seen as vital if 'collective learning is not to be simply empty words' (Aaserud, 2007, p.89). In this way, learning from experience has to be understood as a process and phenomenon existing in relationship and 'indissolubly connected' to existing practices (Johannessen, 2015, p.40).

The above studies reveal that the handling of learning from experience and the focus on what to learn is varied. Some studies also point to the way in which learning from

experience can be challenged by the different cultural and socialising traits within the police organisation, and by those in the organisational hierarchy considered legitimate sources of knowledge. At the same time, the studies suggest that there is the potential to learn from earlier experience. This study builds on this in investigating whether the conditions for learning from experience (cf. Dewey, 2005) are met when managers within the police deal with grey area cases.

Method

Procedure

To address the question of how police managers manage and lead learning from experience by means of an administrative processing of grey area cases received from SE, we selected cases from 2013 discussed on SE's homepage under the heading, 'Learning from experience/Administrative decisions'. In respect of the 47 cases in total sent to the police districts, our selection criteria involved repeated malpractices that surfaced in the course of SE's investigations. Against this background, six cases were chosen (13%). Because these cases involved repeated failures of good practice, they are relevant in answering the question posed by the study. At the same time, they represent a minority of the total number of cases handled by SE that year.

After an introductory research conversation with the director of SE, we were sent anonymised decision papers regarding these cases. The decisions contain a summary of the accusation, of the facts, and of the questioning as well as SE's legal assessment of the police's practice. Having received these, we sent a formal email to the six chiefs of police concerned in which we explained the study and identified the case we wanted to discuss. We chose to address senior officers at chief of police level because it is they who hold the formal responsibility for planning and 'implementation of good systems for learning from experience', and have overall employer's responsibility which goes beyond simply personnel

matters (NOU 2009:12, p.189-90). Five agreed to participate, the other delegated the request to their lead prosecutor who said yes. All had an educational background in law.

On the basis of the question posed by the study, we developed a semi-structured interview-guide which covered: (i) how the manager experienced the whole context of the learning opportunity - for example giving an account of the course of the case from when the complaint was first made to the receipt of feedback from SE, (ii) the manager's view of the learning opportunity's content - for example, thoughts about what could have led to the event in question, (iii) the manager's experience of their own role - for example, what does he/she think about receiving a complaint from SE, (iv) their view of the learning opportunity - what, for example, do they think can be achieved when SE send out requests for consideration.

The data comprised the formal decisions regarding the six cases, the case documents and six interviews. When contact was first established with the chiefs of police, three of the police districts had already put in place measures aimed at improving practice even before SE had concluded their investigation. Because this study is designed to look more closely at the police's response to SE's decisions, we elected not to consider those changes made in response to the case but before SE's decision was received. Although these three cases are therefore left out of the analysis, the experience of the senior officers concerned and their response to SE's judgement are included in the data.

The three cases which are included, concerning repeated instances of culpability, have — legally speaking — several things in common; the police searched, arrested and seized property without following the requirements of the Criminal Procedure Act, and without adequate paperwork relating to their actions. For example, a police patrol had failed to record search and arrest yielding no result. A further shared element concerned 'stop and search', a term used to signify situations where the police initiate the stopping and searching of, largely, men in public places (see, for example, Sollund, 2007). An evaluation of cases in calendar

year 2012 showed that these largely related to 'improper use of coercive measures', 'arrest', 'data security/misuse of information' and 'individual errors/poor judgement' (National Police Directorate, 2015, p.3). This indicates that the substance of the three actual cases, which form the basis of this study, is also representative of, and can serve as a sounding board for, the total number of cases in this period.

A strength of the study is that it takes as its starting point experience of actual practice, and of learning from this, as well as collateral information in the form of the decision from SE. At the same time, the study made use of telephone interviews, which can have unintended consequences. Telephone interviews can be more demanding for both parties because voice, intonation and words are not supported by body-language, eye contact or facial expression. It is therefore possible that our insight into the way in which police managers viewed learning from grey area cases might have been better had we had these conversations face to face. Again, one of the respondents could respond to some of the questions with laughter where none was expected by us. Such a response could also perhaps have been better managed face to face where one could check if it concerned lack of clarity, a misunderstanding, vulnerability or other explanations relating to social identity and strategies for compensatory control when challenged on one's self imagery (Järvinen, 2005). Interviews can also be seen as limiting compared to field-studies, because there is 'a difference between what people say they do, and what they, in fact, do' (Holmberg, 2011, p.61). As research interviews go, the conversations with the managers were fairly short, lasting between 20 and 40 minutes, with significant variation. This may have to do with the time span between the event itself, and the interview. The events took place some years before, and whilst the managers had had time to prepare themselves for the interview, it wasn't necessarily the case that they were fully prepared for what was registered in the records. At the same time, there was goodwill when it came to recovering archived information. Despite the potential weaknesses of the interviews,

we think that our findings are transferable and relevant in that the analysis of measures for learning from experience brings forth new knowledge concerning police managers' practice with regard to learning from experience in this kind of grey area cases.

In this study, the focus lies on grey area cases and not on the characteristics of the manager, and we think therefore that the selection of cases are suited to studying how leadership in the police exercises leadership and manages learning from the experience of grey area cases. Information strength was used as a measure of whether the empirical evidence was sufficient to investigate the problem. Information strength refers to adherence to the aims of the study, the specific suitability of the material selected in relation to the subject of the investigation, how established the theory used is and the quality of the dialogue and the analytic strategy (Malterud, Siersma & Guassora, 2015). The aim of study is narrow, not broad, and with a high degree of specificity in the material selected. It uses established theory. And although the quality of the telephone interviews may well be lower than face-to-face meetings would have been, the analytic strategy is specific, which raises the information strength of the number of interviews available. The participants were drawn from different geographic areas, which also preserves the variability of the data. The participants were, however, all men. It is therefore possible that participants selected as representative of the organisation, rather than in relation to the cases, could have offered a different view of the practice of leadership and of experience with the work of learning from out of grey area cases.

Results

This study elucidates the way in police management lead and manage learning from experience in grey area cases. The complaints made concerned, particularly, 'stop and search' and record-keeping. The overall findings of the study are presented first, before we consider the three main findings.

When SE have concluded their investigation of a case, their judgement is sent out, including recommendations as to how the matter be handled administratively. In our cases, it was the chief of police/lead prosecutor who received this decision and had responsibility for ensuring that the issues uncovered by SE's investigation were used as the basis for learning through experience in that particular police district.

AS mentioned earlier, the request doesn't necessarily address the police manager's formal responsibility for providing opportunities for learning from experience. The decisions we have studied include no definite proposal as to what or how the manager can, will, or should do to enable learning from experience. This could imply that SE expect the manager him-/herself to define what practice is being referred to, and how this can be made the object of learning through experience. Section 34-7, paragraph 2 of the Prosecution Instructions requires SE to send the matter for administrative evaluation, but SE cannot require of chiefs of police that they undertake learning from experience from out of the case. It is rather an invitation to learn from their mistakes in that SE equates the request with learning from experience.

This is in accord with descriptions of the way the POD looks at the potential contained in such cases (POD, 2005). In that POD receives a copy of all the decisions that SE sends out, as well as requiring the police districts to report back to them their handling of the matter (see Ministry of Justice and Public Security, 2005), the SE's request that the matter be addressed in these cases cannot be seen as voluntary.

It took between six and ten months from the formal complaint being made to the decision being received by the police managers. They said that they read through the document quickly, and immediately grasped what SE was asking of them. In cases of complaint and of misconduct, senior officers will usually pass responsibility for follow-up to the middle managers where the actions have taken place. Chiefs of police themselves took

responsibility for cases where the problem seemed to apply to the whole district, rather than a single individual. All the chiefs of police we interviewed took the content of the decision from SE to leader's meetings. The police officer being discussed was anonymised. The police district's following up of the matter was recorded and filed. Police chiefs reported that the measures taken were reported to POD. Empirically, it seems that the best outcome of the matter, with respect to both the time between request and follow-up and the substance of the actual measures taken, was when the decision come directly to the police chief⁹. We have no data as to whether this included the systematic sending of the matter to (s)he/those it concerned, something which is pointed to as a point of learning (POD, 2015).

Even though the three grey area cases set in train partly differing processes, the analysis revealed three main findings across the case handling of the police districts. In what follows these will be presented: (i) practice needs to be tightened up, (ii) instrumental measures and instrumental learning and, (iii) no analysis of the event beyond issues pertaining to the criminal law.

Practice needs to be tightened up

SE formulates the recommendation itself right at the end of the decision, something like: 'The matter is sent for administrative evaluation cf. Prosecution Instructions, section 34-7, paragraph 2'. How do the chiefs of police understand SE's response? A senior officer said that he understands the recommendation as being 'an invitation to have a little look at how our practice is'. The data shows further that all the police chiefs have the same view as to what the recommendation refers to. The informants express this understanding as it being a request 'to tighten up our practice'. One senior officer puts it like this: '[The decision]

⁹ We have not investigated the way in which particular organisational factors prevailing at each locality may have influenced the administrative assessment of the case.

regarding prosecution] presumably aims at a tightening of practice where it concerns search and record-keeping,' whilst another refers to the content of the recommendation in this way: 'It is an injunction to do with a practice, which -what should I say? - which has slipped a bit with regard to a wrong take on the rules, to put it plainly'. The evidence indicates that the chief of police's interpretation of the decision is that the practice needs to be tightened. When it comes to the question of why practice must be tightened, one explains it in this way:

I think that, sometimes, it has to do with misunderstanding jurisprudence. That's maybe what they have. But I don't know, I could imagine that the ends justify the means. It has to do with drugs, and if you manage to get rid of some and get drugs off the street, so you're protecting the youngsters who would have taken them. And if it's a bit busy and assertive, one can see it as good service delivery.

Our findings suggest that police chiefs' reading of the decision promotes an understanding of the police officer's on-duty actions in the case both as a consequence of his having misunderstood the law, and of that he wants, knowingly, to stretch the boundaries of police powers in order to do a good deed. In each case, police leaders describe the experiential learning, as they see it, as – among other things – concerning measures that can help the police officer to understand how they should apply the legal framework regulating their professional conduct in comparable situations. In other words: put in place measures that can keep eager crime-fighters in check.

Instrumental measures and instrumental learning

The second main finding concerns what police managers chose to do in the light of the decisions received. Our study shows that they initiated various measures at both the organisational and individual level. These measures and their content can, from the point of view of learning, be described as instrumental and mechanical.

Organisational level: A senior officer tells us that he held a 'special orientation' for the police lawyers about the decision from SE. Another says; 'If we want to change practice or clarify practice, we try to do this by means of teaching the specifics.' This means that all the police officers and lawyers in the police district received instruction about the matter raised by the critical decision. He said that this concerned 'matters such as search, arrest, writing reports, when reports should be written, when reports shouldn't be written, when it is 'holding' and when it is arrest.' An obvious interpretation of why he chose this kind of training can be that he thought that his staff need a theoretical training in correct jurisprudence as it applies to search and arrest, so that they don't go beyond the letter of the law. Those leading the experiential learning, adopted training that considered only specific criminal questions. At the same time, they describe their interpretation of the request as also including a challenge to 'take a look at how our practice is'. Based on our findings, it can appear that the initiatives taken by police management were more aimed at proposing measures than at looking at practice, and at what possibly can be done if the police themselves take the initiative.

Other managers say that training in criminal law is not called for, in that search without reasonable ground for suspicion and inadequate oversight do not have anything to do with either insufficient or poor knowledge of the criminal law among police officers. This is basic knowledge that all police officers are expected to know. A manager elaborated thus:

But as to the question of whether they have the training, well of course they do because they have undergone police training. From time to time I do hear it said that 'they don't have training in...', but I don't buy that because if you have the police training, then you have knowledge about that. You have learnt it, and these are central aspects of police work.

The police manager speaking above, pointed out in the interview that a police officer's actions can be due to other factors than lack of core legal knowledge. Furthermore, he says that he took up this matter at a police leaders' meeting where he raised the question of whether the police district had 'a cultural problem in that people have too low a threshold for conducting a search'. Even though he proposed a possible interpretation that these events could have to do with practice and not just a single event, this manager did not find that this led to further discussion either in the leaders' group, or in any other context. Nor did the police senior managers follow up, so far as our data shows, the specific content of the case with a view to a possible cultural explanation. The measure that was agreed on at the leaders' meeting, was a change in the criminal instructions together with a new function added to the reporting system. Another measure put into effect by the managers was to post information regarding SE's decision on the intranet. In this way they reached out to all staff. An example of such a posting could be to clarify that:

It is important to learn how to write reports regarding searches and opening a case even where nothing, drugs for example, was found. If someone visits an address as part of a criminal investigation but no search is made, this must be recorded properly, for example via the guidance from the Incident Centre (PO). From now on, managers will take charge of these cases.

Police managers say that it is important to make use of the possibility of speaking to everyone right out to the 'front line' and speak of sending out such written communications as 'friendly reminders about record-keeping in police work'. The chiefs of police's account of the process around grey area cases indicates that when a measure has been agreed, its implementation is handed over to subordinates. Where the manager who handled the case was subordinate, the proposed measure was sketched out and passed to a superior officer. When the task was delegated, the extent to which they personally engaged further with the case varied. The

extent to which adherence to the new routine and/or measure was followed up in order that there be no backsliding to the practice that the measure was intended to change also varied. The reason given for the lack of follow-up was trust in one's staff.

I just make sure that the [training] has been carried out, and think that its fine, well within good police work, and I expect that it is in order. (...) I think – yes – that it is done. I have a good deal of faith in officers when it comes to them adhering to the law of criminal procedure when it comes to arrest, search and seizure of goods.

Another of the senior officers tells us that on account of several similar grey area cases from SE, they were obliged to take up the matter at a management meeting and six months later published a new reminder on the intranet:

We have received a good deal of feedback from SE, that we need to think about a bit. I have discussed this before but point out once more how important it is to write reports after searches even though nothing was found. There is a requirement that there be due grounds for suspicion if there is to be a search. This suspicion must have an evidential basis that can be written into a report. I don't want any of you who are out there doing your best to get the wrong idea. This is why I mention it. I will take these cases up with the other managers in order so that we can really learn from them. Maybe, as well, the lawyers must make a record in writing of verbal decisions at the earliest opportunity...

In other words, this reminder functions both as a following-up of the first case mentioned in this study, and as an administrative measure in a new, similar, grey-area case. Despite being a repetition of the same thing, the approach remains a written reminder that one should conduct practice within the requirements of the law. The data shows that whether or not the actual content of SE's decision was problematised in management meetings or other forums varied at an organisational level. By and large, it seems that managers went along with the SE's

conclusion. They notify superiors and subordinates and report back to the police directorate on which measures have been put in place. Even where there are repeated instances of the same events, or when thoughts and hypotheses have been expressed as to possible cultural explanations for the source of the grey-area cases, this is not presented either as an evaluation or as specific measure.

Individual level: Police managers told us that they took different kinds of actions in the case of individuals. Our study shows that on the one hand the police officer(s) who have been under investigation avoid possible personal sanction even though the manager meeting SE's request recognises that he/she/they can find themself/ves complained against again. On the other hand, management can take the view that it is useful if the staff 'know what view their leaders take of this'. They say that in these instances 'the matter is taken up' with those it concerns. According to the managers, this can – for example - take the form of a conversation in which the officer 'says what happened', and the manager 'sets out what is, and would have been, the right thing to do'. The reason for carrying out such an individual conversation is, according to the managers, 'to correct behaviour in order that it doesn't happen again.' At the same time, these senior officers express uncertainty as to whether a correctional measure aimed at the individual has any effect on account of the time which has passed since the original event. This may be because they suspect that such correctional measures on an individual level are only effective if they are put in place close in time to the original event. For example, one of the managers said that: 'I'm unsure whether it's necessary that [the officer] be 'set straight' when they have long since received a copy of the decision.' However, another senior officer says that he believes that the individual who has committed service errors should be confronted with the case. He says: 'There is learning in this. You have to defend what you did, and explain why you did what you did.' Such an approach may indicate that defending what one has done is learning that can promote knowledge, and thereby change behaviour. Furthermore, he says that he 'believes in giving feedback and in the use of examples in group discussions. It doesn't really help if the chief of police says, 'now you will!' A dialogue about it is called for.' His reflections reveal that there is understanding of the significance of different processes involved in experiential learning. But, at the same time, this understanding finds no expression in our findings from the way in which the 'stop and search' cases which form the basis of this study are conducted. This may suggest that it is reminders, training and technical measures which are first and foremost the means used to foster experiential learning, more than looking 'a little at how our practice is', which was put forward as an interpretation of SE's request. We find that at both an organisational and an individual level the measures taken are characteristically mechanical and instrumental. This can point to there being some way to go between the conditions required for experiential learning, SE's and police management's intentions and leadership of experiential learning in practice.

No analysis beyond issues of the criminal law

The third principal finding was that the request was not analysed beyond its criminal significance. SE's investigation uncovers what has happened, and these facts form the basis of a judgement as to whether the police officer's conduct was within or without the requirements of the law. The content of a request can, for example, indicate the necessity of focusing on the legal authority for a search, the necessary record-keeping, and the importance of establishing good routines around this. This is consistent with the police managers' expressed attitude regarding administrative assessments.

It appears as if the interpretation of the scope for action from out of a reading of the request points mainly in the direction of legal issues. This despite police managers' claim that they also see the request as creating space for the possibility of 'taking a little look at our

practice', which in turn can pave the way for seeing different aspects of the grey area case. We have seen earlier, that the measures put in place, or attempted to be put in place, by the police managers are characterised by a technical, criminal focus. Even though one manager raises the question of possible cultural explanations at a leaders' meeting, and another raises the potential for recurring instances in the appeal and notification system, these were not, so far as our data shows, taken up at an organisational or individual level. This despite the fact that aspects of practice such as the relationship between the culture of the police, attitudes, values and methods can be of importance for experiential learning. An example of a case in our study that could have been looked at beyond its legality, was a notification of possible racial discrimination. A dark-skinned man was repeatedly stopped and searched for drugs and stolen goods, arrested and stripped in the cells. Although SE had, on evidential grounds, not pursued the officer on charges of discrimination, the case was sent back to be handled administratively. This can indicate that SE's view is that the decision regarding prosecution touches upon an ethically charged area. The following excerpt is from the interview between the chief of police (P) and the researcher (R¹⁰):

R: Have you discussed discrimination?

P: No, we haven't ... haha (smiles)

R: No was that a silly question maybe?

P: Nooo, it wasn't that. It's just this was a new problem. No, it wasn't (...) But in relation to SE it's a bit special because they treat it as a criminal matter, don't they?

And if it isn't criminal, they can say that we must go into it and introduce administrative measures in order to improve our practice. We become so disconnected from the actual handling of the case – rightly or wrongly. I feel that.

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¹⁰ First author

This description may indicate that experiential learning in such cases will not be about looking at the actual content of the matter itself. It is a pertinent question why the police officers do not investigate further aspects of practice. One interpretation of this can be that where the event cannot be shown to have been illegal, it is a non-event. The same senior officer who spoke above, also said: '[The matter] wasn't really so serious that it was a problem'. Another said: 'A lot of cases are 'no criminal offence proven', and so I waste very little time on those'. This is consonant with the initial description of the two responses to SE decisions.

One of the reasons that senior police regard grey area cases as non-cases, could be that SE's mandate is to evaluate the legal norms of the matter. This is apparent in the Director of Public Prosecution's definition of SE's role: 'Criticisms expressed in the decision regarding prosecution should generally be limited to the matter under investigation, forming a part of the legal assessment' (Office of the Attorney General, 2006). One could therefore suppose that SE's mandate influences senior officer's view of what experiential learning should cover. But if police managers aren't open to possibly fundamental questions that go beyond the legal aspects of the matter, this will reduce the possibility of investigating whether the under-criticism practice concerns other elements than just legalities.

This could mean that SE's restricted legal focus leads to the requirement that there be experiential learning being given a narrow interpretation by senior managers. One of the police chiefs tells us that it, 'usually isn't difficult to see what has to be followed up. The facts are often clearly delineated as is the subject of the complaint.' As our analysis shows, senior police manager's reading of the factual content of the decision, and their understanding of SE's legal mandate, gives reason to believe that they consider and discuss the matters involved in their entirety to a lesser extent than would have been in line with SE's expressed intention. We argue that a wider perspective could have given chiefs of police insight into

how 'social practice is a product of interactions between the field, the structural conditions of police work, habitus, and the physical, cognitive, and emotional patterns an actor has acquired as a result of individual and group socialisation' (Chan, 2007, p.324).

Discussion

The main findings show that senior police conducted experiential learning in grey area cases by means of: (i) Practice must be tightened up, (ii) Instrumental measures and instrumental learning, (iii) No analysis beyond issues of the criminal law. These three findings are closely related and can be formulated into a single sentence characterising experiential learning's form and content: 'Practice must be tightened up by means of instrumental measures based on criminal law'. In what follows, these three main findings will be discussed in relation to the theory presented earlier, with the aim of understanding and explaining how senior police learn from the experience of actual grey area cases.

Practice must be tightened by means of instrumental measures grounded in criminal law.

The process that follows from administrative assessments suggests that senior officers are confident that measures in the form of training in, dissemination of and reminders about criminal procedural rules, a technical readjustment of the police reporting system and a conversation with the affected police officers promote experiential learning in grey area cases. All of these measures may be necessary to signal the importance of practice carried out within the law, and the importance of openness concerning, and control over, police powers. But, at the same time, senior police understand that it is part of SE's intention, in relation to experiential learning, that they 'take a little look at practice'. In what follows, we discuss whether these instrumental measures are sufficient to promote experiential learning.

Police work has considerable discretion when it comes to the exercise of police powers (Finstad, 2000; Granér, 2004; Gundhus, 2016; Holmberg, 1999). One of the most widespread ways of construing the request (from SE) was to say that the police officer had challenged this room for manoeuvre, and that 'practice needs to be tightened up' by means of a clearer focus on the law and the rules. A natural consequence of 'practice will be tightened', is that the measures become one-way communications which can lead to a lack of engagement and reflection in those receiving them, and in the organisation as a whole. These solutions are arrived at without the question as to whether they represent the most appropriate way of learning from experience being addressed. From an instrumental perspective (Christensen et al., 2015), this can be understood as if managers inform about, or clarify, the legal aspect of SE's criticism of the police, then this will of itself lead to a change in behaviour and better practice. This conforms with the findings of earlier studies which found the use of routines and controls to be widespread (Berge et al., 2013). This can be understood as a view of learning as a dichotomy – that is to say, that one either has knowledge or not – which stands in opposition to a view of learning as a gradual, open and continually developing process (Filstad, 2010). The distinction between single- and double-loop learning lies between 'instrumental learning within a constant frame of values' and 'learning to change the values that define 'improvement' (Argyris & Schön, 1996, p.4). The handling of grey area cases can, in this study, be characterised as single-loop learning. This finding supports earlier research on experiential learning in the police (Berge et al., 2013; Thokle et al., 2010; Wathne, 2012).

This attitude, that practice must be tightened, reflects the view that police officers have made errors which must be corrected. And this attitude can be seen as expressing that the police's understanding of things is instrumental. Which is to say that if only the police officer has theoretical knowledge of the law, he or she will know what it is right to do. It is not

uncommon to try to eliminate undesirable practice by tightening routines, rules and practice procedures (Lindseth, 2015). According to Finstad, standardised guidelines, imposed from 'on high', risk 'reducing those who must do the job to unreflective implementers from whom the ability to exercise good judgement has been taken away' (Finstad, 2014, p.250). Finstad writes about 'standardised guidelines', but rules about the scope of the law can be seen as standardised when they are conveyed via single-loop learning. There is danger in a rigid understanding of the rules. Blindly following rules and regulations in situations involving people is, says Skjerheim (2002), to commit the instrumental error through which people appear as objects rather than subjects. Such conduct can be an expression of a feeble ethic (see Hov, 2008). In this instrumental view, it is held that simply adhering to what is lawful is to be correct and ethical. But what is correct, legally speaking, is not always the ethically correct thing to do and vice versa. Professional responsibility calls for, in addition, taking account of the vulnerable aspects of the particular situation (Hoel, 2011). And how can grey area cases be 'looked at a little' if police managers' attitude is 'really you can do this - you just need a bit more teaching and training'? This can potentially close off the very conditions that improving police officers' legal and ethical judgements require.

An instrumental form of instruction can also limit learning for the individual officer, if it fails to relate to his/her experience. Focusing on 'eliminating human error' does not mean that the police officer, or officers, involved in the grey area case, have necessarily learnt anything leading to a lasting and committed change in their practice. If a thoroughgoing change in practice is wanted, learning that poses critical questions about, and reflection on, practice is called for. Double-loop learning can challenge established practice in this way. Finstad (2014, p.243) writes that 'double-loop learning implies (..) critical scrutiny of underlying norms and the challenging of the standards, routines and customs that are taken as given in the course of ordinary police work'. 'To take a look at' the practice around a grey

area case which can be seen as potentially being based on custom and routine, as well as standards imposed from above, needs to be challenged because the police can never 'be sufficiently aware of the routine police work's inherent risk of failure' (Finstad, 2014, p.249). Today's customs can be tomorrow's lack of legal protections and serious abuse of power.

Double-loop learning aims to change the prevailing values and beliefs that in this context can be the basis of actions that, whilst not necessarily illegal, are not necessarily 'good police work' (see Myhrer, 2010). In a study of values-based leadership, Garthus (2015) found that despite the service's values being familiar to those in leadership roles, they were not necessarily put into practice. In other words, there was a lack of correspondence between ideals and practice, something that also emerged as a theme from a review of the leadership's role in influencing values in the specifics of police work (for example 'the Baton case', Heidenstrøm, Dahl, Kampen & Furøy, 2015). It is therefore possible, for SE's recommendations to be productive in terms of reflection over the service's core values and the intention of the law. To open up for reflection the police district's various cultures, myths, performance and values relating to the conduct of police work with an emphasis on eliminating faults can be a way of fostering participation and engagement within the organisation (Arntén, 2013; 2014).

'Is that good enough policing?'

As previously mentioned, one of our principal findings was that police managers did not analyse the cases they received back from SE beyond that in the decision relating to the law. SE's mandate is to establish whether the exercise of legal discretion by the police in specific instances has fallen within the regulations. In this, it is not for SE to involve themselves in, nor take over, the employer's responsibilities (NOU 2009). At the same time, SE presents an administrative request that there be learning from the experience. There are two main reasons

that mean that police work requires the exercise of judgement. One involves the question of the prioritisation of resources, the other is that the rules governing police work must always be interpreted in a way appropriate to the particular situation (Reiner, 2010).

The cases we have looked at closely, concern the use of 'stop and search'. A relevant question is whether it is good police work to use time and resources in stopping and searching arbitrarily chosen persons. The way in which the police choose to use their resources is not something that SE has a mandate to comment on, but is rather the responsibility of the chief of police. Our data shows that senior officers largely practice learning from experience by means of such measures as teaching, training, friendly reminders and individual conversations. The content of these is mainly directed at SE's conclusions as to criminality. The exercise of judgement that is fair, practical and democratic implies much more than a simply legal judgement (Edvardsen & Mevik, 2014). The grey area cases in this study could therefore have been the basis for a discussion about the prioritisation of resources, what it means to be entrusted with police powers and how to ensure the appropriate use of the police's discretion. According to Bowling (2007), such a focus on 'stop and search' is timely because it is 'unhelpful and unrealistic to demand perfect police, instead we should aim to achieve "good enough" policing, re-evaluating and questioning the concept of fairness and effectiveness" (p.17).

Studies have shown that whilst minorities within the population can be often unjustly exposed to certain kinds of police inquiry, the police as an institution within the community can profit and gain more legitimacy and trust by having more of the right kind of contact with this same part of the population (Cook, 2015). Being able to open up to questions on the connection between the motive for stop and search and the core values of the police, the intention of the law and the question of what good police work is, calls for dialogical processes of reflection giving shape to what it is that forms police officers' experience-based

habits and exercise of judgement, together with what they experience, in practice, as challenges and dilemmas.

The lack of other interpretations as to why practice falls short, may be due to police managers looking blindly at the decision. Since the question lies in the criminal law, it is perhaps natural to think that the answer lies there as well. But since experience can obfuscate and obscure the reality of things, learning from experience requires that one also looks for insights in areas lying outside of the context formed by the criminal case. For example, we think that the work of learning from experience must also be knowledge-based work. As we have already said, several studies have looked at police officers' intentions in 'stop and search', and the findings show that a critical view of the method's effects on society as a whole is called for (Bowling, 2007; Sollund, 2006). If leaders within the police question police practice using knowledge drawn from outside of their own experience, they will find themselves working more in line with the intention of knowledge-based experiential learning. This way of learning looks to combine practical experience and science-based knowledge (see, for example, Hove, 2014; Gundhus, 2009).

Our findings suggest that leaders go straight to the conclusion drawn in the decision, and to a much smaller extent study the presentation of the content of that decision. They lean on SE's verdict without looking into the cases beyond the letter of the criminal law. The decision from SE appears to have an unquestionable authority for police managers. This can lessen the possibility of discussing whether this was good police work. In the extreme, it can lead to the chiefs of police failing to take responsibility (see, for example, Myhrer, 2010; 2015). There are a number of instances in which police were acquitted by SE, but where it would nonetheless have been highly appropriate had senior officers posed the question: 'Is that good enough policing?' (Myhrer 2010, p.185). Our study shows that it can appear as if senior officers, despite they themselves raising the possibility, do not make full use of one of

the most important requirements for experiential learning: raising critical and inquiring questions as to what constitutes the basis of police work both individually and collectively. And when questions are asked, it seems that the methods used and the way of working, are not in line with the conditions needed for, or the aims of, experiential learning. The failure to engage with questions having potentially unforeseen consequences relating to police working methods can reduce the possibility of openness concerning and control of the use of police powers (Presthus, 2009; Wathne, 2009).

Learning from experience in the wake of criminal cases.

We don't learn from all experiences, but rather from those experiences which for one or another reason are not in conformity with our experience-based habits, and which succeed in affecting us. One's experience can be challenged in situations where one becomes aware of a discrepancy between what that situation calls for and one's capacity to meet those demands. This can give rise to a so-called discrepancy experience that challenges the customary and promotes new recognition and understanding (Lindseth, 2015, p.47; Hoel, 2013; Nilsen, 2015).

When the request for experiential learning comes from SE, the prerequisites for experiential learning are challenged in that the police officer and the manager do not necessarily experience nor recognise the need for practice to be problematised or changed. It is not necessarily the case that the event for which the police officer was reported has led to an experience of discrepancy. We see that it can take as much as 10 months from the time that the event was reported to SE's decision being received by the police district. It is not even certain that the officers can distinguish this event from other similar events where they have stopped and searched people. Given that, it is not likely that the event for which they were reported will have amounted to an experience of discrepancy in the officers concerned. But

when officers experience being reported in the course of their duties, that is a unique experience even where the finding is that the reporting was unfounded criminally speaking. One doesn't easily forget being reported (Presthus, 2009; Valland, 2015), which means that it could represent a discrepancy experience.

In the tension between the specific complaint and the officer's practice, several fundamental questions can arise as to just and effective police work, which – again – can contribute to raised awareness of the role of the police in a democratic society. The genuine experience of being reported can represent an opportunity for reflection and dialogue on the way in which good police work requires an ethical basis. Being open to such experiences demands much of the leaders when 'one doesn't want to add to police officers' burdens' (Norwegian Official Report, 2009 p. 192).

We must fully acknowledge that learning from experience can be difficult on account of police work's inner logic. The Head of SE thinks that it can be difficult for the police to look critically at an event that wasn't criminal (Presthus, 2009). Wathne (2012) has posed the question as to whether it is perhaps the police's role, and it's self-understanding, which contribute to limiting the organisation's ability to learn from feedback from SE. This because to admit to faults may be a form of 'latent professional shame' (Wathne, 2012, p.705). This implies that being a police officer is seen as incompatible with breaches of treasured laws and regulations. Therefore, such a breach (grey area cases in this instance) can conflict with deeply held values and a strong collective professional identity (Wathne, 2012, p.705). And this can block the conditions needed for learning from experience. This because to be reported conflicts with the logic of police work, which is to find and punish the guilty (Finstad, 2000).

At the organisational level, police leaders find themselves between the formal guidelines and cultural values and practices (ref. Garthus, 2015). This is the context in which managers who will lead learning from experience find themselves. The request for an

administrative assessment is, moreover, an institutional construction within the law, whereas experience learning is a phenomenon standing outside of legislation. This study shows that it can be demanding for police leaders to lead experiential learning in grey area cases because they are called on to lead a process which is both inside and outside the criminal law. In addition, they have legally regulated personal responsibility. The room for experiential learning seems rather restricted when seen from a legal perspective alone. At the same time, our findings show that both SE's intention and, in part, how it is understood by police leadership is more open than that, which shows that the decisions made in such grey are cases have the potential to contribute to learning and to the betterment of practice. But to lead learning from experience assumes, among others, that: (i) the leader has sufficient insight into the conditions required for learning in order to be able to lead learning from grey area cases, (ii) that the leader is analytic in respect of the events the decision reviews, (iii) the leader poses normative questions about the event ('Is that good enough police work?') and, (iv) that the leader acknowledges the requirements of learning from experience – experience of discrepancy, reflection and dialogue – as being of significance for learning and change.

Summary remarks

The idea of knowledge-based experience learning in the police is not new. It has reached studies, investigations and inquiries. Our findings, however, support Finstad's claim that experiential learning is still not seen as a 'long-term commitment' built into 'the organisation' (Finstad, 2012, p.5). How to further the task of learning? One of the main findings in this study is that police managers mainly use 'tightening up' as a measure in response to receiving a decision from SE. This practice can be effective as a response to specific events. At the same time, their repeated use of this practice of 'tightening up' alone can restrict learning from experience at both an individual and an organisational level.

A one-sided focus on the tightening up of practice by means of measures based on the criminal law does not lead to the possibility of posing questions leading to other explanations of the event, which can be valuable if practice is to be changed. We found the potential opportunities that come from opening up in both SE and police managers. But at the same time, the findings from this study indicate that the main content of experiential learning is not driven by curiosity, wondering or knowledge of the phenomenon itself, but rather by the already established experience-based habits of the police leadership. Thus, we are back with Wackerhausen's (2015) point that 'yesterday's customs [become] tomorrow's problems' (p.91). Promoting learning from experience calls for leaders who can challenge these customs. But, at the same time, this can be challenging in the light of who is seen as legitimate sources of learning, and the culture of learning from mistakes (see, for example, Valland, 2016).

The aim of the entire police organisation is that police conduct be both fair and effective. Openness about, and control of, the police's use of its powers is insufficient to achieve this. The findings of this study show that it is also necessary to create a learning climate that emphasises the experience of police officers, and which stimulates and promotes reflection and dialogue in order to arrive at learning from grey area cases. Although it seems that the prerequisites for learning from grey area cases are challenging, the reporting of an event can in itself mediate between SE's intention and learning from the experience – in the right sense of the word.

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