PEEL: Police legitimacy 2015

A national overview

Contents

Foreword by Stephen Otter

This report is the first on the legitimacy of police forces, as part of HMIC's annual all-force inspection programme which examines how effective, efficient and legitimate the police forces of England and Wales are at keeping people safe and reducing crime. It accompanies the publication of separate reports on the legitimacy of each of the 43 forces in England and Wales.

Fair decision-making and respectful treatment of the public by the police is a fundamental aspect of the British model of policing. Research has shown that, if the police treat people fairly and with respect, then the public will, in turn, be more likely to cooperate with the police and not break the law.

This inspection looked at many different issues: from the degree to which forces reflect the diversity of the communities they serve; whether the police workforce feel they are treated fairly; the efforts made by the police to engage and communicate with their communities; to the way that stop and search and tasers[1] are used by forces.

In this first inspection of police legitimacy, we inspected those areas of policing that we considered to be of most interest and concern to the public, and to those interested in policing. As our legitimacy inspections develop over the coming years, we will look at other aspects of policing.

We were pleased that the majority of chief officers had made considerable efforts to create and maintain an ethical culture within their forces. We were also pleased to see that forces were making efforts to engage with their communities, with some forces being innovative in their efforts to reach all the communities they serve. Having never inspected the way the police use tasers before, we were satisfied that it was being used fairly and appropriately in all forces to protect the public from being harmed.

On the other hand, we are disappointed that there has been no considerable change in the overall diversity of the police workforce. We are also very concerned that too many forces have not done enough to demonstrate that they are actively working to understand and remove bias from the complaints-handling process – particularly in respect of those black, Asian and minority ethnic officers and staff who had been subject to a complaint.

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[1] A device designed to temporarily incapacitate a person through use of an electrical current.

Finally, I was disappointed to have to report yet again, after two previous inspections of how well the police use stop and search powers, that forces still have much to do to demonstrate that they are not only using these powers as effectively as they could be, but also that they are using them fairly, particularly in relation to the stopping of black, Asian, minority ethnic and young people.

These are issues that police leaders must take seriously and address. To do otherwise, may erode the British tradition of policing by consent.

Stephen Otter QPM

HM Inspector of Constabulary

Summary and main findings

In 2015, HMIC assessed the extent to which police forces are legitimate in how they keep people safe and reduce crime. This is one strand of the PEEL (police effectiveness, efficiency and legitimacy) all-force inspection programme.

A police force is considered to have legitimacy if those working in it are seen by the public consistently to behave fairly, ethically and within the law. Only by doing this will the force build the trust and cooperation of the public which are essential elements of the British tradition of policing by consent.

In assessing whether each force is legitimate, HMIC examined three areas. When assessing each of these areas, we made graded judgments: outstanding; good; requires improvement and inadequate. A graded judgment was also made in relation to the overall assessment of each force's legitimacy.

To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?

The vast majority of chief officer teams took seriously the need to create and maintain an ethical culture. The ways in which this happened were very much dependent on the preferences of leaders in forces – but over the course of our inspection, we saw many examples of chief officer road shows; external challenge and ethics boards; training on expected standards of behaviour; dissemination of lessons learned; confidential reporting lines; and regular communication on force values.

The majority of officers and police staff we spoke to told us they felt able to challenge behaviour that they perceived to be inappropriate or unethical. However, we found that officers and staff were much more comfortable challenging operational or technical matters, rather than issues that affected the force's culture or behaviours – out of concern that doing so might affect their career. In other instances, there was a feeling that the force would not take any action, that the person would not be listened to or believed, or that the force would not support individuals who raised concerns.

There is a responsibility on senior officers and supervisors to make it clear that they are open to challenge and willing to listen to, and indeed act on, suggestions that may help or improve culture or behaviour in the force. Senior officers should also make clear that the force will take seriously and support those who come forward to raise concerns or challenge unacceptable behaviour.

All forces had arrangements in place to support and assist the wellbeing and welfare of officers and staff. However, we found that the range of services available, and the degree to which line managers supported their staff, was variable both between forces and within forces.

All forces had sought to incorporate at least some elements of the Code of Ethics into their own values, policies and practices. Our inspection showed that some forces had put considerable energy into promoting the Code of Ethics, by making sure it was: well known by the workforce; used in everyday decision-making; part of relevant training; and that policies and procedures reflected it.

Some forces had promoted the Code of Ethics to their officers and staff alongside their existing values statements. The consequence of this was usually that officers and staff became confused by the two overlapping sets of principles – not understanding the relationship between them, nor which was more important. This situation was exacerbated in those forces that collaborate with other forces. We found officers and staff from different forces working together in joint units, but subject to different sets of values.

HMIC is deeply concerned that there may be bias in the way that those from a black, Asian and minority ethnic background are treated, following a public complaint or an internal allegation of misconduct. We also have some evidence to support our earlier inspection findings that, following a complaint or allegation against a BAME officer or staff member, a pattern of behaviour seems to take place that makes it more likely for that complaint or allegation to be considered by the professional standards department.

We are extremely disappointed that, given the sensitivity and importance of this issue, forces have not done more to have robust and consistent processes in place for gathering and analysing data to assess for themselves whether all complaints or allegations against officers and staff are dealt with fairly and consistently.

How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?

Community engagement should influence every aspect of policing. For engagement to be effective, forces should focus on the needs of citizens, and be committed to ensuring that the results from engagement are integrated into service design and provision, and that communities participate in that provision.

We were therefore very pleased to see that all forces not only understood the links between effective public engagement and increased police legitimacy, but had in place a wide variety of ways to engage the public. These included: attending various community meetings; public and victim surveys; extensive use of social media;

working with local newspapers and radio stations to provide information to the public; seeking views and challenges from various Independent Advisory Groups; and email alerts and newsletters to update and inform the public. The better forces did all of these things, and targeted their efforts according to their different audiences and adjusted their approaches based on feedback received.

The more innovative forces had made considerable effort to recruit volunteers to support the police. We saw evidence that some volunteers were used to provide administrative support, clean vehicles, and monitor CCTV. This was an area where the less innovative forces could have done more to improve public participation in policing.

While our fieldwork findings were very positive, the survey[2] of the public was less so. The survey showed that just over a half (54 percent) of respondents agree that the police in their local area treat people fairly and with respect, versus seven percent who disagree. The remainder neither agree nor disagree, or do not know. So, even though we observed lots of positive work throughout our inspections, our survey findings suggest that forces have more to do to gain a reputation for treating people fairly and with respect throughout their total population.

There is also a danger that, as forces continue to reduce the number of officers and staff in neighbourhood teams that community engagement will be also be reduced. Such a situation would be both detrimental to the good work currently in place, and may begin to undermine the historic tradition of policing by consent. For these reasons, it is an area that chief constables should consider carefully over the next spending review period.

To what extent are decisions taken on the use of stop and search and taser fair and appropriate?

Fairness, and the perception of fairness, is crucial to police legitimacy. It is therefore important that fairness is demonstrated in all aspects of policing, including the use of police powers. Some of the most intrusive powers available to the police are those involving stopping and searching people and the use of taser.

In 2013, we set out our concerns in respect of how forces were using stop and search powers.[3] Following this report, on 26 August 2014, the Home Office and College of Policing published guidance to police forces on implementing the Best Use of Stop and Search Scheme. The principal aims of the scheme are for the police to: establish greater transparency and community involvement in the use of stop and

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[2] HMIC commissioned Ipsos MORI to survey members of the public across England and Wales.

[3] *Stop and Search Powers – are the police using them effectively and fairly*? HMIC, July 2013. Available from: www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

search powers; more effectively monitor their use; and to make sure that the powers are used in an intelligence-led way to achieve better outcomes for the public. All chief constables in England and Wales have signed up to the scheme.

We were therefore very disappointed to see that, despite considerable attention on stop and search over recent years, too many forces were not sufficiently recording the reasonable grounds for stopping a person on their stop and search forms. In many cases, these forms had been endorsed by a supervisor.

We were also disappointed to see that far too many forces were not complying with one or more features of the Best Use of Stop and Search scheme. Very few forces were fully compliant, despite all chief constables having signed up to the scheme.

The picture in respect of taser was much more positive. HMIC has not previously inspected this area, and we were very pleased to see that taser had been used fairly and appropriately in almost all the cases where we made an assessment. There were robust oversight systems in place, and forces had a good understanding of how many taser-trained officers were needed and how they should be deployed.

There was also good evidence of tasers being used, in accordance with authorised professional practice, to protect the public and police officers from a wide variety of dangerous weapons.

Overall

Forces have done well to ensure that the culture of policing is ethical, and that communities are engaged effectively. We were pleased to observe that staff at the front counters of police forces were polite and helpful and that people were treated with respect. This was also the case when we listened to calls for help or assistance made to both 999 and 101.

Our findings on the use of taser were particularly positive, and should provide reassurance to the public that it is an effective tactic used to protect the public and police officers in some very violent or threatening situations.

But the picture is not all positive.

Almost all forces would recognise that there is more to do to make the police better reflect the communities they serve. In particular, more needs to be done to encourage and support women and black, Asian and minority ethic people reach senior positions in policing.

We are particularly concerned that forces have not done enough to demonstrate to their workforce that complaints or allegations of misconduct will be treated fairly and equally – whoever is the subject of the complaint. While the data suggested differences in the way black, Asian and minority ethnic people were treated

compared with white people, the lack of consistency and completeness meant that we were not able to comment conclusively on whether bias exists. That forces do not have a good enough understanding of their data to identify and address this issue is unacceptable.

Finally, we are disappointed to report, once again, that the use of stop and search is inconsistent across forces – either in relation to the recording of reasonable grounds, or to the implementation of the Best Use of Stop and Search scheme. While forces are making improvements, there is clearly still more to do.

What is police legitimacy?

Our inspections were informed by research in relation to the two principal characteristics of a legitimate organisation – organisational justice and procedural justice.

Organisational justice[4]

Every day, people are affected by the decisions made by managers where they work. Research shows that an individual's perceptions of these decisions (and the processes that led to them) as fair or unfair can influence their subsequent attitudes and behaviours.

In a policing context, officers and staff who feel they are treated fairly and with respect by managers and colleagues in their force are more likely to go on to treat the public with whom they come into contact fairly and with respect. This is likely to increase the public's perception that the police in their area are acting legitimately.

Procedural justice

Research[5] has shown that for the police to be considered as legitimate in the eyes of the public, people need to believe that the police will: treat them with respect; make fair decisions and take the time to explain these decisions; and be friendly and approachable. It also indicates that the way officers behave can encourage greater respect for the law by people, and foster social responsibility that leads to people cooperating with the police.

The more the public co-operates with the police – through information or intelligence, or become more active in policing activities – such as neighbourhood watch or other voluntary activity, the more efficient and effective the police can become.

To reach a judgment about the legitimacy of each force, HMIC examined three areas:

Spring 2015 inspection[6]

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[4] *It's a fair cop? Police legitimacy, public cooperation, and crime reduction*, Andy Myhill and Paul Quinton, National Policing Improvement Agency, London, 2011. Available from: http://whatworks.college.police.uk/Research/Documents/Fair_cop_Full_Report.pdf

[5] *Ibid.*

[6] The inspection took place between March and June 2015.

- To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?

Autumn 2015 inspection[7]

- How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?

- To what extent are decisions taken on the use of stop and search and tasers fair and appropriate?

Our judgments for all 43 police forces in England and Wales are set out at Annex A.

During our inspection: we interviewed senior leaders, collected data and documentation from forces; surveyed the public to seek their views of the force; held focus groups for those at different grades and ranks; and undertook unannounced visits to individual police stations to gather evidence and speak with officers and staff.

Prior to inspection fieldwork we also reviewed a small number of taser deployment forms; stop and search records; public complaint and internal misconduct files, and listened to calls for service from members of the public.

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[7] The inspection took place between September and November 2015.

To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?

Diversity in policing

Across all police forces in England and Wales, the total number of people in the workforce decreased by 15 percent between 31 March 2010 and 31 March 2015. This equates to a reduction of just over 37,000 full-time equivalent police officers, police staff and PCSOs.

During the same period, the total proportion of women increased by 0.7 percentage points, taking the overall proportion of women working in policing to 39.4 percent. For black, Asian and minority ethnic (BAME) people, the proportion working in policing increased by 0.5 percentage points, taking the overall proportion to 6.4 percent.

Our force reports[8] show the level of representation for women and BAME people for each force. Figures 1 and 2 below show the data for England and Wales.

Figure 1: Breakdown of full-time equivalent (FTE) police workforce in England and Wales, as at 31 March 2015

	Total	Of which			
		Female		BAME*	
Total workforce	**206,837**	**81,543**	**(39.4%)**	**12,884**	**(6.4%)**
Total officers	**126,818**	**35,738**	**(28.2%)**	**6,979**	**(5.6%)**
Constables	98,954	29,915	(30.2%)	5,939	(6.1%)
Sergeants	19,148	4,024	(21.0%)	726	(3.9%)
Inspectors	5,701	1,152	(20.2%)	210	(3.7%)
Chief inspectors	1,657	374	(22.6%)	55	(3.3%)
Superintendents	820	157	(19.2%)	32	(4.0%)
Chief superintendents	337	72	(21.3%)	15	(4.5%)
Chief officers	201	43	(21.4%)	2	(1.1%)
Staff	**67,688**	**40,268**	**(59.5%)**	**4,783**	**(7.3%)**
PCSOs	**12,331**	**5,537**	**(44.9%)**	**1,121**	**(9.3%)**

Note that numbers may not add up to totals because of rounding.
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

Source: Home Office Police Workforce statistics

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[8] *PEEL – Police legitimacy 2015*, HMIC, 11 February 2016. Available at: www.justiceinspectorates.gov.uk/hmic/publications/police-legitimacy-2015/

Figure 2: Change in police workforce across England and Wales (overall volume and the percentage of female and BAME people), between 31 March 2010 and 31 March 2015

	Total change		Percentage point change	
			% female	% BAME
Total workforce	**-37,035**	**(-15%)**	**+0.7**	**+0.5**
Officers	**-16,916**	**(-12%)**	**+2.4**	**+0.9**
Constables	-10,715	(-10%)	+1.7	+1.0
Sergeants	-3,961	(-17%)	+3.7	+0.4
Inspectors	-1,557	(-21%)	+4.6	+0.5
Chief inspectors	-317	(-16%)	+7.1	+0.1
Superintendents	-209	(-20%)	+5.8	+0.6
Chief superintendents	-135	(-29%)	+10.3	+1.7
Chief officers	-23	(-10%)	+6.2	-3.1
Staff	**-15,521**	**(-19%)**	**-0.7**	**+0.5**
PCSOs	**-4,598**	**(-27%)**	**+1.2**	**-1.8**

Note that numbers may not add up to totals because of rounding.

Source: Home Office Police Workforce statistics

Figure 3: Percentage of BAME people within England and Wales' police workforce (as at 31 March 2015) compared with total population
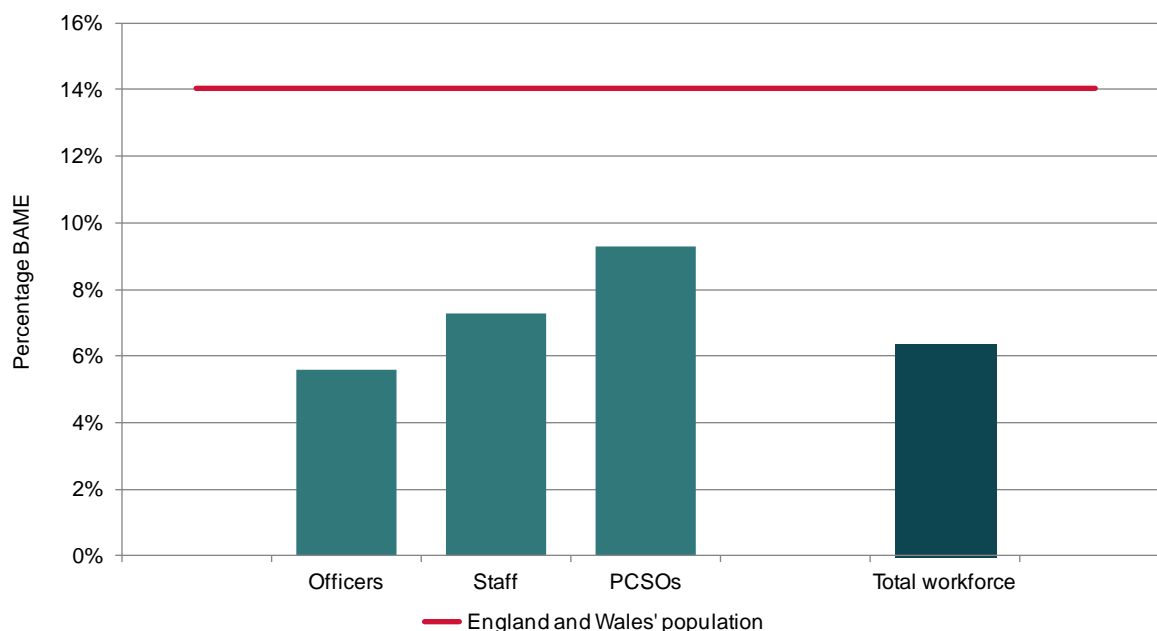
Sources: Home Office Police Workforce statistics and Office for National Statistics 2011 Census

From the data above, it is evident that there is considerable under-representation of women and BAME people among chief officers (chief constables, deputy chief

constables and assistant chief constables) – the most senior police officers in police forces.

The data shows that, as at 31 March 2015, women made up only 21 percent (43 out of 201) of all chief officers, while BAME people made up only 1 percent (2 out of 187 – where the ethnicity was known).

Although the overall police workforce saw a small increase in the proportion of women and BAME people during a time when many posts were reduced, HMIC considers that more work is needed to ensure that those working in policing – at all levels – better reflect the communities they serve.

Many forces, notably the Metropolitan Police Service and West Midlands Police, had made considerable efforts to recruit more women and BAME people into the force – recognising the need for the force to better reflect the communities they serve. Unfortunately, as we have seen in the data figures above, the degree of success overall has been very limited. Indeed, this was also the case for the Metropolitan Police Service and West Midlands Police, even after the efforts they had made. Over the course of the next spending review period,[9] forces should continue to do everything they can to increase the proportion of women and BAME people in their workforces.

Our inspection also looked at the efforts being made to retain women and BAME people working in each force. We found that very few forces ran mentoring and coaching schemes for women and BAME people. If forces are to see greater representation of women and BAME people at senior levels, forces need to provide more support to their minority officers and staff.

We found that chief officer teams who understood the benefits of having a more representative and diverse workforce, were those who engaged better with staff groups that had built a network to support staff and officers who are in a minority – because of their gender, ethnicity, religion, sexuality, disability or other protected characteristic.[10] We also found that these chief officer teams better understood the concerns of minority staff that might otherwise have gone unreported.

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[9] The Spending Review period covers the four years from 2016-17 to 2019-20 inclusive.

[10] Under the Equality Act 2010, it is against the law to discriminate against anyone because of: age; being or becoming a transsexual person; being married or in a civil partnership; being pregnant or having a child; disability; race including colour, nationality, ethnic or national origin; religion, belief or lack of religion/belief; sex; or sexual orientation. These are called 'protected characteristics'

How well does the force develop and maintain an ethical culture?

It is critical that the culture inside police forces is an ethical one, where challenge and continual improvement are encouraged, and where staff feel that they and others are consistently treated fairly. As we have said above, staff who feel they are treated fairly and with respect by their force are more likely to go on to treat the public with whom they come into contact fairly and with respect. HMIC therefore examined the extent to which officers and staff at all levels were creating and maintaining an ethical culture.

We found that the vast majority of chief officer teams took seriously the need to create and maintain an ethical culture. The ways in which this happened were very much dependent on the preferences of leaders in forces – over the course of our inspection, we saw many examples of:

- chief officer road shows – where chief officers would spend time meeting officers and staff across the whole force to hear their views and concerns, and to set out what they expected from everyone working in the force;

- external challenge and ethics boards – where either the chief officer team, or police and crime commissioner, would invite members of the public or those working outside the police service who had relevant knowledge or experience (e.g. lawyers or those in the voluntary sector), to discuss policing matters and challenge the force on whether it was doing enough to meet its legal obligations, or its obligations to victims and the wider public;

- training officers and staff on expected standards of behaviour – this may be computer-based or classroom training on issues such as the Code of Ethics; obligations under the Equality Act or Human Rights Act; when to accept gifts or hospitality etc.;

- confidential reporting lines – for officers and staff to report a colleague's potential misconduct or unacceptable behaviour in a discreet manner; and

- dissemination of lessons learned – news bulletins or notices on the force intranet highlighting lessons learned or other matters officers and staff should be aware of (e.g. recent court judgments).

As well as setting out their own expectations of those working in the force, we were pleased to see that the majority of chief officer teams were also interested in the views of those of their workforces. These forces had undertaken staff surveys, to better understand the concerns of officers and staff, and most of the officers and staff in these forces recognised the commitment from their chief officer teams to act on the feedback received. The majority of forces also used other methods to seek

the views of the workforce, including: regular team meetings; online forums for people to share good ideas; and 'ask the boss' schemes, where individuals could ask questions directly to the chief constable and where they would receive a reply (the questions and replies would be available for the whole workforce to see).

We were disappointed to find that, in a small number of forces, chief officers told us that they could not see a need to ask their workforce about what was, and was not, working well in the force. The reasons given to us by individual chief officers were that a survey would not tell them anything they did not already know, or that the force was unlikely to be able to deal with the concerns anyway. We do not agree with these views. It is highly doubtful that any leadership team will know what its entire workforce is thinking, and changes to working practices are very much in the control of senior leaders to make. If the workforce does not feel valued and treated fairly and with respect, this may have negative repercussions when they interact with the public.

The majority of officers and police staff we spoke to told us they felt able to challenge behaviour that they perceived to be inappropriate or unethical. However, when we tested this more closely, we found that officers and staff were much more comfortable challenging on operational or technical matters, rather than on issues that affected the force's culture or behaviours. In the majority of forces, we were told that officers or staff would be less likely to challenge more senior officers or staff, out of concern that doing so might affect their career. In other instances, there was a feeling that the force would not take any action, that the person would not be listened to or believed, or that the force would not support individuals who raised concerns.

It is important that people feel free to raise concerns or suggest improvements without fearing that there will be any negative consequences as a result of doing so. There is a responsibility on officers and staff to ensure that any concerns or suggestions for improvement are made in an appropriate manner. But there is also a responsibility on senior officers and supervisors to make it clear that they are open to challenge and willing to listen to, and indeed act on, suggestions that may help or improve culture or behaviour in the force. Senior officers should also make clear that the force will take seriously and support those who come forward to raise concerns or to challenge unacceptable behaviour.

How well does the force provide for the wellbeing of staff?

Police forces need to understand the benefits of having a healthier workforce. A happy and healthy workforce is likely to be a more productive one, as a result of people taking fewer sick days and having a greater investment in what they do. This inspection examined how well forces consider, and provide for, the wellbeing needs of their workforce.

All forces had arrangements in place to support and assist the wellbeing and welfare of officers and staff. However, we found that the range of services available, and the degree to which line managers supported their staff, was variable both between forces and within forces.

The types of services and support available included: flexible working arrangements to help individuals balance work and home life; information and advice on health such as nutritional advice, or advice on smoking and alcohol; providing gym or fitness facilities; and having local wellbeing champions to promote the activities available and offer support to officers and staff.

Many forces also ran 'wellbeing weeks', in which specific aspects of wellbeing, such as giving up smoking, were promoted to the workforce. We were also pleased to see that a majority of forces had wellbeing boards responsible for overseeing the work of the force in relation to wellbeing and welfare.

All forces had a dedicated occupational health unit, through which individuals could access medical support – for example, following a traumatic or stressful event, or a physical injury at work. We found that some of these units had insufficient resources to meet the demands placed upon them, leading to delays in support being given to officers or staff.

We also found examples of officers and staff who were unaware of the support available to them, and of supervisors who were unaware of the referral processes for their staff. It is important that all supervisors know what support is available, and how to refer those who may need it.

In a number of instances, we heard examples of individuals being reluctant to attend occupational health units that were located in headquarters' buildings, due to embarrassment or a perceived lack of privacy. Forces should consider how they might increase the privacy for staff attending, and make clear that seeking help or support is not a sign of weakness.

For those officers and staff working in roles with a high risk of stress, for instance those involved in investigating child abuse, we saw many good examples of mandatory psychological screening, to quickly identify and treat the onset of work-related stress. We view this as good practice.

We also saw that some forces provided welfare support to those officers and staff who were under investigation, as a result of a complaint from the public, or an allegation of misconduct from a colleague. We consider that this is also good practice.

In almost all forces, we saw evidence of a move towards more robust processes for monitoring and recording sickness absence, in order to reduce the number of officers and staff away from work. In a majority of forces, officers and staff told us that these

new policies were too rigidly applied, with a focus on deterring staff from reporting sick, and so reducing the number of days lost through sickness. We heard examples of staff who had continued to work in circumstances where they would have previously reported that they were sick.

HMIC considers that it is perfectly reasonable for forces to have robust systems and processes for managing sickness absence. However, in genuine cases of sickness, feeling compelled to come to work may simply prolong illness, or risk infecting colleagues. As we set out at the start of this section, a happy and healthy workforce is likely to be a more productive one. Forces should continue focusing on improving and promoting the wellbeing of officers and staff, as this will help to improve sickness absence rates.

How well has the Code of Ethics been used to inform policy and practice?

In April 2014, the College of Policing launched the Code of Ethics.[11] This sets out the policing principles and standards of professional behaviour that everyone in policing is expected to adopt. The principles are: accountability; integrity; openness; fairness; leadership; respect; honesty; objectivity; and selflessness. These principles and standards should be used to underpin and inform the decisions and actions taken by all officers and staff.

This inspection considered the extent to which officers and staff were aware of the Code of Ethics, and how the force was working to make the code part of day-to-day practice.

In all forces, chief officers had already developed and set out their own values prior to the Code of Ethics being introduced. Typically, these values would be focused on those areas that chief officers deemed to be of most importance, and would all be called something different. In short, there was little consistency across police forces.

At the time of the inspection, almost all forces had sought to incorporate at least some elements of the Code of Ethics into their own values, policies and practices. Our inspection showed that some forces had put considerable energy into promoting the Code of Ethics, by making sure it was: well known by the workforce; used in everyday decision-making; part of relevant training; and that policies and procedures reflected it.

We found that those forces which had chosen to retain their own value statements had incorporated some elements of the Code of Ethics – but not all of the principles

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[11] *Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

and standards. We also found in these forces that the whole code was rarely included in training or in force policies (with the notable exception of policies to do with complaints and misconduct, where it was almost always used).

Some forces had promoted the Code of Ethics to their officers and staff alongside their existing values statements. The result of this was usually that officers and staff became confused by the two overlapping sets of principles – not understanding the relationship between them, nor which was more important. This situation was exacerbated in those forces that collaborate with other forces. We found officers and staff from different forces working together in joint units, but subject to different sets of values.

The Code of Ethics was produced by the College of Policing after considerable consultation with police forces. It sets and defines the exemplary standards of behaviour for everyone who works in policing and is a statutory code of practice. The code is clear that "every person working in policing will adopt the Code of Ethics".[12] Therefore, we find it both surprising and disappointing that a number of forces have chosen not to adopt all of the nine policing principles as required by the code.

In the section on community engagement, we consider the extent to which forces use the National Decision Model[13] (NDM) to inform decision-making. As the Code of Ethics is a central feature of the NDM, this provides another reason why it is important that officers and staff understand it.

Chief officers should therefore satisfy themselves that their vision and values, along with their policies and practices, include all nine policing principles as set out in the Code of Ethics.

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[12] *Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

[13] *College of Policing - Authorised Professional Practice on National Decision Model*, College of Policing, December 2014. Available from: www.app.college.police.uk/app-content/national-decision-model/?s

> **Recommendation**
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> - With immediate effect, chief constables should adopt the Code of Ethics in its totality. If there is a good reason why a particular force should depart from the code, the chief constable should publish his or her reasons for not adopting it in full.

How fairly and consistently does the force deal with complaints and misconduct?

HMIC's inspection of police integrity and corruption in 2015[14] identified two areas of concern for all police forces in England and Wales:

- Inconsistency in the assessment, quality and timeliness of misconduct investigations in those forces where local managers had responsibility for investigating some public complaints and misconduct reports. In these forces, some officers and staff told us that they considered that some local policing managers did not have sufficient training to deal with the investigations, affecting the quality and timeliness of investigations; and

- A lack of confidence among some local managers in using the misconduct procedures. In some larger forces, we were told by some officers and staff that they believed that the lack of confidence resulted in a disproportionate number of those with protected characteristics being referred to professional standards departments for formal misconduct investigation; they felt it was easier for local managers to pass the responsibility for making decisions to professional standards departments, rather than deal with the decision-making themselves and risk accusations of discrimination.

Recording complaints

Complaints made by the public against police officers, police staff, contracted police staff, and force procedures are recorded by individual police forces. Each complaint may have one or more allegations attached to it. For example, one complaint that an officer was rude and that they pushed an individual, would be recorded as two separate allegations.


[14] *Integrity Matters: An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing*, HMIC, London, 2015. Available from: www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/

Each allegation can be dealt with in a number of ways. Some lower level complaints, such as rudeness or incivility, may be dealt with through the local resolution process.[15] The investigation of complaints that are locally resolved should be adapted to the needs of the complainant. For example, the complainant may want an apology or an explanation of the circumstances – in writing or in person. If the complaint is more serious, and assessed as not suitable for local resolution, it must be investigated by an appointed investigating officer who will produce a report detailing findings against each allegation.

In the 12 months to 31 March 2015, across England and Wales, police forces recorded 179 complaints per 1,000 members of workforce. This ranged from 104 (in Merseyside) to 374 (in Lincolnshire), as shown in the figure below.

Figure 4: Complaint cases recorded per 1,000 workforce[16] for the forces of England and Wales, 12 months to 31 March 2015

— England and Wales figure
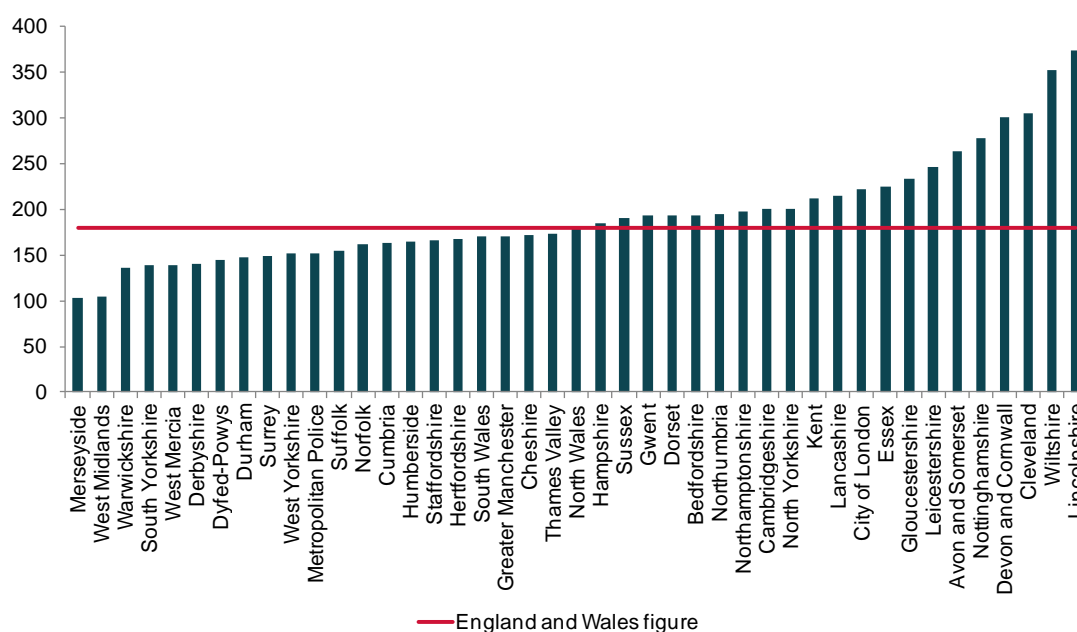
Source: Independent Police Complaints Commission and Home Office Police Workforce statistics

While some variation is expected due to the nature of policing in different forces, the size of this range suggests different recording practices across forces.

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[15] Local resolution means dealing with complaints against the police at a local level – for example, through the involvement of an inspector at a police station. The inspector can talk with the complainant, so they understand what the complaint is about and take any appropriate action to put things right. The inspector may also want to take the opportunity to explain what has happened from the perspective of the police officer involved. The local resolution of a complaint does not involve the disciplinary process and will not result in misconduct proceedings against an officer or member of police staff. The complaint will be closed after the process has been completed.

[16] Workforce totals here do not include special constables or section 39 designated officers (contract staff) and are as at 31 March 2015, and so differ from those used in IPCC-published analysis.

The variation may also suggest that, for those forces towards the left hand side of figure 4, the public may be less likely to make a complaint – either because the police force provides an exceptionally good service, or because the public do not believe that their complaints will be taken seriously.

"Service recovery"

We found that many forces had introduced a "service recovery" process to handle and resolve less serious matters. Under this approach, public dissatisfaction is dealt with by the force, without formally recording matters as complaints – i.e. forces were using the statutory ten-day window (see paragraph 53 below) to resolve some complaints, and so were not recording them.

The process typically sits within professional standards departments, and is focused on the needs and preferences of the complainant in those cases that fail to reach a certain threshold of seriousness.

It is important that forces record complaints from the public in accordance with the legislation[17] as this provides the complainant with their rights of appeal, gives them a right to be provided with information, and gives them some control over the complaints-handling process. Also, it allows forces to report to the public the number of complaints they receive, allows the public to compare forces against each other, and provides forces with opportunities to learn and improve.

The statutory guidance published by the Independent Police Complaints Commission (IPCC) requires forces to record all complaints within ten working days of receipt. This guidance makes it clear that, unless the complaint can be dealt with there and then, the ten-day period is not to be used for resolving the complaint without first recording it.

Those forces who do not comply with the statutory guidance may be masking the true number of complaints received, and may deprive a complainant of their right of appeal, and access to information. This may also help explain some of the variation in figure 4 above.

While the "service recovery" approach is not compliant with the statutory guidance provided by the IPCC, we did observe that some forces were using it to place a greater focus on the needs of the complainant and we found that it seemed to encourage forces to deal with the concerns more swiftly.

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[17] The Independent Police Complaints Commission revised its statutory guidance under the Police Reform Act 2002, in relation to upholding complaints and complaints about lawfulness in May 2015. For more information, see Independent Police Complaints Commission statutory guidance. Available at: www.ipcc.gov.uk/page/statutory-guidance

The Home Office is currently reviewing and simplifying the legislative framework on police complaints. Any legislative changes must ensure that the needs of the complainant are paramount, that is, that they receive a swift and full response to their concerns.

"Appropriate authority"

The Police Reform Act 2002 requires an officer of at least the rank of chief inspector, or a member of police staff of equivalent seniority, to make the initial decision as to how a complaint is dealt with. These individuals have delegated authority from the chief constable to make decisions on his or her behalf as the "appropriate authority".

It is important that the "appropriate authority" role is carried out by a person of such seniority, because they are likely to make decisions that could result in criminal prosecutions or gross misconduct[18] investigations.

As part of our inspection, we reviewed up to 70 public complaint and internal misconduct[19] case files from each force, a total of 2,663, to assess whether they had been considered fairly and consistently.

Of the 2,663 case files, an assessment had been made in 906 public complaint cases. Of these, 41 percent had a decision taken by a person whose seniority was lower than that required by the Police Reform Act 2002. Furthermore, when considering these public complaint cases, we disagreed with 16 percent of the decisions made. Cases of where we disagreed included where complaints had been locally resolved when, in our opinion, they should have been investigated as potential misconduct. For example, we reviewed a complaint case that included allegations of unlawful arrest and unnecessary use of force. This was inappropriately dealt with as a local resolution. We also found cases where the opposite was true.

From the 906 public complaint cases we reviewed where an assessment had been completed, we were nearly twice as likely to disagree with the decision where the rank or grade of the appropriate authority was lower than that set out in the Police Reform Act 2002 (23 percent), compared with where they were of the correct rank or grade (12 percent). Our data appear to indicate that having a person with the correct rank or grade carrying out the role of the appropriate authority improves the quality of the decisions being made.

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[18] Gross misconduct means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified. See paragraph 29, Schedule 3, Police Reform Act 2002 and Regulation 3 of the Police (Conduct) Regulations 2012.

[19] A misconduct matter is any matter about which there is not or has not been a complaint, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings. See section 12, Police Reform Act 2002.

All forces should, therefore, comply with the legal requirement to have a person of at least the rank of chief inspector, or a member of police staff of equivalent seniority, to make the initial decision as to how a complaint is dealt with.

Investigation and local resolution of complaints

Figure 5 shows the variation between forces on which complaints they consider should be locally resolved, and which should be investigated. As the figure shows, there is not a consistent approach taken across forces to complaint handling.

Figure 5: Proportion of complaint cases investigated or locally resolved[20] following consideration by the appropriate authority for the forces of England and Wales, 12 months to 31 March 2015
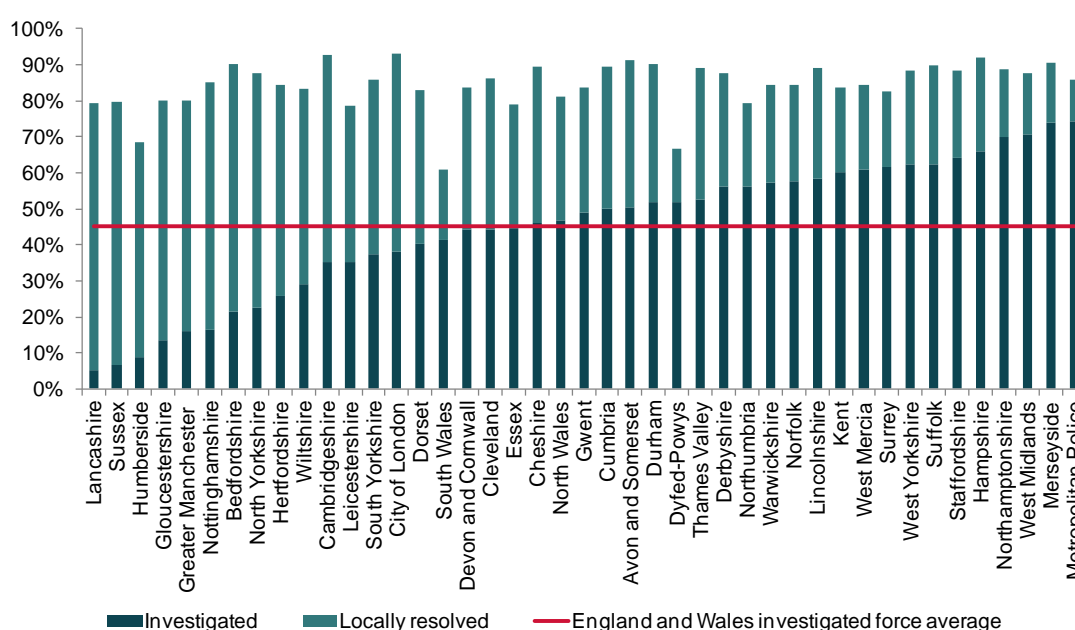
Source: Independent Police Complaints Commission

Figure 6 shows that the average length of time taken to deal with local resolutions is generally far less than that for local investigations. These data suggest that many public complaints that should be locally resolved, are in fact dealt with through the slower (and more costly) investigation route. Taking longer than necessary to resolve a public complaint is also likely to reduce overall public satisfaction in how the police handle complaints.

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[20] The other cases that would take proportions to 100 percent, not shown in the figure, will have been finalised by disapplication, withdrawal, discontinuance and dispensation.

Figure 6: Average time taken to finalise allegations by local resolution and local investigation for the forces of England and Wales, 12 months to 31 March 2015

Average time taken to finalise allegations - local resolution

64 days

Average time taken to finalise allegations - local investigation

154 days

England and Wales force average

Range of all forces' values
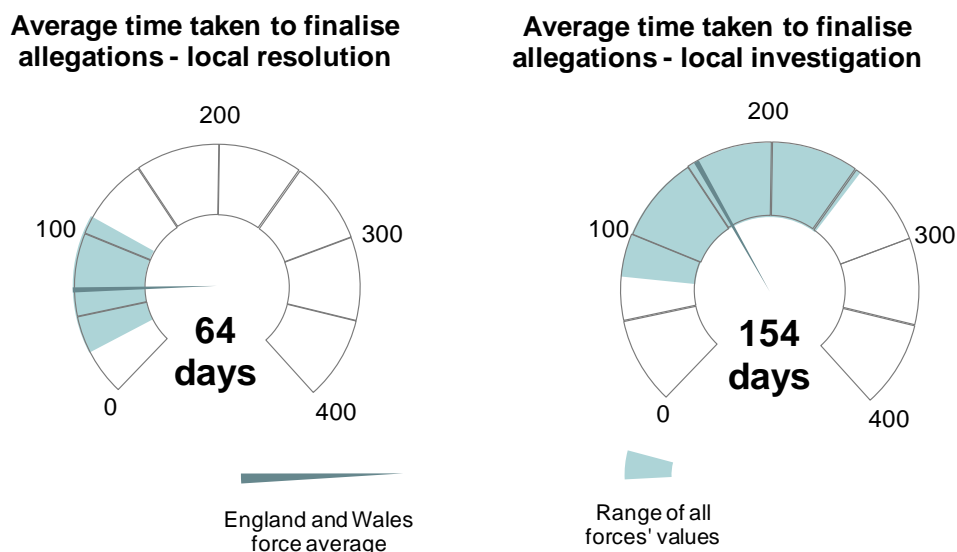
Source: Independent Police Complaints Commission

HMIC therefore considers that those forces at the right-hand side of figure 5 should do more to resolve complaints through local resolution where appropriate, rather than slow the process down and conduct an investigation. This would require forces to train local teams and empower them to make the necessary decisions, and should result in improved public satisfaction with the complaints process.

These findings, when taken together, point to a continuing inconsistency in the way complaints are assessed for investigation and then investigated. We are disappointed to find that forces have made little progress since our last inspection[21] of this crucial area of police practice.

Fairness and equality in handling complaints and misconduct

We also considered whether there is any bias in the way that those with protected characteristics are treated when subject to a public complaint or internal misconduct allegation.

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[21] *Integrity Matters: An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing*, HMIC, London, 2015. Available from: www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/

Case file analysis

As noted above, we reviewed up to 70 public complaint and internal misconduct[22] case files from each force, a total of 2,663, to assess whether they had been considered fairly and consistently.

We considered the initial decisions as to the seriousness of cases, and the final assessments made by the force. We also looked at the appropriateness of decisions to suspend officers and staff, based on the evidence available to support such a decision.

Overall, we found no evidence to suggest bias or discrimination in respect of gender, ethnicity or role of the person subject to the complaint, in the cases reviewed.

Complaints and internal misconduct data

In addition to looking at individual case files, we considered the total number of officers and staff investigated as a result of a complaint or internal misconduct matter. Between 1 April 2013 and 31 March 2015, across England and Wales, there were approximately 11,000 people investigated as a consequence of internal misconduct cases.

Alongside information on the process followed for each case, and the eventual outcomes, we also looked at information on the gender, ethnicity, and role of the person under investigation.[23]

The lack of consistency and incompleteness of the data that is currently readily available from forces did not allow us to comment conclusively on whether bias exists. In particular, ethnicity data was not available in 16 percent of all the public complaint and misconduct records that we collected directly from forces' records systems, and gender data was not available in 11 percent of records. In several forces, records relating to police staff and police officers were stored on different systems, leading to further inconsistencies. Further details about the limitations of drawing firm conclusions from the data are found in Annex B.

However, the data from the 11,000 internal misconduct cases did suggest some differences at various stages, raising questions of fairness and consistency, for example:

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[22] A misconduct matter is any matter about which there is not or has not been a complaint, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings. See paragraph 29, Schedule 3, Police Reform Act 2002 and Regulation 3 of the Police (Conduct) Regulations 2012.

[23] Where this information had been recorded by forces.

- a higher proportion of BAME members of the workforce with a case to answer[24] were required to attend misconduct hearings (33 percent), compared with white people with a case to answer (18 percent); and

- a higher proportion of those BAME people attending hearings were dismissed (52 percent), compared with white people (40 percent).

The data did suggest that there was little difference in the way that women were dealt with, when compared with men.

It is currently not mandatory for forces to record data on the rank, age or length of service of the subject. To understand whether bias relating to gender, ethnicity or role exists, it is necessary also to be able to quantify the effects of any other potential factors.

We also examined around 94,000 records relating to about 57,000 officers and staff, investigated as a result of public complaints over the 24 months to 31 March 2015.

Data from the examination of these records highlights substantial variations in the way that different forces dealt with individuals throughout the processes during the two year period. For example, the proportion of upheld[25] public complaint cases where there was deemed to be a case to answer varied across forces from 7 percent of cases (North Wales), to 92 percent (Cheshire). Similarly the proportion of subjects of public complaints with a case to answer receiving informal or "management action"[26] ranged from 8 percent in one force (Surrey), to 87 percent in another (Hampshire).

Notwithstanding the above concerns on the consistency and incompleteness of the data, the differences in the data suggest that complaints procedures are being applied very differently across the service, and that the treatment and eventual outcomes for individuals subject to complaints and misconduct matters could be very dependent on their force.

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[24] There would be a case to answer where there is sufficient evidence upon which a reasonable misconduct meeting or hearing could, on the balance of probabilities, make a finding of misconduct or gross misconduct. For more information, see Independent Police Complaints Commission statutory guidance. Available at: www.ipcc.gov.uk/page/statutory-guidance

[25] An upheld complaint is one in which it was concluded that the service provided by the police officer or police staff member or the service as a whole did not reach the standard a reasonable person could expect.

[26] "Management action" means action or advice intended to improve the conduct of the officer concerned. See Regulation 3, Police (Conduct) Regulations 2012.

We consider this to be a very troubling finding, as officers and staff should be treated fairly and consistently – whichever force they are in. The lack of consistency and the incompleteness of the data that is currently available from forces, however, does not allow us to be conclusive about whether bias exists.

During the fieldwork stage of the inspection, it was suggested to us in a small number of forces that public complaints or misconduct allegations against BAME officers or staff were more likely to be escalated to the professional standards department for consideration, rather than dealt with swiftly and informally. This is consistent with our findings from our police integrity and corruption inspection in 2015.

In several forces we heard from staff networks, professional standards departments and from individuals that they perceived, when an allegation of misconduct against a BAME officer or member of staff was raised, the following cycle of behaviour occurred:

(a) BAME officers or staff, who did not trust that they would be dealt with fairly, were more likely to seek the advice and assistance of their representative staff network or union to help them ensure a fair hearing. This had the effect of their supervisors treating the complaint as more serious than he or she would have done had the person been white; and consequently;

(b) a fear of being accused of discrimination or bias, led supervisors to behave in a way that had the effect of more complaints against BAME officers and staff being referred to the professional standards department for formal investigation. The outcome of this was that BAME officers or staff were treated more severely than their white colleagues. The overall effect of this was that;

(c) BAME officers or staff did not trust that they would be dealt with fairly, should an allegation against them be made.

This view appears to support the findings of researchers who considered similar issues in Greater Manchester Police,[27] which was one of the first forces to commission research in this area.

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[27] *An investigation of internally raised misconduct proceedings in Greater Manchester Police with additional statistical analyses of West Midlands Police and British Transport Police data; and statistical analyses of counter-corruption intelligence data in the three services*, Graham Smith, Harry Hagger Johnson and Chris Roberts, July 2012. Available from: www.gmp.police.uk/live/Nhoodv3.nsf/WebAttachments/89FA8B8058B6E43780257ADB004AA038/$File/DIPPS_Final2012.pdf

We also found that the perception of bias or discrimination existed in many forces, particularly from BAME groups. Such a perception is likely to have a direct effect on an individual's behaviour, (i.e. BAME officers and staff not feeling that they will be dealt with fairly, should they be the subject of a complaint or misconduct allegation).

From our discussions with all professional standards departments, we found that the majority of forces either recognised that their own data showed that BAME groups were disproportionately more likely to be referred to them following a complaint or allegation, or that they did not have a sufficient understanding of their own data to assess whether such a disproportionality existed.

Fairness and equality in handling complaints – conclusion

The available data suggests that there may be bias in the way that those from a BAME background are treated, following a public complaint or an internal allegation of misconduct. However, the data from forces is so variable that firm conclusions cannot be drawn as to whether discrimination against BAME groups is taking place.

Our fieldwork findings, in particular our discussions with staff representative networks and professional standards departments, tell us that the perception of bias and discrimination does exist. We also have some evidence to support our earlier inspection findings[28] that, following a complaint or allegation against a BAME officer or staff member, a pattern of behaviour seems to take place that makes it more likely for that complaint or allegation to be considered by the professional standards department.

We are extremely disappointed that, given the sensitivity and importance of this issue, forces have not done more to have robust and consistent processes in place for gathering and analysing data to assess for themselves whether all complaints or allegations against officers and staff are dealt with fairly and consistently.

In order for chief officers to demonstrate clearly that all those with protected characteristics are being treated fairly and equally, there is a need for:

- much greater consistency in the approach taken to manage complaints across all forces;

- improved recording of data, for example, of the rank, age and length of service of the person against whom a complaint has been made (in addition to ethnicity and gender);

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[28] *Integrity Matters: An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing*, HMIC, London, 2015. Available from: www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/

- more support to be given to supervisors, who may be fearful of being accused of discrimination – and so more likely to escalate the complaint investigation to the professional standards department to resolve the complaint or allegation, rather than resolving it locally;

- leaders in all forces to make clear that all officers and staff must always have the right to seek support and advice, without that decision having an adverse effect on how they are treated; and

- leaders in all forces to make clear that any form of discrimination will not be tolerated.

Recommendations

- Within six months, all chief constables should conduct a review of their complaints and misconduct arrangements, analysing data from their records to: assess whether or not there is any bias in the way decisions regarding the management of complaints are made; and, if there is evidence of bias, to take action to remove it. The reviews and the action taken should be fully documented and made available to the police and crime commissioners of each force and to HMIC.

- Within 12 months, the College of Policing and National Police Chiefs' Council should agree national standards for recording and publishing complaints and misconduct data for officers and staff. The standards should be developed in way that will assist all police forces to determine whether:

  - there is bias in the number of women or BAME individuals subject to a public complaint (recognising that this cannot be controlled for) or an internal misconduct allegation;

  - there is a bias in the number of women or BAME individuals referred to the professional standards department for consideration of a public complaint or internal misconduct allegation;

  - there is a bias in the number of women or BAME individuals subject to particular outcomes following consideration of a public complaint or internal misconduct allegation.

Police officers and police staff

The inspection also considered whether police staff were treated differently from police officers when they were the subject of a public complaint or internal misconduct allegation.

A majority of the police staff we spoke to told us that they did feel that they were treated differently from police officers; for example, on many occasions, we heard police staff say they did not feel their role was considered as important as that of a police officer. Police staff also reported that they felt more vulnerable in the current climate, as they felt their posts were often the first to go when the force needed to make savings. This made them feel less valued than police officers.

Our discussions with professional standards departments, human resources departments, staff representative networks and police staff themselves, highlighted a range of reasons why police staff and police officers might not receive equal

treatment when they were the subject of a public complaint or internal misconduct allegation, these included:

- their conditions of employment are completely different, and so there is not a 'level playing ground';

- a perception that the Police Federation and Superintendents' Association were more likely to get involved to support their members or challenge the force, than those responsible for representing police staff members;

- there were often different processes for dealing with complaints or misconduct allegations – those against police staff were often dealt with by the human resources department, while those for police officers were dealt with by the professional standards department; and

- not all forces record data relating to police staff in the same way as officers making it hard to monitor fairness throughout the process.

Over the 24 months to March 2015, where information about the gender, ethnicity or the role of a person being complained about was available, the data on subjects of internal misconduct investigations suggested that:

- a higher proportion of staff investigated as a result of an internal misconduct matter were found to have a case to answer[29] (73 percent), compared with investigated officers (55 percent);

- a higher proportion of staff with a case to answer were required to attend misconduct hearings (30 percent), compared with officers (14 percent);

However, these data are subject to the aforementioned problems of inconsistency and incompleteness (see Annex B), and so must also be treated with caution.

We found that more consistency in complaints and misconduct outcomes for police officers and police staff was achieved by forces that had either integrated their human resources and professional standards departments, or where these departments were working more closely together.

We would therefore expect forces to find the best way for their respective human resources and professional standards departments to work together to improve the fairness and consistency of their police staff complaints and misconduct arrangements.

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[29] There would be a case to answer where there is sufficient evidence upon which a reasonable misconduct meeting or hearing could, on the balance of probabilities, make a finding of misconduct or gross misconduct. For more information, see Independent Police Complaints Commission statutory guidance. Available at: www.ipcc.gov.uk/page/statutory-guidance

How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?

Introduction

The process of enabling individuals and communities to participate in policing is known as community engagement. This can range from providing information and assurance, to encouraging them to identify and implement solutions to local problems and influence longer term priorities and decisions.

Engagement should be considered as a core element of police activity, informing and having an impact on every area of policing. A genuine commitment from leaders plays an important role in ensuring that public engagement is effective.

The negative effect of poor police and community relations on public perceptions should not be underestimated. People who already have a poor opinion of the police are more likely to perceive their contact with the police as a negative experience. On the other hand, perceptions of fair decision-making and positive public interaction and engagement can improve perceptions of the police, and increase trust in them – leading to improved or enhanced police legitimacy. This, in turn, helps efforts to reduce crime by encouraging greater respect for the law and fostering social responsibility, by making people more likely to help the police and not break the law.

Community engagement should influence every aspect of policing. For engagement to be effective, the organisation should focus on the needs of the public and be committed to ensuring that the results from engagement work are integrated into service design and provision, and that communities participate in that provision (for example, neighbourhood watch schemes).

The benefits of community engagement can be achieved by:

- improving the gathering of information, to help identify underlying problems or tensions within communities;

- increasing the quality of local intelligence by building relationships with communities;

- identifying responses and strategies that may not have otherwise been considered;

- fostering community involvement by responding to community concerns and working with the community to resolve them; and

- improving public satisfaction by designing and providing services that meet public needs.

In autumn 2015, HMIC made an assessment of the extent to which police forces understand and engage with the people they are there to serve. Based on the principal elements of the College of Policing's Authorised Professional Practice on engagement and communication,[30] the inspection asked:

1. How well does the force understand the people it serves and the benefits of engaging with them?

2. How well does the force engage with all the people it serves?

3. To what extent are people treated fairly and with respect when they come into contact with police officers and staff?

Before this inspection, HMIC commissioned Ipsos MORI to survey members of the public across England and Wales to seek their views on policing. A total of 26,057 adults were surveyed.

How well does the force understand the people it serves and the benefits of engaging with them?

HMIC's inspection examined the extent to which forces understand the relationship between positive public engagement and increased public confidence in the police. We also looked at the extent to which, at a local and force level, the force understands the needs and concerns of the people it serves.

From the survey, around half (52 percent) of respondents said they are satisfied with their local police. Seventeen percent said they are dissatisfied. The remainder reported that they do not know, or are neither satisfied nor dissatisfied.

The level of satisfaction with the police is greater among those who feel informed about their local police (72 percent), and among those who had been asked about their views on crime and anti-social behaviour within the previous 12 months (66 percent). This finding reinforces the reason why forces should ensure community engagement is a central feature of policing activity.

The survey also showed that 32 percent speak highly of the police in their local area, versus 16 percent who speak critically. Again, a greater proportion of those who feel informed about their local police speak highly (58 percent), as do those who have been asked about their views on crime and anti-social behaviour within the previous 12 months (53 percent).

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[30] *College of Policing: Authorised Professional Practice on engagement and communication,* College of Policing, September 2014. Available from: www.app.college.police.uk/app-content/

From our inspection findings, we found that the vast majority of forces had a clear understanding at all levels of the importance of engaging well with the public, and the link between positive engagement and increased police legitimacy.

We were therefore very pleased to see that all forces, not only understood the links between effective public engagement and increased police legitimacy, but had in place a wide variety of ways to engage the public. These included: attending various community meetings; public and victim surveys; extensive use of social media; working with local newspapers and radio stations to provide information to the public; seeking views from various Independent Advisory Groups; and email alerts and newsletters to update and inform the public.

The better forces did all of these things, targeting their efforts according to the different audiences and adjusting their approaches based on the feedback they received.

We also found that the better forces had made considerable effort to recruit volunteers to support the police. We saw evidence, particularly in the seven forces graded as outstanding for community engagement,[31] that volunteers were engaged in a variety of activity to support the police, such as: providing administrative support, and monitoring CCTV. This was an area where the less innovative forces could have done more to improve public participation in policing.

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[31] Cheshire, Durham, Gwent, Kent, Lancashire, South Wales and Staffordshire.

Case study – Metropolitan Police Service

The volunteer police cadet programme allows young people between the ages of 13 and 18 from very diverse cultural and social backgrounds, to become part of police work in London.

The force offers the opportunity to become a cadet to as many young people across London as they are able to, and all 32 of the boroughs have an active cadet group. The force told us that the number of cadets in the programme has increased in number from 2,374 in January 2012 to 3,710 in September 2015, the largest increase being of 878 cadets over the last 12 months of this period.

The volunteer police have higher proportions of women and BAME people than within the force's overall workforce; currently 47 percent of the cadets are female and 55 percent are BAME.

Being a cadet opens up opportunities for young people to develop – such as entering the Duke of Edinburgh's Award scheme or joining overseas exchange schemes. These opportunities encourage young people to become police officers and help foster community engagement. The cadets are regularly used in a representative role such as at film premieres and music events as well as helping with crime prevention activities. For example, distributing fraud awareness literature to homes.

When we looked at the information provided on each force website, we were satisfied that most forces had set out the engagement activity that was taking place across the force, and had systems in place for seeking feedback from communities about how well the police were doing or what the issues of concern were.

Given that, overall, we found evidence to show that forces are engaging well with their communities, we were surprised by the survey results which showed that only around half of respondents (49 percent) across England and Wales agree that the police understand crime and anti-social behaviour issues within their local area. Fourteen percent disagree and the remainder neither agree nor disagree or do not know. Only nine percent report that they have, within the previous 12 months, been asked about their views on crime and anti-social behaviour issues that matter most to them where they live. Similarly, only 17 percent of respondents have been told, within the previous 12 months, how their force is tackling these issues. While we are pleased with the activities that forces are undertaking to engage with their local area, the survey suggests that they have more work to do before these activities can be said to be fully effective.

Another note of caution is that we found evidence that forces are continuing to reduce the number of officers and staff in neighbourhood teams (see HMIC's Effectiveness[32] and Efficiency reports).[33] The effect of this in the medium to long-term may be that the (currently) good community engagement that is taking place across England and Wales may be reduced as capacity of neighbourhood teams is reduced. Just to allow this capacity to reduce without thought to what new ways could be introduced to maintain public trust could threaten the British model of policing by consent. As chief officers reduce their workforces, they will need to explain to their communities how they plan to provide neighbourhood policing in the future. They will need to include assurances that a smaller police workforce will not compromise public safety and explain any effect there might be on neighbourhood policing.

To what extent are people treated fairly and with respect when they come into contact with police officers and staff?

Public bodies (including the police and other public authorities), are required to consider all individuals when carrying out their work, and understand how different people will be affected by their activities. This inspection looked at whether all members of the public were treated (and perceived that they were treated) fairly, and with respect by the police.

We also assessed the extent to which officers understood the National Decision Model,[34] the framework by which all policing decisions should be made, examined and challenged. As set out in relation to internal police culture, the Code of Ethics is a central component of the National Decision Model.

Call handling

Due to time and resourcing constraints, it was not possible to look at all the types of interactions between the police and the public. We took the view that listening to how the police responded to calls for assistance would give us a good indication of the type of service received by the public.

We listened to just over 1,700 calls made from members of the public to either the 101 (non-emergency) or 999 (emergency) numbers (40 calls per force), to assess the quality of the response and treatment received.

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[32] Available from: www.justiceinspectorates.gov.uk/hmic/

[33] *Ibid.*

[34] *College of Policing: Authorised Professional Practice on National Decision Model.* Available from: www.app.college.police.uk/app-content/national-decision-model/?s

In order to determine the overall quality of the call, we considered a number of criteria including whether the call-handler remained polite, professional and respectful throughout the call; whether they took the caller's concerns seriously – appropriately assessing the risk and urgency of the call; and how well they established the caller's needs, managed their expectations and explained what would happen next.

For almost every call listened to, we were satisfied that the call handlers were polite, respectful and effective. Call-handlers showed respect to callers, and used clear language to ensure they were understood throughout.

We also spent some time in each force observing the way that staff at front counters dealt with the public. Again, in almost all cases, we were satisfied that staff were consistently polite and professional.

National Decision Model

We also assessed the extent to which officers understand the National Decision Model[35] (NDM), at the heart of which lies the Code of Ethics. The NDM is the framework by which all policing decisions should be made, examined and challenged. In a fast-moving incident, the police service recognises that it may not always be possible to go through all the steps set out in the NDM. In such situations, the guidance states that the main priority of decision makers is to keep in mind their overarching mission to act with integrity to protect and serve the public.

We found that in the vast majority of forces, staff and officers at all levels understood the National Decision Model is understood by all officers and staff. However, in five forces[36] we found evidence that not all officers and staff use it as a matter of routine practice.

From our observations of the plans in place to understand the needs of their communities, the calls we listened to, the front-counter staff we observed interacting with the public and our interviews on the NDM, we are satisfied that forces are taking engagement with their communities seriously and the evidence we obtained revealed that they are, in the main, treating the public fairly and with respect.

Despite these findings, the public survey showed that just over a half (54 percent) of respondents agree that the police in their local area treat people fairly and with respect, versus seven percent who disagree. The remainder neither agree nor disagree or do not know. Even though we observed lots of positive work throughout our inspections, this survey suggests that forces have more to do to gain a reputation for treating people fairly and with respect throughout their total population.

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[35] *College of Policing: Authorised Professional Practice on National Decision Model.* Available from: www.app.college.police.uk/app-content/national-decision-model/?s

[36] Avon and Somerset, Dyfed-Powys, Hertfordshire, Nottinghamshire and Sussex.

To what extent are decisions taken on the use of stop and search and taser fair and appropriate?

To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?

Introduction

The powers to stop and search people are some of the most intrusive of those available to the police, and their use has been a contentious issue for decades. For some people, it is viewed as a valuable tool in the fight against crime; half of those surveyed as part of this inspection consider that the use of stop and search in their area makes them feel safer. For others, particularly black, Asian and minority ethnic people, it can become a symbol of their perception that there is a culture of unlawful discrimination within the police. It is, to them and many others, a significant issue which threatens the legitimacy of the police.

The purpose of stop and search powers is to enable officers to eliminate or confirm suspicions about individuals carrying unlawful items without exercising their power of arrest. An officer must have reasonable grounds for carrying out a search.

In our 2013 inspection on stop and search,[37] HMIC concluded that few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected, to reduce bureaucracy and as a result of changes made in the Crime and Security Act 2010,[38] and this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

Our 2013 report found that, for a stop and search encounter to be effective and lawful, a police officer must have reasonable grounds for suspicion (based on specific and objective information) that a person is in possession of a stolen or prohibited item. Those grounds should be fully explained to the person being stopped and searched, and the person should be treated with fairness, courtesy and respect. In such circumstances, finding the item and arresting the offender or, alternatively, eliminating the suspicion and avoiding an unnecessary arrest are both valid and successful outcomes.

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[37] *Stop and Search Powers – are the police using them effectively and fairly?* HMIC, July 2013. Available from: www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

[38] Changes made under section 1 of the Crime and Security Act 2010 were to reduce the reporting requirements on the police when they stop and search individuals.

Following HMIC's 2013 inspection, on 26 August 2014 the Home Office and College of Policing launched the Best Use of Stop and Search scheme, along with guidance to forces setting out what they must do to comply with the scheme.

The principal aims of the scheme are for the police to establish greater transparency and community involvement in the use of stop and search powers and make sure that the powers are used in an intelligence-led way (rather than randomly or as a result of a hunch), to achieve better outcomes for the public – that is, increased confidence that the powers are being used fairly, lawfully and effectively.

All police forces in England and Wales have signed up to the Home Office's Best Use of Stop and Search scheme. This inspection considered the extent to which forces are complying with the scheme.

Use of stop and search

Over the last few years, the use of stop and search powers has been declining. The number of searches per 1,000 people under section 1 of the Police and Criminal Evidence (PACE) Act 1984[39] (and associated legislation) for the 12 months to 31 March 2015, was about half that in the 12 months to 31 March 2010.

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[39] Under section 1 of PACE, a police officer may search a person or vehicle in public for stolen or prohibited articles. Prohibited articles may include offensive weapons, or articles that may be used in order to commit a crime. PACE Code A was revised in March 2015.

Figure 7: Stops and searches under section 1 of the Police and Criminal Evidence Act 1984 (and associated legislation) per 1,000 population for England and Wales,[40] for the financial years 2009/10 to 2014/15
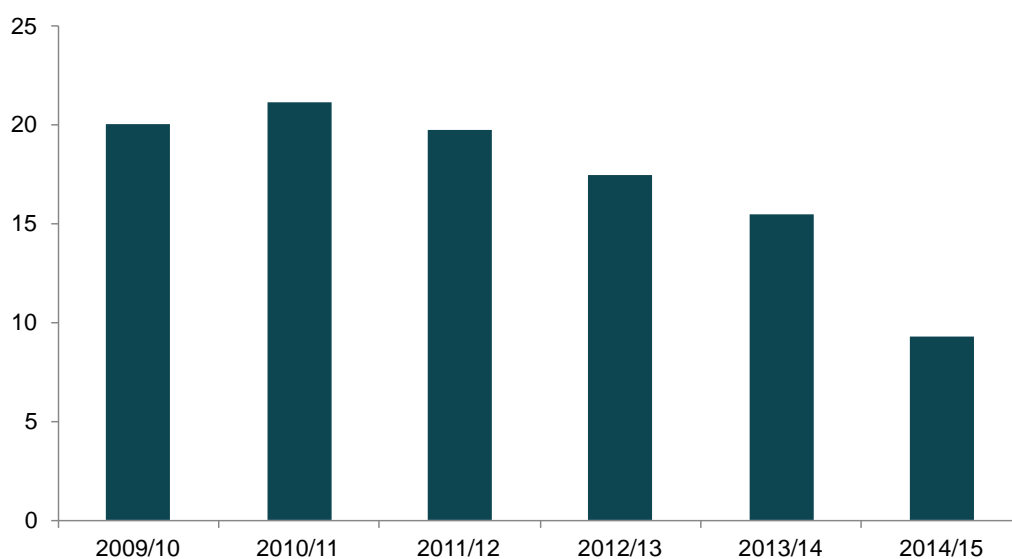
Source: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates

As figure 8 shows, there is also wide variation between forces. For example, Durham Constabulary (a predominantly rural force), has a proportionately much higher rate of stop and search encounters than, say, West Midlands Police or Greater Manchester Police, which are much larger predominantly urban metropolitan forces.

There does not appear to be an obvious explanation as to why this is the case. There does not appear to be any correlation between size of force (geographically or in terms of workforce) or location of force, and use of stop and search powers. As there is no logical pattern, HMIC considers that the variance may be a result of the way chief officers set, or do not set, expectations for how this power should or could be used effectively and fairly to cut crime.

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[40] These figures include data from the British Transport Police, which amounts to around 1 percent of the total 2014/15.

Figure 8: Number of stops and searches per 1,000 population for the forces in England and Wales, for the 12 months to March 2015

Source: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates

Reasonable grounds for using stop and search powers

Under PACE, officers are required to make a record each time they use stop and search powers. The Act requires that the record should include the grounds on which the stop and search power was used, and that those grounds must be reasonable.

In our 2013 inspection, we were concerned to see that, of the 8,783 stop and search records we examined across all forces in England and Wales, 27 percent of them did not include sufficient reasonable grounds to justify the lawful use of the power.

For this inspection, we considered approximately 100 stop and search records for each force (4,259 in total across England and Wales). Although the average proportion that did not have reasonable grounds recorded was 15 percent, lower than the 27 percent in 2013,[41] we were still disappointed to see that a considerable proportion of records did not have reasonable grounds recorded, despite the fact that the majority of these forms had been endorsed by a supervisor.

While the number of records reviewed does not provide a statistically representative sample, the number of records without reasonable grounds recorded ranged from 3 out of 100 in Nottinghamshire Police, to 63 out of 99 in Cleveland Police. We did not find a single force where reasonable grounds were recorded in all the records we

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[41] Please note that, because of the sampling methods, these two figures are not directly comparable.

considered. This suggests that while there has been an apparent improvement overall in recording reasonable grounds, some forces still have much more work to do than others to get this right.

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Recommendation

- Within three months, chief constables should establish arrangements through which they can regularly, at least twice a year, assess whether reasonable grounds are being recorded in every case where a stop and search power is used by their officers, and take action to address those cases where the reasonable grounds are not sufficient to justify the lawful use of the power.

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In about half of forces, we saw evidence that independent panels[42] had been introduced to consider a number of stop and search records. While HMIC welcomes any move that improves the fairness, legality and effectiveness of the use of stop and search powers, it is important that the independent members have a good understanding of what constitutes reasonable grounds. With so many supervisors getting it wrong, where they have little or no excuse for doing so, it is possible that independent members may be satisfied with records that do not comply with the legal requirements.

Arrest rates and finding the items searched for

In 2013, our report highlighted that the number of arrests arising from stop and search encounters is a misleading measure of success. This is because this fails to take into account several important things. The first is that the power was introduced in order to reduce the number of unnecessary arrests, as well as to provide safeguards for those who are searched – so the prevention of an unnecessary arrest would be a successful outcome. The second is that recorded arrests also include those arising from a stop and search encounter where no stolen or prohibited article is found; for example, where a computer check reveals that the person is already wanted for an offence or where the encounter itself triggers an angry reaction by the person searched which results in them being arrested for a public order offence. And the third is that arrests take no account of stops and searches which result in some other form of resolution, such as a fixed penalty ticket or community resolution.

In our review of 4,259 records this year, the item searched for was recorded as having been found on only 733 occasions (17 percent).

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[42] Code A of PACE says that: "Arrangements for public scrutiny of records should take account of the right to confidentiality of those stopped and searched. Anonymised forms and/or statistics generated from records should be the focus of the examinations by members of the public. The groups that are consulted should always include children and young persons."

At present, we do not have sufficient information to determine fully how effectively the police are using stop and search powers. However, the low proportion of stop and search encounters which result in an item being found does raise some concerns that the powers are not being used as effectively as they should be.

Searching for drugs

Of the 4,259 stop and search records we reviewed, 2,443 (57 percent) involved a search for drugs. About half were carried out solely or in part because the officer had said they had smelled cannabis. However, drugs were only found in 22 percent of the 2,443 records.

It was suggested to us during the inspection by a number of officers that legitimately stopping and searching people for drugs can lead to finding other items, such as knives. However, our analysis of the records does not support this view. From the 2,443 records (involving a search for drugs), where there was sufficient detail to ascertain what the item found was, items that were not drugs were only found in about three percent of cases.

Compliance with Best Use of Stop and Search scheme

For this inspection, we considered the extent to which forces were complying with the features of the scheme:[43]

- Recording and publishing outcomes. Forces are expected to record information where a stop and search has resulted in: an arrest; a summons/charged by post; caution (simple or conditional); khat[44] or cannabis warning; penalty notice for disorder; community resolution; or where no further action is taken. Forces should also show the connection, or lack of one, between the item searched for and the outcome.

- Lay observation policies. Forces are required to develop policies which adhere to the four principles: the public should be provided with an opportunity to see stop and search in action; the police have an opportunity to demonstrate their use of stop and search; the public have an opportunity to provide feedback to the police based on their observations; and the need to ensure the safety of lay observers is taken into account.

- Community complaints trigger. Forces are required to develop a policy that will: ensure individuals who are stopped and searched are aware of where to complain; introduce a threshold above which the police are compelled to explain their use of stop and search; and ensure that such an explanation is

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[43] *College of Policing: Authorised Professional Practice on stop and search,* College of Policing, 26 August 2014. Available from: www.app.college.police.uk/app-content/stop-and-search/?s

[44] Khat is classified as a class C controlled drug by the Misuse of Drugs Act 1971.

given, primarily, to local community groups responsible for scrutinising the use of stop and search.

- Reducing the number of searches carried out under section 60 Criminal Justice and Public Order Act 1994 – where officers are not required to have reasonable grounds.

- Race and diversity monitoring. Forces are expected to ensure that the impact of the scheme, particularly as it relates to individuals from BAME groups or young people, is monitored.

Our assessment of compliance for all forces is set out in the table in figure 9.

Figure 9: Force compliance with the Best Use of Stop and Search scheme at the time of inspection (Autumn 2015), the number of Stop and Search forms we reviewed which did not have reasonable grounds recorded and the number of stops and searches per 1,000 population (12 months to 31 March 2015)

	Recording and publishing outcomes	Providing opportunity for the public to observe officers using the powers	Explaining to the public how the powers are being used following activation of the community complaint trigger	Reducing the number of searches under Section 60 Criminal Justice and Public Order Act 1994	Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	Number of forms without reasonable grounds out of all forms reviewed*	Number of stops and searches per 1,000 population
Avon and Somerset	Y	Y	Y	Y	Y	4 / 100	6.3
Bedfordshire	Y	Y	Y	Y	Y	14 / 100	4.6
Cambridgeshire	N	Y	N	Y	N	6 / 100	7.3
Cheshire	N	N	N	Y	N	22 / 100	9.0
City of London	N	Y	Y	Y	N	15 / 100	4.8
Cleveland	N	Y	Y	Y	Y	63 / 99	16.8
Cumbria	N	N	N	Y	Y	21 / 100	13.2
Derbyshire	N	Y	Y	Y	Y	12 / 92	5.3
Devon and Cornwall	N	Y	Y	Y	N	12 / 95	5.0
Dorset	N	Y	Y	Y	Y	13 / 100	9.5
Durham	N	Y	N	Y	Y	33 / 100	13.4
Dyfed-Powys	Y	Y	Y	Y	Y	21 / 98	10.2
Essex	Y	N	Y	Y	Y	8 / 100	3.0
Gloucestershire	Y	N	N	N	N	23 / 99	4.4
Greater Manchester	Y	Y	Y	N	Y	11 / 100	5.1
Gwent	Y	Y	Y	Y	Y	15 / 100	3.9
Hampshire	Y	Y	Y	Y	Y	10 / 100	9.6
Hertfordshire	N	Y	Y	Y	Y	6 / 99	9.9
Humberside	N	Y	Y	Y	Y	14 / 100	4.8
Kent	N	N	Y	Y	Y	13 / 100	5.3
Lancashire	N	N	N	Y	Y	20 / 100	5.6
Leicestershire	N	N	Y	Y	N	5 / 98	3.3
Lincolnshire	N	N	Y	Y	N	29 / 90	8.1
Merseyside	N	Y	Y	Y	Y	5 / 100	18.0
Metropolitan Police	N	Y	Y	Y	Y	6 / 99	20.1
Norfolk	Y	Y	Y	Y	Y	14 / 99	10.8
Northamptonshire	N	N	Y	Y	Y	3 / 98	6.4
Northumbria	N	Y	N	Y	N	12 / 99	12.1
Nottinghamshire	Y	Y	Y	Y	Y	3 / 100	3.7
North Wales	Y	N	Y	Y	Y	18 / 100	5.1
North Yorkshire	N	Y	Y	Y	Y	23 / 99	8.4
South Wales	N	Y	N	Y	N	17 / 95	8.1
South Yorkshire	N	Y	Y	Y	Y	18 / 100	6.5
Staffordshire	N	N	Y	Y	N	12 / 100	5.6
Suffolk	Y	Y	Y	Y	Y	8 / 100	6.0
Surrey	N	Y	Y	Y	Y	11 / 100	9.5
Sussex	Y	Y	Y	Y	Y	4 / 100	7.1
Thames Valley	Y	Y	Y	Y	Y	16 / 100	7.6
Warwickshire	N	N	N	Y	Y	29 / 100	5.6
West Midlands	N	Y	Y	Y	Y	7 / 100	5.6
West Mercia	N	N	N	Y	Y	21 / 100	7.9
West Yorkshire	Y	Y	Y	Y	Y	7 / 100	9.6
Wiltshire	N	N	N	Y	N	9 / 100	4.6
Totals complying / England and Wales total	**15**	**29**	**32**	**41**	**32**	633 / 4259	9.3

Source: Inspection findings and Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates

The table above shows that, at the time of inspection, only 11 forces were fully complying with the scheme.

During the fieldwork stage of the inspection, we spoke with officers in every force about their perceptions of the scheme and how it was being used to inform day-to-day decisions and behaviour in respect of stop and search. Both between and within forces, we heard from those officers who had heard of the scheme and understood the need to demonstrate a more intelligence-led approach. Unfortunately, we also heard many officers say that they saw no need to change what they had been doing, and were satisfied that they were (and had been) using the powers fairly, lawfully and effectively.

While all forces had some information about the scheme on their force's intranet (i.e. their internal IT network, only accessible to the workforce), we found that chief officer leadership was highly variable. Some had made demonstrable efforts to ensure officers understood the need to understand why the scheme had been introduced and how to conduct an effective stop and search. For example, chief officers in Derbyshire had made a video explaining how to conduct a stop and search and the principles of the scheme. In other forces, we found little evidence to suggest that chief officers had communicated the importance of the scheme to those officers using stop and powers.

Nearly two-thirds of forces were not complying with the requirement to record and publish the complete range of outcomes which could follow from a stop and search encounter. We were also concerned that 11 forces were not actively monitoring the impact of stop and search powers on both BAME and young people. An important element of the scheme is to encourage a better relationship between the police and the public. This cannot happen if the police are not monitoring the use of these powers.

Recording and publishing outcomes

The scheme requires forces to record the following outcomes: arrest; summons/charged by post; caution (simple or conditional); khat[45] or cannabis warning; penalty notice for disorder; community resolution; and where no further action is taken.

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[45] Khat is classified as a class C controlled drug by the Misuse of Drugs Act 1971.

The scheme also requires forces to publish data about the connection between the item searched for, and the outcome. This is to show how frequently the reasonable grounds were proved to be accurate.

We found that the vast majority of forces (37 out of 43) were recording most, but not all, of the outcomes listed above. We also found that about half of forces had published their data on the www.police.uk website, but were surprised to see that these forces had neither published the data on their own force website, nor put any link on their website directing people to the data on the www.police.uk website. Members of the public are therefore unlikely to find this information.

These are things that forces can quickly rectify in order to comply with this feature of the scheme – indeed, a number of forces have told us that they have already made these changes since the inspection.

The impact of stop and search on black, Asian and minority ethnic and young people

A feature of the scheme involves ensuring that the impact of stop and search use is monitored, particularly in relation to BAME and young people.

We found that 11 forces were recording, but not monitoring the data they had gathered on the ages of those stopped and searched, and so they were unable to make an assessment of the effect of stop and search on the trust that young people have in the police.

Similarly, the scheme requires all forces to gather data on the ethnicity of those stopped and searched, and again, we found some records without ethnicity recorded, and six forces that do not monitor sufficiently the effect of the use of the powers on BAME people.[46] This is very disappointing. As figure 10 below shows, BAME people are not only more likely to be stopped and searched than those who are white, but they are also more likely to be arrested following a stop and search encounter.

The likelihood of a BAME person being stopped and searched was just over twice that of a white person for the 12 months to March 2015, compared with data from the 12 months to March 2011, which showed a BAME person was just under three times more likely than a white person to be stopped and searched.

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[46] Cambridgeshire, Gloucestershire, Lincolnshire, Northumberland, South Wales and Wiltshire.

Figure 10: A comparison between the likelihood of BAME and white people being stopped and searched and, separately, arrested following stop and search for England and Wales, 12 months to March 2015
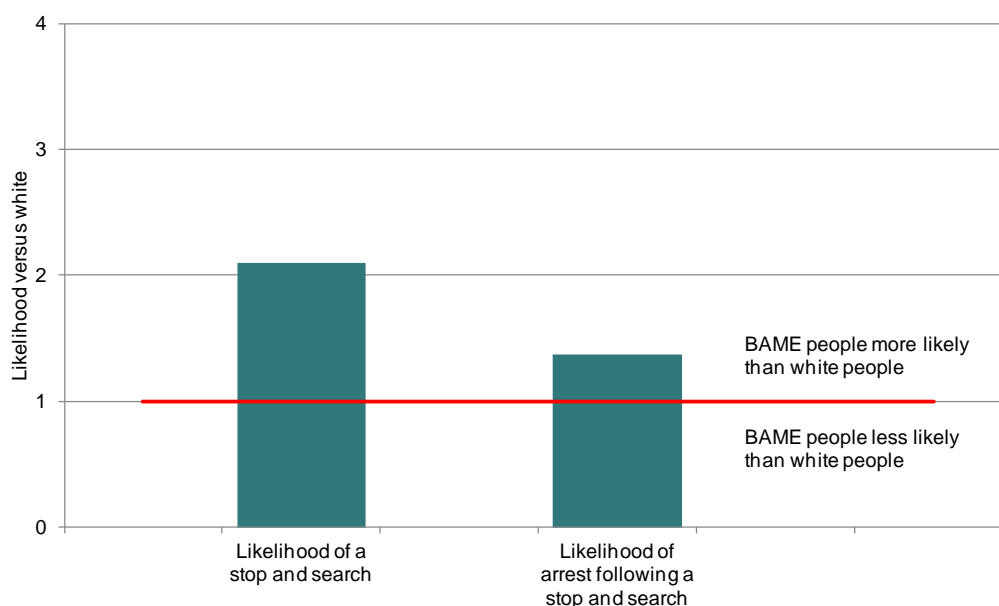
Source: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics 2011 Census

During our inspection, we have neither seen nor heard any convincing explanation from forces as to why this should be the case. We therefore recommend that forces reassure themselves and the public that they have a full understanding of the data relating to stop and search, and have taken action where necessary.

In conclusion, we can see that the use of stop and search powers has declined over recent years. In the 12 months to 31 March 2015, use was about half that in the 12 months to 31 March 2010. There is also a wide variation between forces in respect of the rate of use of the powers, without any obvious link between the use of them and the different types of policing challenges facing individual forces.

There are still too many stop and search records that do not have reasonable grounds recorded. While our finding of a 15 percent failure rate may demonstrate an improvement on the 27 percent we found in 2013,[47] we are still disappointed to see so many without reasonable grounds recorded, particularly when the majority had been endorsed by a supervisor. The wide variation between forces – ranging from 3 out of the 100 records reviewed without reasonable grounds recorded, to 63 out of 99 records – suggests that a concerted effort to improve will bring about positive results.

There is no excuse. All forces should be at least as good as the best in relation to recording reasonable grounds.

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[47] Please note that, because of the sampling methods, these two figures are not directly comparable.

We are also disappointed to find that far too few forces are complying with all features of the Best Use of Stop and Search scheme: a scheme that all forces volunteered to adopt as part of their effort to improve the effective and fair use of stop and search powers.

In respect of the ethnicity of people stopped and searched, there has been a reduction in the likelihood of BAME people being stopped and searched, compared to white people, since 31 March 2011.

Based on all the available information, our assessment is that, in general, forces are improving the effective and fair use of stop and search powers. However, the improvement is painfully and unacceptably slow. After our 2013 inspection we returned to forces to see how well they had progressed with our recommendations. Of the ten recommendations, we found that good progress had been made in implementing only one of them; some progress had been made in respect of a further four recommendations; and insufficient progress had been made in respect of the remaining five.

Given that the police use of stop and search powers has been cited as important in maintaining police legitimacy and public trust in most of the major public inquiries into policing since the 1970s, it is indefensible that it has not been afforded higher priority by chief officers.

Recommendation

- The 13 forces that are not complying with three or more of the requirements of the Best Use of Stop and Search scheme – Cambridgeshire, Cheshire, Cumbria, Gloucestershire, Lancashire, Leicestershire, Lincolnshire, Northumbria, South Wales, Staffordshire, Warwickshire, West Mercia and Wiltshire – should put in place an action plan setting out how they will comply with all the features of the scheme.
  HMIC will revisit these forces within six months to determine what improvements have been made. (This recommendation appears in the individual reports for these forces).

To what extent does the force ensure that tasers are used fairly and appropriately?

Introduction

A taser is a device designed to temporarily incapacitate a person through use of an electrical current which temporarily interferes with the body's neuromuscular system. This usually causes the person to freeze or fall over, giving officers time to restrain them.

It projects a pair of barbs or darts attached to insulated wires which attach to the subject's skin or clothing. The device has a maximum range of 21 feet and delivers its electrical charge in a five-second cycle which can be stopped, extended or repeated.

The taser is one of a number of tactical options available to police officers when dealing with an incident where there is the potential for harm – to potential victims and/or the public, the police officers themselves, or the individual.

HMIC has not previously inspected how tasers are used by the police. This inspection considered: whether chief officers understand how fairly and appropriately tasers are being used in their forces, and whether taser-trained officers are acting in accordance with the College of Policing's Authorised Professional Practice each time it is used.[48]

The way a taser is used by police officers is categorised into a range of escalating actions from drawing the device, through to it being discharged (i.e. fired, drive stunned or angled drive-stunned). A table in Annex C outlines the definitions of the different levels of use.[49]

When the police are required to use force to achieve a lawful objective, such as making a lawful arrest, acting in self-defence, or protecting others, that force must be reasonable in the circumstances. If it is not, the officer is open to criminal or misconduct proceedings. Wrongful use of force may also constitute a violation of the human rights of the person against whom the force was used.

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[48] College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser, College of Policing, 2014. Available from: www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

[49] "Use" includes: fired; angled drive stun; drive stun; red dot; arcing; aimed; and drawn. For a full explanation see Annex C.

Use and deployment of tasers in England and Wales

A breakdown of taser use per 10,000 population across forces for the 12 months to 31 December 2014 is shown in figure 11.

Figure 11: Use of taser per 10,000 population for all forces in England and Wales, for the 12 months to 31 December 2014
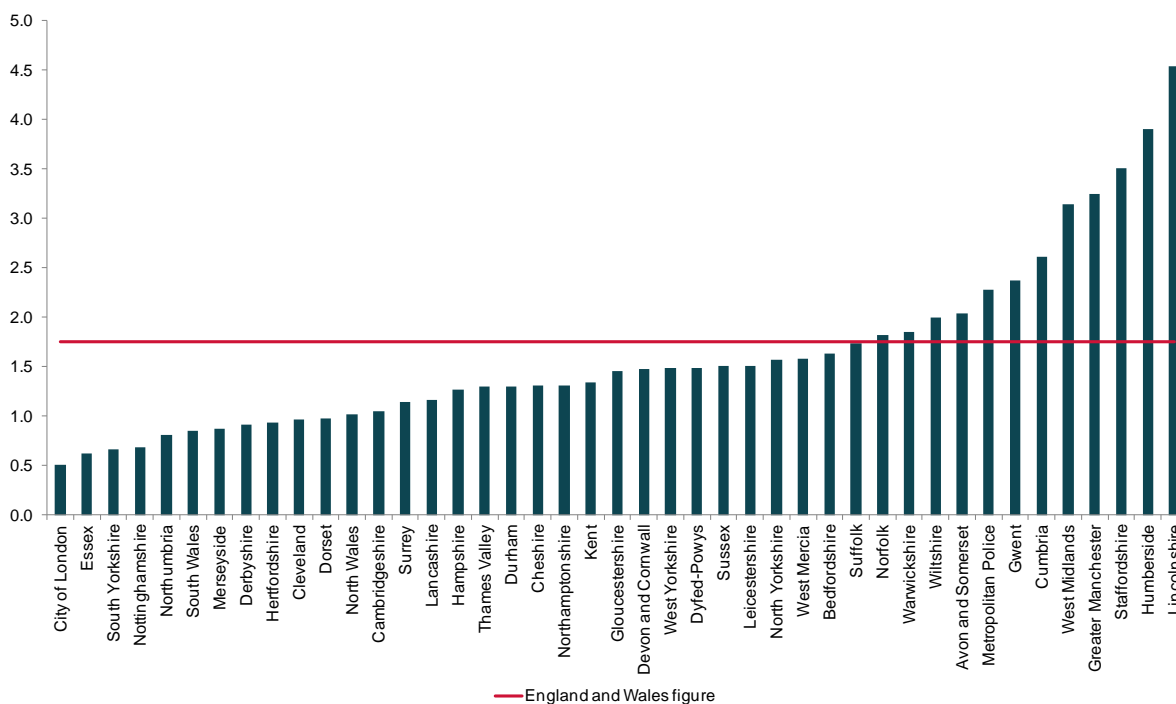
Source: Home Office Police use of taser statistics and Office for National Statistics mid-2014 population estimates

We would expect forces to have a clear and well evidenced rationale for deciding upon the number of taser-trained officers they need, and their deployment across the force area. This may be contained in the force's Firearms Strategic Threat and Risk Assessment (STRA), or a similar document based on evidence and statistics. Making the right decision based on analysis ensures that taser-trained officers are able to attend relevant incidents quickly; but also keeps the numbers to the minimum required.

Our fieldwork showed a significant difference between the way forces decided upon the number and deployment of taser-trained officers. This suggests that, while local circumstances will be one factor, the decisions and approaches taken by chief officers will also be a key factor in deciding how tasers are used.

We were pleased to see that more than half of forces had included taser numbers and deployment analysis in their annual Firearms Strategic Threat and Risk Assessments or other similar documentation. The Metropolitan Police Service was particularly good in this area, requiring each London borough to produce its own detailed annual review of the local policing situation and the number of taser-trained

officers it needs in addition to the number of firearms officers. Both national threats and local issues are considered, and this reflects the very varied nature of policing across London.

A number of forces had written their own firearms policies to supplement the College of Policing's authorised professional practice. These included force-specific guidance about: authority levels; the storage and issue of taser equipment; and the selection and training of officers. Other forces were of the view that a separate force policy was not needed as the College of Policing's authorised professional practice on taser use provided enough detail. All the approaches we examined followed the authorised professional practice.

A good force would provide their communities with a breakdown and explanation of taser use in its force area to supplement the published Home Office figures, and would have a strategy to explain to the public any high profile use of taser by its officers. This was an area in which most forces did not perform well. We found that 19 forces had no high-level plan in place, and only responded to the public or media when requested. However, we were pleased to see that four forces[50] were making good use of the force website to show how tasers are used in their area, with one of these forces, North Yorkshire Police, publishing de-personalised records of each use of a taser. Six other forces[51] invited their Independent Advisory Group members, Ethics Committee or other external group to review their use of tasers, and three forces (Cheshire, City of London and Gwent) had conducted surveys of their communities to gauge public opinion of their use of tasers.

Lincolnshire, Nottinghamshire, Leicestershire and Northamptonshire police forces have collaborated to form the East Midlands Operational Support Service which incorporates their use of tasers as part of a wider communications strategy; this has included displays to independent advisory groups, social media, interviews and coverage in two television documentaries.

We found the Metropolitan Police Service to be particularly good at communicating with its communities in this area. The force uses an independent scrutiny group with wide-ranging representation to look regularly at all aspects of how the force uses tasers. In addition, on a monthly basis, it identifies the boroughs with highest levels of police use of taser, and provides presentations by specialist officers at community meetings to help people understand the decisions made by taser-trained officers. The force publishes information about the number of times tasers are used on each local policing borough of London.

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[50] Cambridgeshire, Cheshire, the Metropolitan Police Service and North Yorkshire.

[51] Greater Manchester, Humberside, Kent, the Metropolitan Police Service, Staffordshire and West Midlands.

There is some breakdown of the age and ethnicity of the people that taser is used on, as well as the reason why tasers are used, on the website of the Mayor's Office for Policing and Crime.

Taser deployment form

The taser deployment form is a national document for gathering information about the operational effectiveness of the taser device, and any medical implications of its use. If officers fire the taser, or if they use it in drive-stun or angled drive-stun mode, they are required to complete the full form, including a detailed description of the incident from commencement to resolution.

HMIC conducted a review of around 20 taser deployment forms provided by each force (a total of 858 forms were assessed). In 98 percent of cases where there was sufficient detail to make an assessment, we considered the use of taser to be fair and appropriate. In the small number where we had concerns, we were pleased to see that the force had already identified the same concerns, and were actively working to resolve them.

The National Decision Model (NDM) is used on the form as a structure for officers to record full details of why the taser was discharged. For any other use, such as 'drawn', 'aimed', 'red-dotted' or 'arced', officers are only required to provide brief details of the incident.

We were surprised to see that none of the NDM sections of the forms reviewed contained any mention of the Code of Ethics (given that the Code sits at the heart of the NDM). Where we looked at incident report logs relating to the use of tasers, these often contained a reference to the Code of Ethics, which was encouraging.

The National Police Chiefs' Council has been asked by the Home Secretary to undertake a national review of how officers record their use of force. We have been informed that, from October 2016, all forces will be expected to use a new single form, to record all types of force used – including the use of the taser.

We hold the view that, when developing this new form, it will be necessary for the National Police Chiefs Council to ensure that there is a suitable requirement to record decisions using the Code of Ethics as part of the NDM.

From our analysis of the taser deployment forms, we saw many examples where tasers were used effectively. Below are two examples.

Case study – Sussex

Police attended a house to arrest a man who was breaching his court bail conditions and should not have been there. The officers gained entry to the house and saw him enter a room with a knife. The man then stated that he would stab himself if police attended or tried to access the room. He then sat down behind the door using his body as a door-stop. The officers recognised that the man was mentally or emotionally distressed and decided to give him time and space by staying back from him outside the room so that he would not be a threat to them. They began to negotiate with the man and after an hour he allowed the officers to enter the room. It was agreed that he would move away from the door and would hand the knife to the officers, then show his hands so that they could see he was no longer a threat to them. They explained that they would red-dot him, but would not fire the taser unless they felt threatened. This whole incident passed off peacefully with no injuries.

Case study – Lincolnshire

Officers were required to enter a property to investigate a report that a man was actively self-harming with a knife. This needed immediate action, and so the officers drew their tasers to protect themselves. They approached the door of the room the man was in and saw through the crack in the door that while he had a knife, he was no longer harming himself with it. They immediately changed their tactics and reverted to negotiation with the man, and again brought the situation to a close with no further injuries.

The taser deployment forms we reviewed also described incidents where armed officers had shown great restraint under extreme circumstances. At these incidents the officers had used taser in situations where, if taser had not been available to them, they may have been justified in using their firearms. Examples included:

- Police were called to an address where a man with a two-foot long knife had threatened to cut the throat of the woman who was with him, and to seriously injure any police who attended the premises. Firearms officers with taser arrived and were confronted by the man in his hallway. His was still inside the address. The officers challenged the man who charged towards them with the knife raised in a threatening manner. The officers feared for their safety and both deployed taser, but failed to properly activate them. The officers withdrew, re-armed their tasers and challenged the man again who raised the knife above his head, swinging it and making slashing movements towards the officers. A third taser deployment was unsuccessful, but on the fourth deployment the man fell to the floor and dropped the knife where he was detained. Taser is not guaranteed to stop an aggressor, and a person who is

at threat of being attacked by a knife is at very high risk of immediate harm if the attacker is not instantly stopped. While it was unfortunate that it took four attempts to detain the individual, the officers did not resort to the more lethal use of their firearms.

- Police received a report that a man was walking in the street covered in blood carrying a sword or a machete. They were told that the man had stabbed and slashed a victim numerous times. He had then held the sword to the throats of two 12 year old girls, who had been attending riding lessons at an equestrian centre. When firearms officers with taser arrived they saw that the man was still in possession of the weapon, and was covered in blood. When challenged by the officers the man was agitated, non-compliant, and did not respond them. The officers fired their tasers to protect themselves, and the man fell backwards hitting his head on the pavement. He was then disarmed and taken to hospital for treatment.

Both of these incidents were resolved without causing fatal injuries to the person involved, the wider public, or the taser officers.

We saw other cases whereby the use of taser saved the lives of people who were in the act of self-harming and were too dangerous for the officers to approach directly. One example was where officers fired a taser at a man who had a knife in his mouth and was threatening to kill himself. In this case, the use of a taser prevented a potential suicide.

Interviews with taser-trained officers

In each force, we spoke with a number of taser-trained officers to assess whether they had a clear understanding of the National Decision Model and of what the force expected of them when using tasers.

In all cases, we were satisfied that those authorised to use tasers had received considerable training and had a very good understanding of the National Decision Model and how to apply it.

Conclusion

Having not inspected this area before, we were very pleased to see that taser had been used fairly and appropriately in almost all the cases where we made an assessment. There were robust oversight systems in place, and forces had a good understanding of how many taser officers were needed and how they should be deployed.

There was also good evidence of tasers being used, in accordance with authorised professional practice, to protect the public and police officers from a wide variety of dangerous weapons.

Annex A – HMIC judgments

The judgments are:

- outstanding;

- good;

- requires improvement; and

- inadequate.

Judgment is made against how legitimate the force is at keeping people safe and reducing crime, it is not an assessment of the overall legitimacy of policing. In applying the categories HMIC considers whether:

- the legitimacy of the force is achieving is good, or exceeds this standard sufficiently to be judged as outstanding;

- the legitimacy of the force requires improvement, and/or there are some weaknesses; or

- the legitimacy of the force is inadequate because it is considerably lower than is expected.

Our judgments for each force are set out in the table below.

Legitimacy judgments				
Force	Staff wellbeing and ethical culture	Public engagement	Stop and search and Taser	Overall
Avon and Somerset	Good	Good	Good	**Good**
Bedfordshire	Good	Requires improvement	Good	**Good**
Cambridgeshire	Good	Good	Requires improvement	**Good**
Cheshire	Good	Outstanding	Requires improvement	**Good**
Cleveland	Requires improvement	Good	Requires improvement	**Requires improvement**
Cumbria	Good	Good	Requires improvement	**Good**
City of London	Good	Good	Requires improvement	**Good**
Devon and Cornwall	Good	Good	Good	**Good**
Derbyshire	Good	Good	Requires improvement	**Good**

Dorset	Good	Good	Good	**Good**
Dyfed Powys	Requires improvement	Requires improvement	Good	**Requires improvement**
Durham	Good	Outstanding	Requires improvement	**Good**
Essex	Good	Good	Good	**Good**
Gloucestershire	Good	Good	Requires improvement	**Good**
Greater Manchester	Requires improvement	Good	Good	**Good**
Gwent	Good	Outstanding	Good	**Good**
Hampshire	Good	Good	Good	**Good**
Hertfordshire	Good	Good	Requires improvement	**Good**
Humberside	Good	Good	Requires improvement	**Good**
Kent	Outstanding	Outstanding	Good	**Outstanding**
Lancashire	Good	Outstanding	Requires improvement	**Good**
Leicestershire	Good	Good	Requires improvement	**Good**
Lincolnshire	Good	Good	Requires improvement	**Good**
Merseyside	Good	Good	Good	**Good**
Metropolitan	Good	Good	Good	**Good**
Norfolk	Good	Good	Good	**Good**
Northamptonshire	Good	Good	Good	**Good**
Northumbria	Requires improvement	Good	Requires improvement	**Requires improvement**
Nottinghamshire	Good	Requires improvement	Good	**Good**
North Wales	Good	Good	Good	**Good**
North Yorkshire	Good	Good	Good	**Good**
Suffolk	Good	Good	Good	**Good**
Staffordshire	Good	Outstanding	Good	**Good**
Surrey	Good	Good	Good	**Good**
Sussex	Good	Good	Good	**Good**
South Wales	Good	Outstanding	Requires improvement	**Good**
South Yorkshire	Good	Good	Requires improvement	**Good**

Thames Valley	Good	Good	Good	**Good**
Wiltshire	Good	Good	Requires improvement	**Good**
West Midlands	Good	Good	Good	**Good**
West Mercia	Requires improvement	Good	Requires improvement	**Requires improvement**
Warwickshire	Requires improvement	Good	Requires improvement	**Requires improvement**
West Yorkshire	Good	Good	Good	**Good**

Annex B – About the data

The sources of the data used are stated in each section. In particular, please note the following:

Workforce

Workforce data were obtained from the Home Office annual data requirement 502. Most of this is available from the Home Office's published Police workforce England and Wales statistics, although figures may have been updated since the publication. Police staff includes section 38 designated officers (investigation, detention and escort).

Population

Force area populations were obtained from the Office for National Statistics mid-2014 population estimates. Data from the Office for National Statistics 2011 Census were used for the number and proportion of BAME people within each force area. While the numbers may have since changed, more recent figures are based only on estimates from surveys or projections.

Stop and search and taser

Stop and search data are Home Office Stop and Search data, Police Powers and Procedures 2014/15.

Taser data are Home Office Police use of Taser statistics 2014.

Public complaints and internal misconduct

Independent Police Complaints Commission data are from Police complaints: statistics for England and Wales, 2014/15.

HMIC also collected public complaints and internal misconduct record-level data from all forces in England and Wales, for both staff and officers and covering the 24 months to 31 March 2015.

We were able to collect the majority of this data through an automated database query, written for us by the creators of the software, Centurion (FIS Ltd). Forces ran this query on their systems and returned the outputs to us. Not all forces record all of their data on Centurion, so in order to complete the picture we developed a bespoke data collection template designed to correspond to the Centurion data set, developed in consultation with forces, professional standards department experts and the software providers, to collect the remainder of the relevant data. In order to

manage the volume of data required from forces, it was not possible to collect this data at the same level of detail as the Centurion reports. For example, the additional data was not broken down by individual allegation types.

From this data set, we looked at two measures of the volume of complaints against members of the police forces of England and Wales: subject-allegations and subjects. The number of subject-allegations is every allegation recorded against every subject receiving the allegation; for example, an officer or staff member who receives three separate allegations as part of one complaint has been recorded as 3, and an allegation involving four different force members has been recorded as 4. Where we refer to 'cases', we are referring to individual subject-allegations, rather than the complaint cases that they fall under.

The number of subjects corresponds to the number of members of the police force who are named in a complaint case; for example, an officer or staff member who receives three different allegations as part of one complaint has been recorded as 1. Any outcomes recorded against a subject will be the principal, or most serious, outcome for that complaint. Where individual subjects appear against separate complaints, they will appear more than once, as we have not removed those who appear a number of times.

We explored the use of statistical techniques to answer the question of whether or not the processes for different protected groups were fair and consistent, but due to an incomplete data set, and many contributing variables, we would have been unable to make any conclusive decisions on the subject of bias.

Where figures quoted in the report show differences in the way that certain groups feature throughout the processes, there are a number of factors which could result in a disparity, including the following:

- One group may be more likely than another to receive a particular type of allegation, which in turn may be more likely to incur a more severe outcome.

- One characteristic may hide others. As an example, data suggests that the age profiles for staff and officers are different.[52] So, where the likelihood of one outcome appears to be affected by whether or not the individual is police staff, it may in fact be more dependent on the individual's age or on other factors such as their force or other demographics.

- Issues with the consistency and completeness of recorded data; e.g. a lack of demographic information in records.

Figures broken down by protected groups from this data collection provided in this report are based on totals across all forces in England and Wales and results are

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[52] Unpublished data provided to the Home Office by forces (annual data requirement 513).

likely to differ at a force level. We did not analyse the data at a force level due to the smaller number of records (particularly by gender and ethnicity), which would further reduce the reliability of the analysis.

Similar measures to some of those in this report are published by the IPCC. The numbers here will not correspond exactly to those published by the IPCC, for a combination of reasons. We count all allegations that correspond to those complaint cases finalised in the financial year periods 2013/14 and 2014/15, whereas the IPCC count all individual allegations finalised within those periods.[53] Our data do not include British Transport Police cases, Action Fraud cases or direction and control cases. Finally, Centurion is a live data system, and reports taken at different times may differ due to retrospective updates.

Record and file reviews

HMIC conducted a review of up to 70 public complaint and internal misconduct case files (i.e. where an officer or member of staff had complained about a colleague) provided by each force. This amounted to a total of 2,663 case files corresponding to matters finalised prior to 23 February 2015, but reaching no further back than 1 November 2012.

HMIC conducted a review of approximately 100 stop and search records provided by each force. This amounted to a total of 4,259 records corresponding to stops and searches occurring prior to 1 April 2015.

HMIC conducted a review of around 20 taser deployment forms provided by each force. This amounted to a total of 858 forms corresponding to instances of taser usage prior to 31 July 2015.

HMIC conducted a review of approximately 40 calls made from members of the public to either the 101 (non-emergency) or 999 (emergency) numbers to each force. This amounted to a sample of approximately 1,700 calls received before 23:59 on 31 July 2015, 17:00 on 27 July 2015 and 10:00 on 23 July 2015.

Please note the following for the methodology applied to the data:

Statistical significance

When commenting on statistical differences, we use a significance level of 5 percent.

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[53] The date an allegation is finalised is when the complainant is informed by the appropriate authority of the result of the allegation, that is, whether it is being investigated or locally resolved, for example. The date a complaint case is finalised is when all action relating to a complaint case is concluded; this could include, for instance, multiple allegations or time for misconduct/criminal proceedings.

England and Wales average

Where we have referred to the England and Wales force average we have calculated the mean average of all those rates or proportions for each force in England and Wales.

Where we have referred to the England and Wales figure, this is the rate or proportion calculated from the England and Wales totals.

Ipsos MORI survey

The national survey was conducted with a sample of 26,057 people aged 16 plus across England and Wales, between 15 July and 6 August 2015. All interviews were conducted online through Ipsos MORI's online panel.

The Ipsos MORI online panel consists of a pre-recruited group of individuals or multiple individuals within households who have agreed to take part in online market and social research surveys. The panel is refreshed continually using a variety of sources and methods.

Respondents to this survey were recruited using an email invitation including a link to the online questionnaire. The survey invitations were managed so as to achieve robust numbers of interviews in each force area in order to provide indicative results at a force level. Final numbers of responses per force area ranged from 353 to 1,278.

Results are weighted within the force area to the local age, gender and work status profile of the area, and an additional weight has been applied to the overall total to reflect the population breakdown by force area

Annex C – Home Office definitions of taser use

Type of use	Definition[54]
Fired	The taser is fired with a live cartridge installed. When the trigger is pulled, the probes are fired towards the subject with the intention of completing an electrical circuit and delivering an incapacitating effect.
Angled drive stun	The officer fires the weapon with a live cartridge installed. One or both probes may attach to the subject. The officer then holds the taser against the subject's body in a different area to the probe(s), in order to complete the electrical circuit and deliver an incapacitating effect.
Drive stun	The taser is held against the subject's body without a live cartridge installed, and the trigger is pulled with no probes being fired. Contact with the subject completes the electrical circuit which causes pain but does not deliver an incapacitating effect.
Red dot	The weapon is not fired. Instead, the taser is deliberately aimed and then partially activated so that a laser red dot is placed onto the subject.
Arcing	Sparking of the taser as a visible deterrent without aiming it or firing it.
Aimed	Deliberate aiming of the taser at a targeted subject.
Drawn	Drawing of the taser in circumstances where any person could reasonably perceive the action as a use of force.

Tasers that have been 'discharged' are those that have been fired, angled drive stunned or drive-stunned.

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[54] *Police use of Taser statistics, England and Wales: 1 January to 31 December 2014*, Home Office, 2015. Available from: www.gov.uk/government/statistics/police-use-of-taser-statistics-england-and-wales-1-january-to-31-december-2014.

Annex D – Methodology

In this inspection, we gathered and analysed evidence to answer the headline question: How legitimate is the force at keeping people safe and reducing crime?

As part of our preparations, we took advice from an external reference group, which met at regular intervals to discuss and refine the methodology. Membership of the group included the national policing lead for ethics and integrity, and representatives from the College of Policing, the Independent Police Complaints Commission, the Police Superintendents' Association, the Police Federation of England and Wales, Unison, Transparency International, and Liberty.

We carried out a review of relevant force policies and documentation relating; police and crime commissioners' police and crime plans, and checked forces' websites. We gathered data from a variety of sources including: surveying the population; data on the workforce in terms of gender, ethnicity and rank; public complaints and reports of misconduct and their outcomes; the use of stop and search powers; and the use of taser.

We also spent several days in each police force, interviewing officers and staff at all ranks and grades and observing relevant activity.

This information was used to answer three core questions:

Core question 1: To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?

This core question was made up of four diagnostic questions:

1. How well does the force develop and maintain an ethical culture?

2. How well does the force provide for the wellbeing of staff?

3. How well has the code of ethics been used to inform policy and practice?

4. How fairly and consistently does the force deal with complaints and misconduct?

Core question 2: How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?

This core question was made up of three diagnostic questions:

1. How well does the force understand the people it serves and the benefits of engaging with them?

2. How well does the force engage with all the people it serves?

3. To what extent are people treated fairly and with respect when they come into contact with police officers and staff?

Core question 3: To what extent are decisions taken on the use of stop and search and taser fair and appropriate?

This core question was made up of two diagnostic questions:

1. To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?

2. To what extent does the force ensure that tasers are used fairly and appropriately?