

PEEL: Police legitimacy 2015

An inspection of Leicestershire Police



February 2016

© HMIC 2016

ISBN: 978-1-78655-037-8

www.justiceinspectorates.gov.uk/hmic

Contents

| | |
|--|-----------|
| Overview – How legitimate is the force at keeping people safe and reducing crime? | 4 |
| Overall judgment..... | 4 |
| Summary | 4 |
| Force in numbers | 8 |
| Introduction | 10 |
| Methodology | 10 |
| To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture? | 12 |
| Introduction..... | 12 |
| How well does the force develop and maintain an ethical culture?..... | 15 |
| How well does the force provide for the wellbeing of staff? | 17 |
| How well has the Code of Ethics been used to inform policy and practice? | 18 |
| How fairly and consistently does the force deal with complaints and misconduct? | 19 |
| Summary of findings | 22 |
| How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy? | 23 |
| Introduction..... | 23 |
| How well does the force understand the people it serves and the benefits of engaging with them?..... | 24 |
| How well does the force engage with all the people it serves? | 25 |
| To what extent are people treated fairly and with respect when they come into contact with police officers and staff? | 26 |
| Summary of findings | 27 |
| To what extent are decisions taken on the use of stop and search and Taser fair and appropriate? | 29 |

| | |
|---|-----------|
| Introduction..... | 29 |
| To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?..... | 29 |
| To what extent does the force ensure that Tasers are used fairly and appropriately?..... | 35 |
| Summary of findings..... | 39 |
| Annex A – HMIC judgments | 40 |
| Annex B – Data methodology | 41 |
| Annex C – The Best Use of Stop and Search scheme | 43 |
| Annex D – Types of use of Taser | 45 |

Overview – How legitimate is the force at keeping people safe and reducing crime?

Overall judgment¹



Good

Throughout 2015, HMIC's PEEL legitimacy inspection programme has assessed the culture within Leicestershire Police, and how this is reflected in the force's public engagement, use of Taser and compliance with the Best Use of Stop and Search scheme.

The chief officer team were fully committed to the need for an ethical and inclusive workforce. There were appropriate arrangements in place to support the wellbeing of officers and staff. There is a good understanding by local teams of their neighbourhoods and they engage positively with the public. Taser is used fairly and appropriately by officers who are well trained.

This is the first time HMIC has graded forces on their legitimacy, so no year-on-year comparison is possible.

Summary

The force had a well established set of values that promote ethical behaviour that had been championed by the chief officer team. The approach the force was taking to the Code of Ethics² was positive, and there was appropriate information available to the workforce.

There were a number of wellbeing initiatives to support officers and staff, who were positive about this provision. The professional standards department carried out the assessment of all complaints and all internal misconduct allegations. This approach produced consistency and fairness in decision-making for both police officer and police staff cases.

When HMIC looked at how well the force understands and engages with all the people it serves, we found a number of examples where neighbourhood teams engage well with their communities. Officers attend local community events where

¹ Outstanding, Good, Requires improvement or Inadequate – see Annex A.

² *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

they speak to the public and make available crime prevention literature, equipment and provide other general advice. The range of channels used includes social media, press releases and consultation exercises, and the force has a good understanding of the needs and concerns of the public.

Stop and search and Taser are two ways that the police can prevent crime and protect the public. However, they can be intrusive and forceful methods, and it is therefore vital that the police use them fairly and appropriately. The force is not complying with all aspects of the Best Use of Stop and Search scheme.³ In particular, the force is not recording whether or not the outcome of the search relates to the item searched for; it does not publish all the information required; and although it monitors the impact of stop and search on black, Asian and minority ethnic (BAME) people, it does not monitor the impact on young people. The force has now put in place appropriate arrangements for monitoring and independent scrutiny.

More positively, Taser is used fairly and appropriately by a small number of highly trained officers, who understand their responsibility to consider all tactical options when using Taser.

³ *Best Use of Stop and Search Scheme*, Home Office, 2014. Available from: www.gov.uk/government/publications/best-use-of-stop-and-search-scheme

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



Good

Leicestershire Police's approach to the Code of Ethics was positive and there was appropriate information available to the workforce among a number of positive findings. Some officers felt that promotion processes were not always fair and the force was working to understand the under-representation of females and black, Asian and ethnic minority people in a recent promotion process.

The force was taking positive steps to promote and improve the wellbeing of officers and staff. An organisational health check identified skills and knowledge gaps in mental health and the force responded positively to this with a number of initiatives including a mental health awareness

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



Good

Officers and staff in Leicestershire Police create and maintain good relationships with their communities and they have a good understanding of their needs and concerns.

Leicestershire Police engages well with the communities that it serves. The force is willing to engage with the public and be transparent in how the public views its work. The force uses a range of methods to achieve this, including beat meetings; community meetings; social media; and information leaflets.

The force's website contains useful information that the public can readily access about what is happening in their area and about the force itself.

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



Requires improvement

Leicestershire Police is not complying with all aspects of the Best Use of Stop and Search scheme. It does not record and publish in enough detail all the outcomes from stop and search encounters and it provides limited opportunities for the public to observe a stop and search. Also, the force is not monitoring the impact of stop and search on young or BAME people.

However, there is good evidence to show officers understand the legal requirements relating to stop and search, and the force puts a great deal of effort into ensuring these powers are used fairly and appropriately. In most cases, reasonable grounds are properly recorded.

week. The force provided a number of other wellbeing initiatives to support officers and staff, such as fitness classes and cycle to work schemes.

The professional standards department carried out the assessment of all complaints and internal misconduct allegations. This structure provided consistency and fairness in decision-making for both police officer and police staff cases. Complaints and misconduct were dealt with fairly and consistently with investigations being free from bias. There was ongoing work to reduce the time taken to investigate a complaint but the decision maker for dealing with complaints was not at the correct level as required by the legislation.

Volunteers are being used in the force and carry out a range of activities such as community speed watch schemes, operating CCTV systems, and inputting information on to police computer systems on behalf of officers.

Officers and staff in Leicestershire Police treat people fairly and with respect when they come into contact with them. There is a good awareness of the National Decision Model.

In Leicestershire, Taser is used fairly and appropriately by a small number of highly trained officers, who are part of a four force collaboration in the East Midlands region. Officers are well trained and understand their responsibility to consider all tactical options when using Taser.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

9%

officers

7%

staff

11%

PCSOs

10%

Percentage of BAME in local population, 2011 Census

22%



Gender diversity

Percentage of females in overall workforce 31 March 2015

Leicestershire
Police

40%

England and Wales
force average

41%

Percentage of females by role,
Leicestershire Police

officers

25%

staff

62%

PCSOs

39%

Percentage of females by role,
England and Wales force average

officers

29%

staff

60%

PCSOs

47%



Public complaints

Number of allegations made by the public that have been finalised 12 months to 31 March 2015

Leicestershire
Police

1,086

Proportion of finalised allegations investigated 12 months to 31 March 2015

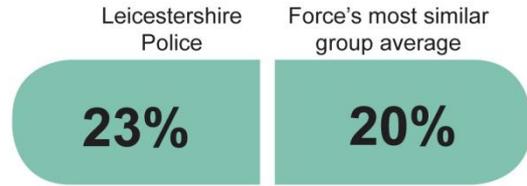
Leicestershire
Police

35%

Force's most similar
group average

35%

Proportion of finalised allegations upheld after investigation 12 months to 31 March 2015

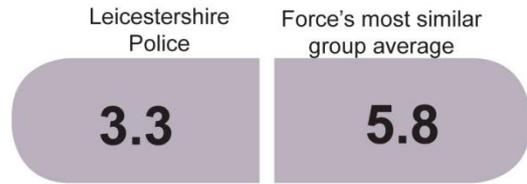


Stop and search

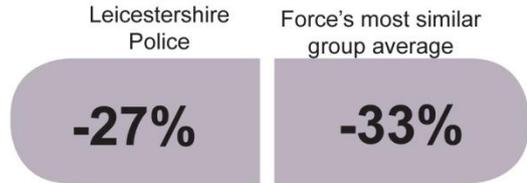
Number of stops and searches carried out 12 months to 31 March 2015



Stops and searches per 1,000 population 12 months to 31 March 2015



Change in number of stops and searches 12 months to 31 March 2014 to 12 months to 31 March 2015

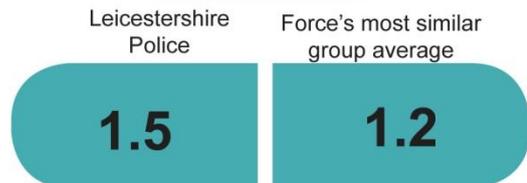


Tasers

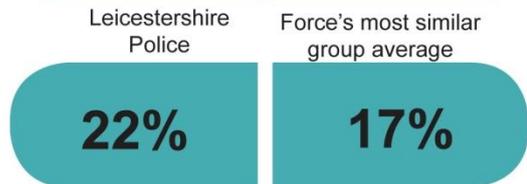
Number of times a Taser was used 12 months to 31 December 2014



Number of times a Taser was used per 10,000 population 12 months to 31 December 2014



Tasers 'discharged' (as proportion of overall use) 12 months to 31 December 2014



Data: for further information about the data used in this graphic see annexes B and D in this report and annex B in the national legitimacy report.

Introduction

Throughout 2015, HMIC has 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 be legitimate if it has the consent of the public, and if those working in the force consistently behave in a way that is fair, reasonable, effective and lawful. The force must also generate the trust and co-operation of the public.

To reach a judgment on each force's legitimacy, HMIC examined three areas:

Spring 2015 inspection

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

Autumn 2015 inspection

- 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 Taser fair and appropriate?

This report provides the main findings for Leicestershire Police.

Methodology

During our inspection we interviewed relevant 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 and stop and search forms; and listened to calls for service from members of the public.

This work was informed by research on the two principal characteristics of a legitimate organisation – organisational justice and procedural justice.

Organisational justice⁴

Every day, people respond to the actions and decisions made by their organisation that affect them or their 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, 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. This will increase the public's view that the police act legitimately.

Procedural justice

Research⁵ has shown that for the police to be considered 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 is central to policing as it can encourage greater respect for the law and foster social responsibility.

There is also an economic benefit for a force which is seen as legitimate by the communities it serves. The more the public provides support to the police through information or intelligence, or becomes more active in policing activities (such as Neighbourhood Watch or other voluntary activity), the less the financial burden on police forces.

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_Briefing_Note.pdf

⁵ *Ibid.*

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

Introduction

As organisational justice has a direct relationship to procedural justice (we treat others as we are treated), it is critical that the culture inside police forces is an ethical one, where challenge and continual improvement are encouraged. It is also crucial that all officers and staff feel that they and others are treated fairly and consistently (for example, when an allegation is made against them by a member of the public or a colleague). Even if a system or process is fair, if people do not believe that it is, then organisational justice will not have been achieved.

Officers and 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. This will increase the public's view that the police act legitimately.

In spring 2015,⁶ HMIC made an assessment of police force culture. The inspection asked:

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?

In addition, HMIC also considered the number of females and black, Asian and minority ethnic (BAME) people at different ranks and grades, to determine the extent to which the diversity of the force reflects that of the communities it serves.

Gender and black, Asian and minority ethnic (BAME) breakdown in Leicestershire Police

A breakdown of the full-time equivalent (FTE) workforce⁷ in Leicestershire Police as at 31 March 2015 is shown below.

⁶ The inspection took place between March and June 2015.

⁷ Workforce comprises officers, staff and police community support officers (PCSOs).

Figure 1: Breakdown of full-time equivalent (FTE) workforce in Leicestershire Police, 31 March 2015

| FTE | Total | Of which | |
|---------------------------|--------------|--------------------|------------------|
| | | Female | BAME* |
| Total workforce | 3,443 | 1,363 (40%) | 296 (9%) |
| Total officers | 1,955 | 498 (25%) | 141 (7%) |
| Constables | 1,528 | 425 (28%) | 120 (8%) |
| Sergeants | 306 | 51 (17%) | 15 (5%) |
| Inspecting ranks | 102 | 19 (18%) | 5 (5%)** |
| Superintendents and above | 19 | 3 ** | 1 ** |
| Staff | 1,254 | 774 (62%) | 132 (11%) |
| PCSOs | 234 | 92 (39%) | 24 (10%) |

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

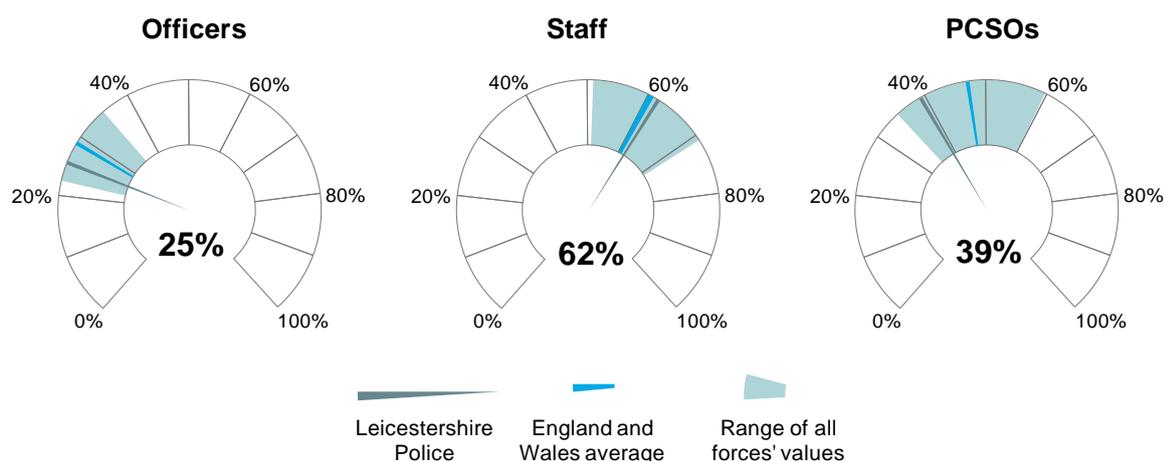
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

** Due to the figures being small, percentages should be treated with caution. In particular, percentages have not been included where totals are very small.

Source: Home Office Police Workforce statistics

The figure below shows how the percentages of female officers, staff and PCSOs in Leicestershire Police compared with the averages of all forces in England and Wales. It shows they were broadly similar for staff yet lower for both officers and PCSOs.

Figure 2: The percentage of female officers, staff and PCSOs in Leicestershire Police compared with the force average for England and Wales, 31 March 2015

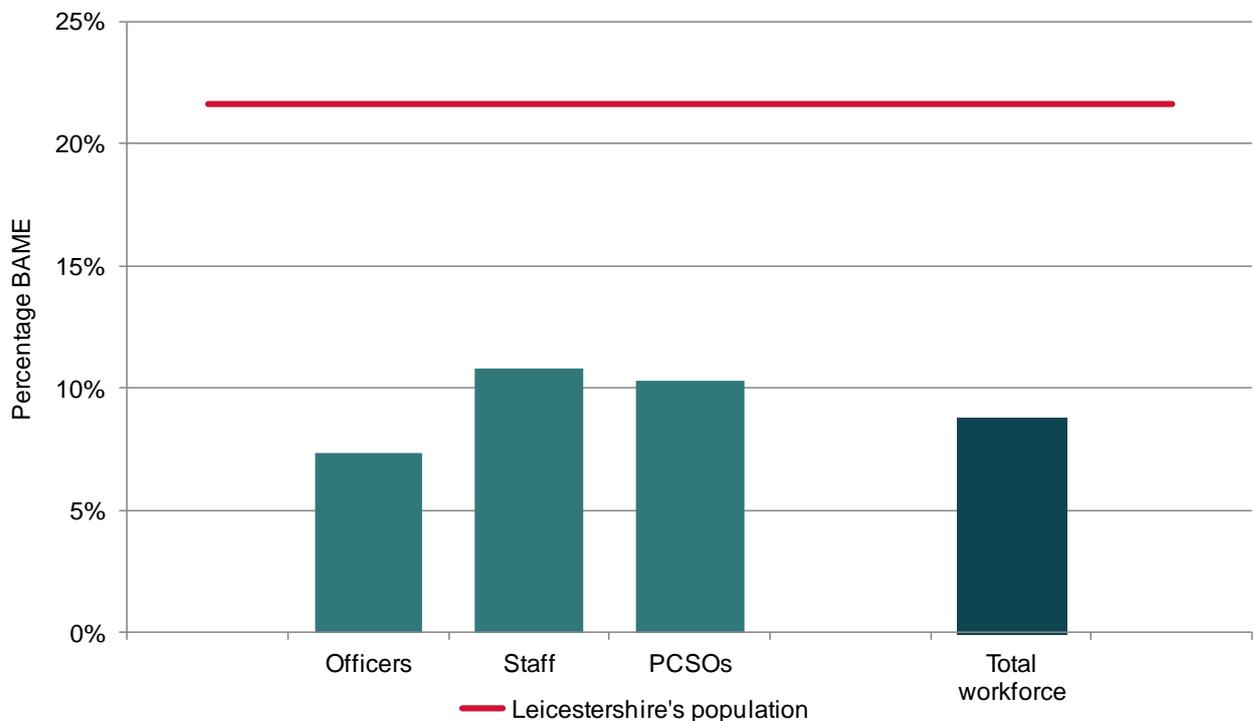


Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the overall proportion of BAME people in the force's local population. In Leicestershire, around 22 percent of the local population were

BAME. The figure below shows these comparisons. There was a statistically significant under-representation of BAME people in Leicestershire Police's overall police workforce, as well as separately for officers, staff and PCSOs.

Figure 3: Percentage of BAME people within Leicestershire Police's workforce (as at 31 March 2015) compared with its local population



Sources: Home Office Police Workforce statistics and Office for National Statistics 2011 Census

Police forces in England and Wales have experienced large reductions in their total workforce since the government's October 2010 spending review.⁸ HMIC also examined how the percentages of BAME officers and staff, and females within the workforce had changed over this period.

Across all police forces in England and Wales, total workforce numbers decreased by 15 percent between 31 March 2010 and 31 March 2015. However, the percentages of BAME people and females within the overall workforce increased during the five year period. Most notably, the proportion of female officers increased over 2 percentage points to 28 percent, and the proportion of BAME officers increased by nearly 1 percentage point to just under 6 percent. In contrast, the proportion of BAME PCSOs decreased by nearly 2 percentage points to just over 9 percent.

⁸ *Spending Review 2010*, HM Government, October 2013. Available from: www.gov.uk/government/publications/spending-review-2010

The figure below shows how these volumes and proportions have changed in Leicestershire Police over the spending review period.

Figure 4: Change in Leicestershire Police’s workforce (overall volume and the percentage of female and BAME people), 31 March 2010 to 31 March 2015

| | Total change | | Percentage point change | |
|------------------------|--------------|---------------|-------------------------|-----------|
| | | | % female | % BAME |
| Total workforce | -379 | (-10%) | +1 | +1 |
| Officers | -362 | (-16%) | +1 | +1 |
| Staff | -18 | (-1%) | -1 | +1 |
| PCSOs | +1 | (+1%) | +1 | -2 |

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

- Denotes there has been a statistically significant change in the proportion (see Annex B for details).

Source: Home Office Police Workforce statistics

There were no statistically significant changes in the percentages of either females or BAME people within Leicestershire Police's overall workforce between 31 March 2010 and 31 March 2015. There were also no statistically significant changes in the percentages of BAME people or females at an officer, staff or PCSO level.

Overall, compared with other forces, as at 31 March 2015, the percentage of females within Leicestershire Police's workforce was broadly similar for staff yet lower for both officers and PCSOs. By ethnicity, there was an under-representation in BAME officers, staff and PCSOs and there was no statistically significant change in the proportions between 31 March 2010 and 31 March 2015 for any of these groups.

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 treated fairly and consistently. If it is not, the service provided to the public may be equally unfair and inconsistent. HMIC therefore considered the extent to which people at all levels and all ranks (or equivalent) were creating and maintaining an ethical culture.

There are a number of meetings, boards and groups to address fairness, equality and diversity issues, and each member of the chief officer team champions a particular work stream. A force level equality and fairness board, chaired by the chief constable, was responsible for co-ordinating this work to ensure consistency in approach and share good practice.

The force's statement of values was available to all officers and staff and appeared on the force intranet page, entitled 'Values at work'. The values statement said: "We will fulfil our duty to the people of Leicester, Leicestershire and Rutland with compassion, by acting with integrity, confidence, dedication and courage". However, when we spoke to officers and staff, we found that there was a limited understanding of these values (although we saw no examples of people failing to act in accordance with them). At the time of the inspection, the force was planning to update the values to reflect the Code of Ethics⁹ and work would then take place to check officer and staff understanding.

The force has devoted time and resources into ensuring that the promotion process is as transparent and fair as possible through the implementation of a number of moderating stages. The force has also undertaken a number of feedback sessions to test the new process. However promotion processes were not always perceived as being fair by applicants and others. For example, the criteria for selection for a recent constable to sergeant recruitment process was not considered by some officers to be fully transparent. Concerns were also expressed about the process for attracting more diverse candidates. Of the 32 people selected, there were very few females and no one from a black, Asian or minority ethnic background was appointed.

Officers and staff were encouraged to challenge inappropriate behaviour and report wrongdoing. The 'Bad Apple' button on the intranet confidential reporting page was clearly visible and there were processes to support confidential disclosures as well as welfare support from human resources and occupational health unit professionals.

The chief constable used his blog on the force internal website to provide messages on ethics and honesty, stressing the importance of doing things for the 'right reasons' and the need to avoid a blame culture if things have gone wrong. While some officers and staff explained they were empowered to "make decisions and do the right thing", this was not consistent across the force with many people reporting that they were unsure about what behaviours were expected of them.

There were a number of positive findings; however, the force recognised that it needed to clearly set out the values and behaviours expected of everyone working in Leicestershire Police.

⁹ *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

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 was concerned with what efforts were being made in forces to consider, and provide for, the wellbeing needs of their workforce.

Officers and staff were positive about the wellbeing arrangements in place. While they felt there was more pressure on them as a result of workloads, the force was taking wellbeing issues seriously.

The force had recently completed an organisational health check which identified gaps in the skills and knowledge of staff surrounding mental health. The force responded positively to this by running a mental health awareness week and by providing information on the intranet website. In addition, both the chief constable and the police and crime commissioner (PCC) had signed a 'Time to Change' pledge which set out an aspiration to tackle the issue of mental health in the workplace.

The force was providing a number of activities to aid wellbeing, for example: fitness classes; cycle to work schemes; planned walks; and mental health advice and support. There was an established counselling phone line where people could be referred on for additional support if needed. Advice on how to combat stress had also been e-mailed to officers and staff. Staff consultation on a draft wellbeing policy was being progressed.

In November 2014 the force introduced a campaign 'You Are Not Alone' to reassure police officers and staff that no matter what they are going through they were not alone. Whether coming to terms with disability, living with mental health, racism or coming out, the 'You Are Not Alone' campaign recognised that it was not always easy but support is available. The force has continued to support these important issues by inclusion in the Blueprint 2020 change programme.

Overall, the force was taking positive steps to promote and improve the wellbeing of officers and staff.

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.¹⁰ This sets out nine policing principles that should be applied by all officers and staff: Accountability; Integrity; Openness; Fairness; Leadership; Respect; Honesty; Objectivity; and Selflessness. These principles should be used to underpin the decisions and actions taken by 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 embed the code into policy and practice.

The overall approach the force took to the Code of Ethics was positive, but it was not consistently understood. The Code of Ethics was published on the intranet and it was made clear that it applied to everyone in policing. The deputy chief constable used this page to provide the workforce with information on ethical decision-making with links to the national decision model (NDM),¹¹ the framework by which all policing decisions should be made, examined and challenged. The Code of Ethics is a central component of the model.

Some staff were positive about the Code of Ethics training that they had completed and said that they would welcome a forum for discussing, anonymously, ethical dilemmas at a force-wide level.

Posters in stations explained the Code of Ethics and there were examples of it being incorporated into policies and practices – including learning and development modules; the sergeants and inspectors leadership courses; and the induction courses for those joining the organisation. The code was also incorporated into operational orders as well as being part of the national decision-making processes when making fast time decisions and assessing the threat and risk involved. However, there was some inconsistency in the use of terminology. The guiding principles of decision-making were variously described as: the Code of Ethics; 'Our Duty'; or 'the Policing Mission Values Risk and Protecting Human Rights'. A single corporate message using the Code of Ethics would enhance the overall understanding of staff.

¹⁰ *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

¹¹ *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

The Code of Ethics has informed policy and practice although officers and staff were much less clear about the link between the 'our duty' behaviours and those in the code.

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

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.

Each allegation can be dealt with, or resolved, in a number of ways. Some complaints, such as rudeness or incivility, may be dealt with through the local resolution process. The way these complaints are resolved should be adapted to the needs of the complainant – for example, they may involve 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. Under certain circumstances, some complaints do not proceed. These use processes known as disapplication or dispensation (for example, if the matter is already the subject of a complaint or if the complaint is repetitious or vexatious), discontinuance (for example, if the complainant refuses to cooperate or it is not reasonably practicable to investigate the complaint) or if they are withdrawn by the complainant.¹²

In the 12 months to 31 March 2015, Leicestershire Police finalised 1,086 allegations from public complaints that were made against its officers and staff. Of these, 35 percent had been investigated and 43 percent had been locally resolved. These proportions were broadly in line with the average of Leicestershire's most similar group of forces.¹³

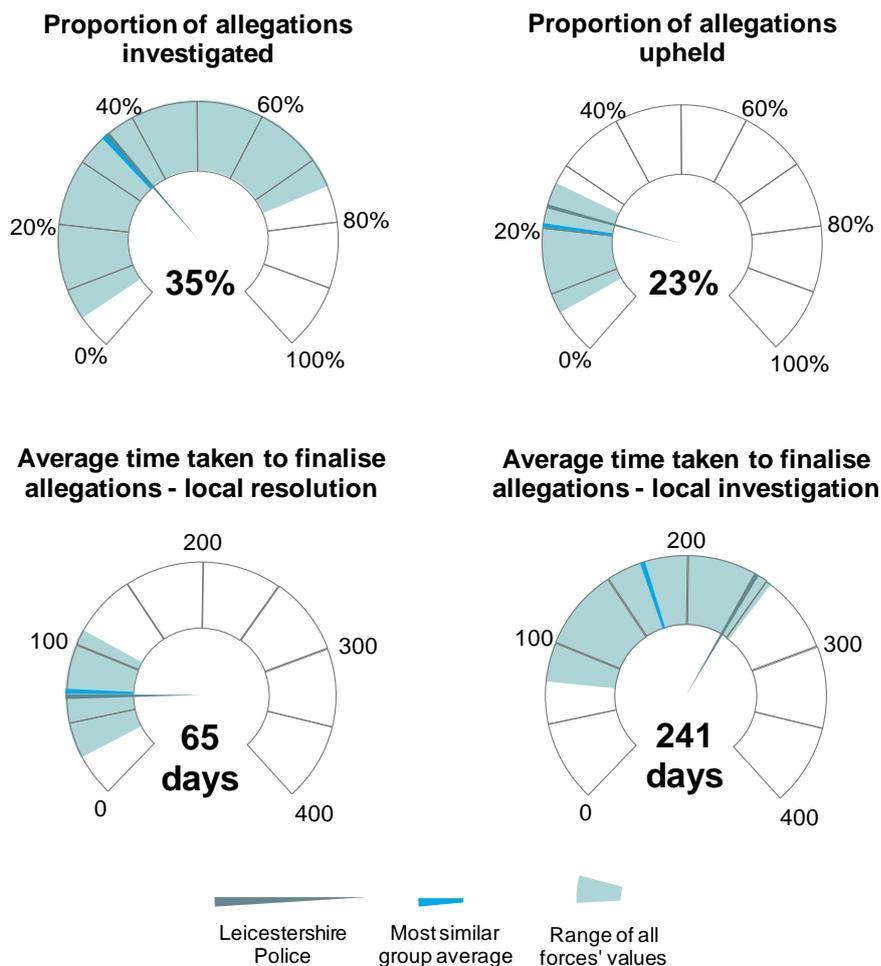
In the 12 months to 31 March 2015, the average time Leicestershire Police took to complete a local resolution was 65 days, broadly in line with the average of its most similar group of forces (68 days). Over the same period, the average time a local investigation took to complete was 241 days, greater than the average of its most similar group of forces (171 days).

¹² For a more complete outline of the definitions and potential outcomes resulting from public complaints, please see the Independent Police Complaints Commission's website: www.ipcc.gov.uk.

¹³ Most similar groups are groups of local areas that have been found to be most similar to each other using statistical methods, based on demographic, economic and social characteristics which relate to crime. See Annex B.

After local investigation, Leicestershire Police closed 383 allegations in the 12 months to 31 March 2015. Of these, 23 percent were upheld, where it was concluded that the service provided by the police officer or police staff or the service as a whole did not reach the standard a reasonable person could expect. This was greater than the average of Leicestershire's most similar group of forces of 20 percent. The following figure shows how these values compare.

Figure 5: Proportion of allegations investigated, proportion upheld, time taken to finalise allegations by local resolutions and investigations by Leicestershire Police, 12 months to 31 March 2015



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Leicestershire Police finalised 35 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was greater than the average of its most similar group of forces. Compared to its most similar group of forces, Leicestershire took a similar amount of time to complete local resolutions and longer to complete local investigations.

Are officers and staff, particularly those with protected characteristics, treated fairly following a complaint or allegation against them?

While it is very important that public complaints and allegations of misconduct or corruption are taken seriously, it is also important that those subject to these allegations or complaints are treated fairly and consistently, and that there is no bias or discrimination involved in any aspect of the decision-making process.

Building on the findings of HMIC's Police Integrity and Corruption inspection,¹⁴ this inspection considered if public complaints and misconduct investigations were dealt with in a timely and consistent manner. The inspection also considered whether investigations were conducted fairly and whether officers and staff, particularly those with protected characteristics,¹⁵ felt that they would be treated fairly following a complaint or allegation against them.

Before the fieldwork stage began, HMIC conducted a file review of 70 public complaints and internal misconduct allegations, to assess whether they had been considered fairly and consistently. We examined further the outcomes of the review during our fieldwork.

While not necessarily representative of all cases, in the small number of files we looked at there were none which had bias in how complaints and internal misconduct allegations were dealt with, in respect of gender, ethnicity or rank.

In Leicestershire Police the professional standards department carried out the assessment of all complaints from the public, and the assessments of all internal misconduct allegations against police officers. This also included an assessment of internal misconduct allegations against police staff which produced consistency and fairness in decision-making across cases for both police officers and police staff. This was despite the different legislation governing how police officers and police staff are dealt with for misconduct allegations. Leicestershire Police were able to work well within these two sets of guidance.

Most public complaints were dealt with at the right level; however one fifth of the sample we viewed, which had been allocated to be resolved locally, should have been the subject of a professional standards department investigation. Importantly, the force was not using a person with sufficient seniority as required by the complaints legislation to make these decisions.

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/

¹⁵ 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'.

However, all of the assessments made at the conclusion of the more serious cases were made by a person with the right level of seniority. Those decisions were clear and well-reasoned.

Staff and their staff associations felt that the force took an unacceptably long time to conduct local investigations into public complaints. The national complaints data showed that this perception was correct. The force recognised that there were insufficient staff within professional standards, and the department had received an additional seven temporary staff to assist with demand and timeliness issues.

There were two quality assurance staff that provided a point of contact for those who were the subject of allegations, updating them on how investigations were being dealt with.

The force dealt with complaints and misconduct fairly and consistently with investigations being free from bias. There was ongoing work to reduce the time taken to investigate a complaint but the decision maker was not at the correct level as required by the legislation.

Summary of findings



Good

Leicestershire Police's approach to the Code of Ethics was positive and there was appropriate information available to the workforce among a number of positive findings. Some officers felt that promotion processes were not always fair and the force was working to understand the under-representation of females and black, Asian and ethnic minority people in a recent promotion process.

The force was taking positive steps to promote and improve the wellbeing of officers and staff. An organisational health check identified skills and knowledge gaps in mental health and the force responded positively to this with a number of initiatives including a mental health awareness week. The force provided a number of other wellbeing initiatives to support officers and staff, such as fitness classes and cycle to work schemes.

The professional standards department carried out the assessment of all complaints and internal misconduct allegations. This structure provided consistency and fairness in decision-making for both police officer and police staff cases. Complaints and misconduct were dealt with fairly and consistently with investigations being free from bias. There was ongoing work to reduce the time taken to investigate a complaint but the decision maker for dealing with complaints was not at the correct level as required by the legislation.

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

Introduction

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 and increase trust, 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 citizens 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.

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 College of Policing's Authorised Professional Practice on Engagement and Communication,¹⁶ 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 the fieldwork stage of the inspection, HMIC commissioned Ipsos MORI to survey the public in each force area, specifically seeking their views about their force. While the findings of the survey may not represent the views of everyone living in the force area, they are indicative of what the public in that police force area think.

¹⁶ *Authorised Professional Practice on Engagement and Communication*, College of Policing, 2015. Available from: www.app.college.police.uk/app-content/engagement-and-communication/?s

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

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

The Chief Constable of Leicestershire Police is the national lead for local policing and prevent. Officers and staff clearly understand the relationship between doing a good professional job and increased public confidence in the police.

At a neighbourhood level, officers engage positively with, and have a good understanding of the communities they serve. Leicestershire Police has a tasking and briefing system (TABS) which officers use to brief themselves and complete tasks allocated by supervisors. The system is also used by officers to assist them in understanding their communities and neighbourhoods and to help them respond and manage issues raised. For example, on receiving a report of a horse injured with a knife or similar object the neighbourhood team completed a community impact assessment and put into place appropriate measures to ensure relevant members of the community were aware of the incident. Measures were also taken to reduce the risk of a repeat incident.

The force's external website is up to date, with photographs of the neighbourhood officers who work in each area and details of how to contact them by telephone, email and social media. A link to the website 'police.uk' provides the public with the opportunity to view information on crime which has occurred in their area. All local policing priorities are listed with updates, although some had not been updated for several months.

Of the 462 survey responses from the area covered by Leicestershire Police, 48 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 17 percent disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, of the responses from all forces across England and Wales, 49 percent agree versus 14 percent who disagree.

Officers and staff in Leicestershire Police create and maintain good relationships with their communities and they have a good understanding of their needs and concerns. Leicestershire Police understands the benefits of engaging with communities to improve police legitimacy.

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

For the police to find the most cost effective and efficient ways of communicating with the public, they should tailor their methods of engagement in a way that meets the needs and preferences of those they serve. The police should ensure they overcome any barriers to successful engagement (for example, social exclusion, location, low confidence in the police) to seek the views of all the people they serve and keep them informed.

From the survey, fewer than 10 percent of respondents 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, in most forces, fewer than 20 percent of respondents have been told, within the previous 12 months, how their force is tackling these issues.

Our inspection looked at the different ways that forces engage with their communities. Neighbourhood teams have a range of activities designed to ensure good engagement with their communities, for example, beat meetings; a high profile presence in schools; dedicated officers to engage with students at Leicestershire's universities and attendance at other relevant community meetings. Officers also make crime prevention literature and equipment available at locations where there is a high footfall of members of the public, such as local markets. The force also employs a youth communications officer to directly engage with young people.

On the force's website there is a wealth of useful information readily accessible to the public about what is happening in their area, and about how and who to contact. The force uses a 'Rate Your Police' survey on their website, which allows individual members of the public to rate how they feel they are dealt with by Leicestershire Police. This is similar to internet comparison sites such as Trip Advisor. This shows willingness to engage with the public and be transparent in how the public view the force.

Volunteers are used across the force, carrying out a range of duties such as: community speed watch schemes; operating CCTV systems; inputting information on to police computer systems on behalf of officers; and horse and cycle patrols.

One beat manager has seven community volunteers who attend his police office which is located in a school. They answer the phone, assist at beat surgeries and produce parish council reports. A volunteer, who is a trainee counsellor, assisted an officer recently in respect of an elderly lady who had called 999 on 40 occasions in the previous two months. Using her skills and knowledge, appropriate interventions and support were provided to resolve the situation and also reduce demand on the police and other organisations.

From the survey, 30 percent of the respondents from the area covered by Leicestershire Police speak highly of the police in their local area while 18 percent speak critically. The remainder have mixed views or do not know. Although not directly comparable because of the small force sample size, of the responses from across all forces in England and Wales, 32 percent speak highly and 16 percent speak critically.

Leicestershire Police engages and communicates well with those they serve and the involvement of local people in policing activities is positive.

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) are required to consider all individuals when carrying out their work, and understand how different people will be affected by their activities. The duty requires the police to show evidence of this in their decision-making.

This inspection looked at whether all members of the public (including those with protected characteristics) are treated (and perceive that they are treated) fairly and with respect by the police. We also assessed the extent to which officers understand the National Decision Model,¹⁷ the framework by which all policing decisions should be made, examined and challenged. The Code of Ethics is a central component of the National Decision Model.

The police have thousands of interactions with the public on a daily basis. Research indicates that the quality of the treatment received during encounters with the police is more important to individuals than the objective outcome of the interaction. Before we began our fieldwork activity, we listened to around 40 calls made from members of the public to the 101 (non-emergency) and 999 (emergency) numbers to assess the quality of the treatment received. To determine the overall quality of the call, we considered criteria such as whether the call-handler remained polite, professional and respectful throughout the call, whether he or she took the caller's concerns seriously, appropriately assessing the risk and urgency of the call, and how well he or she established the caller's needs, managed the caller's expectations and explained what would happen next.

Although not necessarily representative of all calls responded to by Leicestershire Police, from the 40 calls assessed, call handlers were polite, respectful and effective.

¹⁷ *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

They appropriately assessed the risk and urgency of the calls, and were efficient at explaining to callers what would happen next. However, call handlers did not always offer the caller an incident number during either 999 or 101 calls.

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations –, and staff re polite, friendly, helpful and courteous.

There is a good awareness throughout the organisation of the NDM and many staff are able to provide examples of how they use it in both operational and non-operational situations. It is something the force takes seriously and encourages everyone to use.

From the HMIC survey, 55 percent of respondents from the area covered by Leicestershire Police agree that the police in their local area treat people fairly and with respect versus 7 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Officers and staff in Leicestershire Police treat people fairly and with respect when they come into contact with them. There is a good awareness of the National Decision Model although there is some confusion among staff of the guiding principles to use.

Summary of findings



Good

Officers and staff in Leicestershire Police create and maintain good relationships with their communities and they have a good understanding of their needs and concerns.

Leicestershire Police engages well with the communities that it serves. The force is willing to engage with the public and be transparent in how the public views its work. The force uses a range of methods to achieve this, including beat meetings; community meetings; social media; and information leaflets.

The force's website contains useful information that the public can readily access about what is happening in their area and about the force itself.

Volunteers are being used in the force and carry out a range of activities such as community speed watch schemes, operating CCTV systems, and inputting information on to police computer systems on behalf of officers.

Officers and staff in Leicestershire Police treat people fairly and with respect when they come into contact with them. There is a good awareness of the National Decision Model.

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

Introduction

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.¹⁸

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁹ and how well reasonable grounds were recorded) to determine whether officers were using their powers fairly and in accordance with legal requirements and Authorised Professional Practice.

The inspection asked:

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?

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

Background

The primary role of the police is to uphold the law and maintain the peace. Unfair, unlawful or unnecessary use of stop and search powers make this task harder, with one of the direct consequences being a reduction in public trust and police legitimacy, and people being more likely to break the law and less willing to co-operate with the police. The purpose of stop and search powers are to enable officers to dismiss or confirm suspicions about individuals carrying unlawful items without exercising their power of arrest. The officer must have reasonable grounds for carrying out a search.

¹⁸ *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

¹⁹ *Best Use of Stop and Search Scheme*, Home Office, 2014. Available from: www.gov.uk/government/publications/best-use-of-stop-and-search-scheme

In our 2013 inspection on stop and search,²⁰ 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, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

The report was clear 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.

Following HMIC's 2013 inspection, on 26 August 2014 the Home Office 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 search powers and make sure that the powers are used in an intelligence-led way to achieve better outcomes for the public.

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 in Leicestershire Police – Stop and search by volume

In the 12 months to 31 March 2015, Leicestershire Police carried out 3,421 stops and searches. The table below shows this number per 1,000 population for Leicestershire Police and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the force's use of stop and search powers is currently less than the average of its most similar group of forces.

²⁰ *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

Figure 6: Number of stops and searches per 1,000 population carried out by Leicestershire Police compared to the average of its most similar group (MSG) of forces, 12 months to 31 March 2015, and the percentage change from the 12 months to 31 March 2014

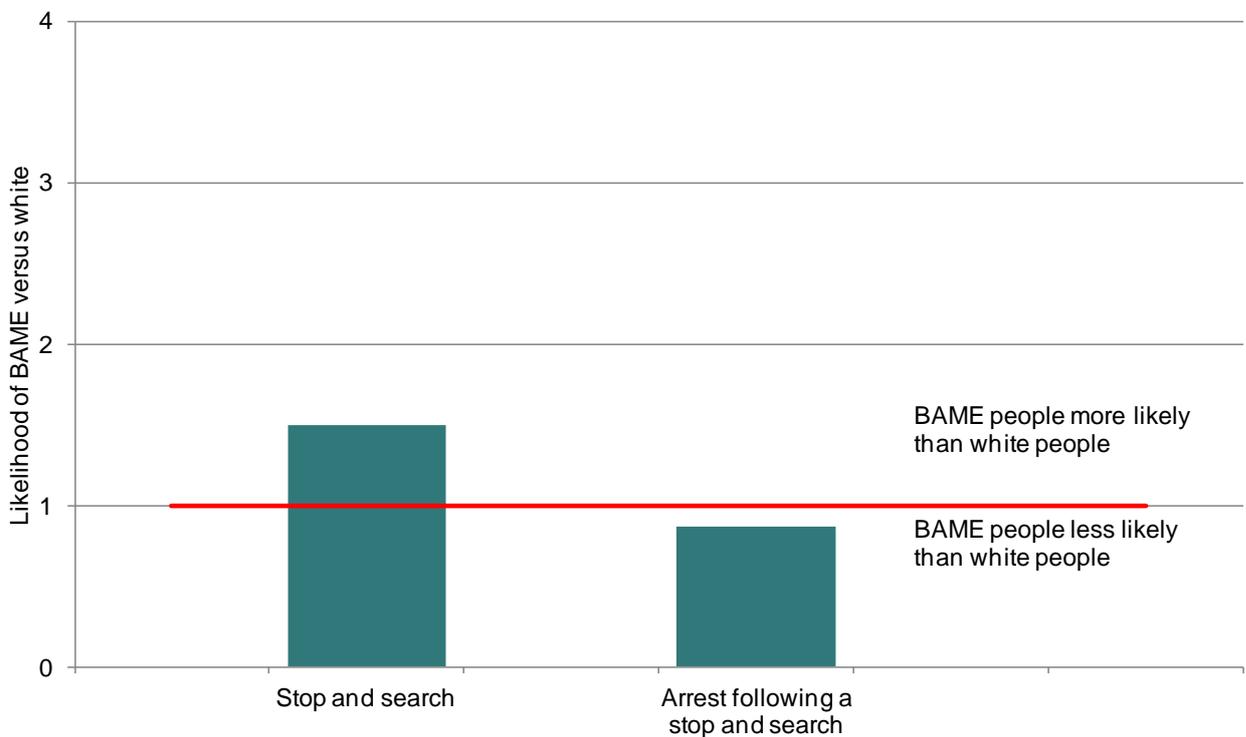
| | Stops and searches per 1,000 | Change from previous year |
|------------------------------|-------------------------------------|----------------------------------|
| Leicestershire | 3.3 | -27% |
| Leicestershire's MSG average | 5.8 | -33% |

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

Use of stop and search in Leicestershire Police - Stop and search by ethnicity

HMIC looked at the published data on stops and searches by ethnicity and compared them with the most recent local population data by ethnicity (the 2011 Census). The data suggested that BAME people were statistically more likely to be stopped and searched by Leicestershire Police than white people. However, of the individuals who had been stopped and searched, there was no statistical difference in the likelihood of arrest by the force between BAME people and white people.

Figure 7: A comparison between the likelihood of BAME and white people being stopped and searched and, separately, arrested following stop and search by Leicestershire Police, 12 months to 31 March 2015



Sources: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics 2011 Census

Caution needs to be taken before drawing assumptions from these data, especially where they might appear to suggest that forces are unfairly targeting particular ethnicities in their use of stop and search powers. Although that is one possible explanation, there are a number of other factors which could result in any disparity, including:

- the 2011 ethnicity figures no longer being representative of the force’s local population;
- the difference between the ethnicity of the street population available to be stopped and searched at any given time with the general force population;
- stops and searches being carried out on people who are not resident in the area (and so are not counted as part of the population);
- disparity in the crime rates between different ethnicities;
- disparity in the number of repeat stops and searches carried out on individuals by ethnicity; or

- difficulties with the recorded data by ethnicity (while forces always record ethnicity when arresting a person as a result of being stopped and searched, they do not always record it when the encounter does not involve an arrest).

It is important that forces understand their data along with reasons for any apparent disparity to ensure that their use of the powers is fair.

Leicestershire Police entered into a formal agreement in January 2011 after the Equality and Human Rights Commission (EHRC) expressed concerns over the high numbers of stops, in particular the disproportionality of stops among black and Asian people. The force ended its work with the commission in October 2012 following satisfactory improvements.

Leicestershire Police provided HMIC with their own data concerning stops and searches. In 2011 Leicestershire Police conducted 28,000 stops and searches with approximately 75 stops and searches each day. In the 12 months to 31 March 2015, Leicestershire Police carried out 3,421 stops and searches, with approximately 9 per day. This is a substantial reduction.

Recording reasonable grounds for suspicion

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 did not include sufficient reasonable grounds to justify the lawful use of the power. For Leicestershire Police, the 2013 inspection showed that 36 of 200 records reviewed (18 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 98 stop and search records provided by the force. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. In Leicestershire Police, 93 of the records reviewed had been endorsed by a supervisor. Only 5 of the 98 records (5 percent) did not have reasonable grounds recorded of which three had not been endorsed by a supervisor. While the forms reviewed may not be representative of all stop and search records completed by the force, the review indicates that some records still do not contain reasonable grounds.

Compliance with the Best Use of Stop and Search scheme

There are several aspects to the Best Use of Stop and Search scheme. As part of this inspection, HMIC considered the extent to which the force complied with each aspect of the scheme. Our analysis is set out in the table below.

It is clear from examination of the stop and search forms and from speaking to officers that they are fully aware of the legal requirements of stop and search, particularly in relation to reasonable suspicion, and the force puts significant effort into ensuring officers comply with these requirements.

Leicestershire Police does not record what happens to a person after a search, nor does it record if the item searched for was subsequently found by officers following a search; for instance where an officer is looking for stolen property but finds illegal drugs instead. However, it does record some of the other outcomes outlined in the Best Use of Stop and Search scheme. The force has a free-text box for recording other outcomes however these are not subsequently published.

The force has introduced an electronic stop and search system to record all encounters. This has reduced bureaucracy and improved record keeping.

There is a lay observer policy, where members of the public can accompany police officers on patrol and watch them at work, however; this is not advertised on the force website. The force is considering other methods for public observation, for instance the review of police officers' body-worn video footage.

The force has a dedicated stop and search page on its website. Data on the use of stop and search powers is published, as well as the outcome data when an arrest is made.

| Feature of Best Use of Stop and Search scheme | HMIC assessment of compliance |
|--|--|
| Recording and publishing the outcomes following a stop and search | <p>The force does not comply with this feature of the scheme.</p> <p>The force does not systematically record what or cannabis warnings, summonses or no further action. In addition, it does not record if the item searched for was subsequently found by officers following a search. While the force publishes data in respect of the use of stop and search powers, it provides outcome data only in respect of those in which an arrest is made. No other outcomes, or links between outcomes and items searched for, are published. Some of the data on outcomes are published on the police.uk website but there is no link on the force website to direct people to the data and so they are unlikely to find it.</p> |
| Providing opportunities for the public to observe officers using the power | <p>The force does not comply with this feature of the scheme.</p> <p>The force has introduced a lay observer scheme but it is not advertised on the force website. Members of the public who might wish to participate are unlikely to know of its existence.</p> |

| | |
|---|---|
| Explaining to communities how the powers are being used following a 'community complaint' | The force does comply with this feature of the scheme. The force does publish information on how to complain |
| Reducing the number of people stopped and searched without suspicion under Section 60 ²¹ of the Criminal Justice and Public Order Act 1994 | The force complies with this feature of the scheme. |
| Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups | The force does not comply with this feature of the scheme. While there is evidence that the force is working with partners, including two universities, to monitor the impact of the use of the powers on black, Asian and minority ethnic people, there is no evidence that the force monitors the impact of the use of the powers on young people. |

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

Background

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.

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 subject.

²¹ 'No suspicion' searches are provided for under section 60 of the Criminal Justice and Public Order Act 1994. Available from: www.legislation.gov.uk/ukpga/1994/33/section/60

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' (that is, fired, drive-stunned or angled drive-stunned). A table in Annex D outlines the definitions of the different levels of use.

When 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. It may also constitute a violation of the human rights of the person against whom the force was used.

HMIC has not previously inspected how Taser is used either in, or between, forces. This inspection considered whether chief officers understand how Taser is being used across the force area, to satisfy themselves that it is being used fairly and appropriately, and whether Taser-trained officers are acting in accordance with the College of Policing's Authorised Professional Practice and the legal framework each time it is used.²²

Use of Taser in Leicestershire Police

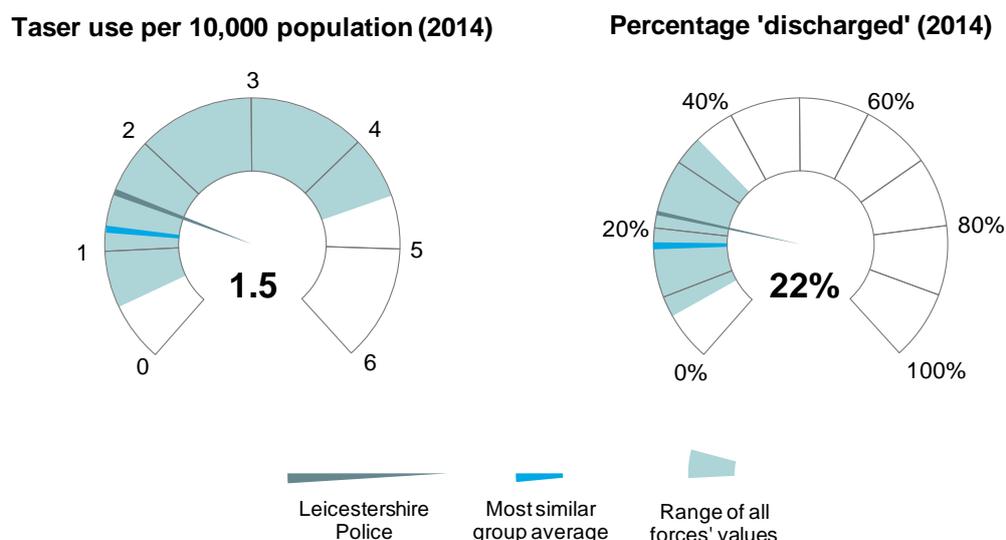
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 158 times by Leicestershire Police, representing 1.5 times for every 10,000 people in the force's area. This was greater than the average for Leicestershire Police's most similar group of forces, which was 1.2 times per 10,000 population.

During the same time period, Taser was 'discharged' on 35 occasions (out of the 158 times it was used in some capacity). This equated to 22 percent of overall use, greater than the force's most similar group average of 17 percent. The following figure shows the comparisons.

²² *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Leicestershire Police, 12 months to 31 December 2014²³



Sources: Office for National Statistics mid-2014 population estimates and Home Office Police use of Taser statistics

The Taser deployment form is a national document for gathering research 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. The National Decision Model is used on the form as a structure for officers to record this description. For any other use, such as 'drawn', 'aimed', 'red-dotted' or 'arced', officers are only required to provide brief details of the incident. A detailed description, structured around the National Decision Model, is not required.

Before the fieldwork stage of the inspection, HMIC conducted a review of 57 Taser deployment forms and linked documentation provided by the East Midlands Operational Support Services (EMOpSS) collaboration. Although the findings of this review are not necessarily representative of all Taser forms completed by the force, they do provide an indication of the force's Taser activity. Of the 57 forms reviewed, Taser had been fired 8 times, red-dotted 31 times, arced 7 times, aimed 2 times, and drawn 9 times. For the eight times the Taser had been fired and the NDM completed, we found evidence that consideration of other tactics had been recorded in all cases.

Overall officers used Taser to protect themselves or others from a range of weapons, including several knives, a police baton and door enforcer that had been taken from fellow officers, machetes, handguns, a hatchet, a meat cleaver, a shotgun and a cut throat razor.

²³ City of London Police data was removed from figure 8 because of the very low number of times Taser was used by the City of London Police in 2014.

The 'brief details' and the NDM sections of the forms provided us with evidence to suggest that the use of Taser was fair and appropriate in all cases reviewed except two. On these two occasions the NDM was not required to be recorded, and the 'brief details' section of the form did not contain sufficient information for us to assess. Where officers are required to record their rationale in the NDM section, they are unclear about how to record the threat assessment in accordance with the College of Policing training. However, in all cases the use of Taser did appear to be lawful.

Where officers had been required to complete the NDM section of the form, none of them contained any mention of the national Code of Ethics for the police service which is at the heart of the NDM, and should be considered at each stage, particularly under the 'Powers and Policy' section. This appears to be a national issue and is considered in our national Legitimacy report. However one officer did consider the force's statement of mission and values.

Taser devices are only issued by the force to specialist officers including firearms, some roads policing, dog patrol officers and tactical support unit staff. All these officers work within the combined regional operational support unit (EMOpSS) which includes officers from three other neighbouring forces. Taser-trained officers in Leicestershire have a good understanding of the relevant legislation and authorised professional practice, which is national guidance providing reference material and developed with the police service by the College of Policing. Similarly, these officers have no difficulties in explaining how they utilise the NDM when considering their use of Taser.

On each occasion that an officer uses a Taser they submit a Taser deployment form. This is subsequently checked by a trained supervisor to ensure that the use is fair and appropriate. It also enables the force to monitor use in detail. The force recognised that its evaluation procedure following the submission of a Taser form required improvement to show transparency and integrity of the process. Once this came to light during the inspection the force immediately corrected this oversight.

Leicestershire Police does not publish information to the public on its use of Taser. Statistics on Taser use are also not currently published by the EMOpSS but there are plans to publish regular information in the future. This could enhance public confidence in the use of this tactic.

Based on the assessment of the Taser forms and fieldwork findings, Taser is being used fairly and appropriately by Leicestershire Police.

Summary of findings



Requires improvement

Leicestershire Police is not complying with all aspects of the Best Use of Stop and Search scheme. It does not record and publish in enough detail all the outcomes from stop and search encounters and it provides limited opportunities for the public to observe a stop and search. Also, the force is not monitoring the impact of stop and search on young or black, Asian and minority ethnic people.

However, there is good evidence to show officers understand the legal requirements relating to stop and search, and the force puts a great deal of effort into ensuring these powers are used fairly and appropriately. In most cases, reasonable grounds are properly recorded.

In Leicestershire, Taser is used fairly and appropriately by a small number of highly trained officers, who are part of a four force collaboration in the East Midlands region. Officers are well trained and understand their responsibility to consider all tactical options when using Taser.

Areas for improvement

- The force should ensure that officers fully understand the features of the Best Use of Stop and Search scheme.
- The force should put in place an action plan setting out how it will comply with all the features of Best Use of Stop and Search scheme. HMIC will revisit the force within six months to determine what improvements have been made.
- The force should ensure that Taser-trained officers properly understand and record their decisions using the National Decision Model in accordance with the College of Policing training.

Annex A – HMIC judgments

The categories 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.

Annex B – Data methodology

Please note the following for the data.

- The sources of the data are provided in each section. For the force in numbers data, please see the relevant section.
- Workforce figures (based on full-time equivalents) were obtained from the Home Office annual data return 502. Most of these are 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).
- 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.
- HMIC has been made aware of updates from particular forces on their Taser and stop and search data. However, for fairness and consistency, we have presented the data as published by the relevant sources.

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

- Comparisons with most similar group of forces – In most cases, comparisons are made with the average of the force's most similar group (MSG) of forces. These are forces that have been found to be the most similar to the force in question, based on an analysis of demographic, social and economic characteristics which relate to crime. The following forces are in Leicestershire Police's MSG: Hertfordshire, Hampshire, Sussex, Essex, Bedfordshire, Nottinghamshire and Kent.
- Comparisons with averages – For some data sets, we state whether the force's value is 'below', 'above' or 'broadly in line with' the average. To calculate this, the difference to the mean average, as a proportion, is calculated for all forces. After standardising this distribution, forces that are more than half a standard deviation from the mean average are determined to be above or below the average, with all other forces being broadly in line.

In practice this means that, very approximately, a third of forces are above, a third are below, and the remaining third are in line with the average for each measure. For this reason, the distance from the average required to make a

force's value above or below the average is different for each measure so may not appear to be consistent.

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

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 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.

Responses are based on all participants completing the relevant survey question. 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 – The Best Use of Stop and Search scheme

The scheme includes a number of features with the aim of achieving greater transparency, community involvement in the use of stop and search powers and supporting a more intelligence-led approach, leading to better outcomes.

Recording and publishing outcomes

The Best Use of Stop and Search scheme requires forces to record and publish the following outcomes from the use of stop and search powers:

- Arrest;
- Summons/charged by post;
- Caution (simple or conditional);
- Khat or cannabis warning;
- Penalty notice for disorder;
- Community resolution; and
- No further action.

Forces adopting the scheme should therefore be providing the public with a much richer picture of how their use of stop and search powers are enabling them to reduce crime rates. The scheme also requires forces to show the link, or lack of one, between the object of the search (what the officer was looking for) and the outcome. This link helps to show how accurate officers' reasonable grounds for suspicion are by showing the rate at which they find what they were searching for during the stop and search.

Providing opportunities for the public to observe stop and search encounters

A core element of the scheme is the requirement that participating forces will provide opportunities for members of the public to accompany police officers on patrol when they might use stop and search powers.

It is important for the public, particularly young people and people from black, Asian and minority ethnic communities, to be able to see the police conducting their work in a professional way. Equally, it is also important for the police to understand the communities they serve – as this enables more effective policing through community co-operation and exemplifies 'policing by consent'.

By introducing 'lay observation', a process of two-way learning can take place, bringing the police closer to the public.

Implementing a community trigger for complaints

The scheme requires forces to implement a community complaints trigger to signpost the appropriate mechanism for members of the community to raise any concerns or complaints that they have with the way that a stop and search has been carried out by their police force. When the trigger is activated, the scheme requires forces to explain the use of the powers to community scrutiny groups.

Authorising searches under section 60 Criminal Justice and Public Order Act 1994

Section 60 stop and search powers are among the most controversial of all such powers by virtue of the fact that individual police officers can stop and search a person without the need to have reasonable grounds for suspicion.

Once a section 60 authorisation is in place, officers do not need to have suspicions about a particular individual prior to stopping them; though an officer must explain to an individual who has been stopped that a section 60 authorisation is in place. This can lead to a large number of searches which result in community and police tensions. The scheme introduces a set of requirements that, when combined, will ensure that participating forces improve their use of this type of stop and search power. These include raising the authorisation level from inspector to senior officer (assistant chief constable or above), restricting the time a section 60 authorisation can be in force to 15 hours and communicating the purpose and outcomes of each section 60 authorisation in advance (where possible) and afterwards.

Monitoring the use of stop and search powers

The scheme requires forces to monitor the use of stop and search powers, in particular to determine their impact on black, Asian and minority ethnic people and young people.

Annex D – Types of use of Taser

Type of use Definition²⁴

| | |
|-------------------|--|
| 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 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.

²⁴ *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.