

# PEEL: Police legitimacy 2015

An inspection of Cheshire Constabulary



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

## Overall judgment<sup>1</sup>



Good

Throughout 2015, HMIC's PEEL legitimacy inspection programme has assessed the culture within Cheshire Constabulary, 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 constable and the chief officer team actively promoted the values of the constabulary and staff we spoke to were positive about the culture in Cheshire. We found that police officers and staff in Cheshire Constabulary are diligent and committed in their use of a comprehensive range of methods to engage with the people they serve, to discover their needs and then report to them the results they achieved. However, too many of the stop and search records we examined did not contain sufficient reasonable grounds for conducting the search, and it was clear that Cheshire is not complying with the Best Use of Stop and Search scheme. Taser is used fairly and appropriately. This is the first time HMIC has graded forces on their legitimacy, so no year-on-year comparison is possible.

## Summary

HMIC found that the chief constable and the chief officer team actively promoted the Code of Ethics<sup>2</sup> which built on the established values of the constabulary, set out in the 'SPICE' standards, comprising service; professionalism; integrity; compassion; and equality and fairness. These standards were reinforced by the constabulary's people strategy.

Staff we spoke to generally expressed confidence that recruitment and promotion selection processes were fair, transparent and free from bias.

HMIC found that the constabulary dealt with complaints and misconduct in a fair and appropriate way. When HMIC looked at how well the constabulary understands and engages with all the people it serves, we found that police officers and staff in Cheshire Constabulary are diligent and committed in their use of a comprehensive

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<sup>1</sup> Outstanding, Good, Requires improvement or Inadequate – see Annex A.

<sup>2</sup> *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](http://www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf)

range of methods to engage with the people they serve, to discover their needs and then report to them the results they achieved. The constabulary is well directed through the 'We're here' commitments, which clearly set out the service the public can expect. It has introduced a structure based on local policing teams designed to meet those promises, and it scrutinises performance to ensure its service does so. HMIC is satisfied that Cheshire Constabulary understands and engages well with its communities.

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 the police use them fairly and appropriately. HMIC found that too many of the stop and search records we examined, did not contain sufficient reasonable grounds for conducting the search. We are also concerned that the current supervisory efforts are insufficient when reviewing these forms. It is clear that Cheshire Constabulary is not complying with the Best Use of Stop and Search scheme.

However, HMIC found the constabulary does have effective processes to select and train officers in the use of Taser, and has robust procedures in place to ensure it is used fairly and appropriately.

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



**Good**

HMIC found that the chief constable and the chief officer team actively promoted the Code of Ethics which built on the established values of the constabulary, set out in the 'SPICE' standards, comprising service; professionalism; integrity; compassion; and equality and fairness. These standards were reinforced by the constabulary's people strategy.

We found good evidence that the Code of Ethics was fully embedded across the organisation, and that it had been adopted in the constabulary's strategy, policy, practice and procedure. Staff reported they felt empowered and encouraged to raise concerns, and challenge issues of perceived

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



**Outstanding**

HMIC found that police officers and staff in Cheshire Constabulary are diligent and committed in their use of a comprehensive range of methods to engage with the people they serve, to discover their needs and then report to them the results they achieved.

The constabulary is well directed through the 'We're here' commitments which clearly set out the service the public can expect. It has introduced a structure based on local policing teams designed to meet these promises, and it scrutinises performance to ensure its service does so.

The constabulary has trained its officers and staff and there is clear evidence that they understand and apply the

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



**Requires improvement**

HMIC is concerned that too many of the stop and search records we examined, did not contain sufficient reasonable grounds for conducting the search. We are also concerned that current supervision is insufficient when reviewing these records.

It is clear that Cheshire Constabulary is not complying with the Best Use of Stop and Search scheme.

In particular, we found no evidence to suggest that the constabulary was undertaking analysis to understand why black, Asian and minority ethnic people were disproportionately affected by stop and search in Cheshire.

unfairness.

Staff we spoke to generally expressed confidence that recruitment and promotion selection processes were fair, transparent and free from bias. Staff also recognised and understood the reasons behind the constabulary's adoption of positive action, aimed at increasing representation of female and black, Asian and minority ethnic (BAME) staff at all levels.

Historic problems in respect of the outsourcing of the occupational health service were recognised by the constabulary, and all staff we spoke to commented on the constabulary's efforts to improve wellbeing provision.

HMIC found that the constabulary dealt with complaints and misconduct in a fair and appropriate way.

National Decision Model in their choices and decisions. The constabulary has successfully recruited volunteers and ensures they have meaningful opportunities to improve policing services.

Meanwhile the constabulary continues to invest in its staff to improve and extend their skills. The constabulary routinely checks the views and perceptions among the people it serves. HMIC is satisfied that Cheshire understands and engages well with its communities.

However, HMIC found the constabulary has effective processes to select and train officers in the use of Taser, and has robust procedures in place to ensure it is used fairly and appropriately.

## Force in numbers



### Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

**1%**

officers

**1%**

staff

**1%**

PCSOs

**1%**

Percentage of BAME in local population, 2011 Census

**3%**



### Gender diversity

Percentage of females in overall workforce 31 March 2015

**41%**

England and Wales force average

**41%**

Percentage of females by role, Cheshire Constabulary

officers

**28%**

staff

**61%**

PCSOs

**45%**

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

Cheshire Constabulary

**1,221**

Proportion of finalised allegations investigated 12 months to 31 March 2015

Cheshire Constabulary

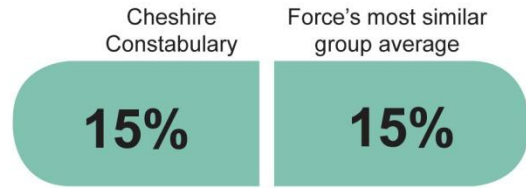
**46%**

Force's most similar group average

**53%**

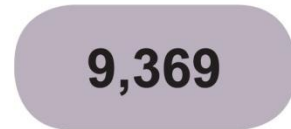


Proportion of finalised allegations upheld after investigation 12 months to 31 March 2015

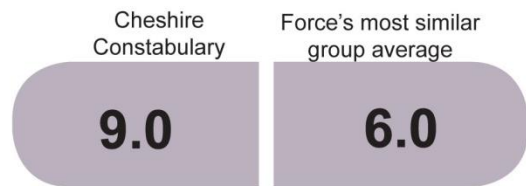


## Stop and search

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

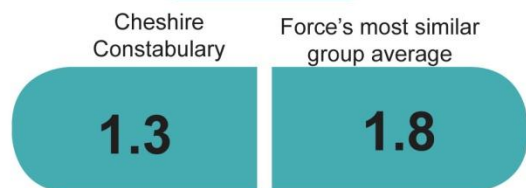


## Tasers

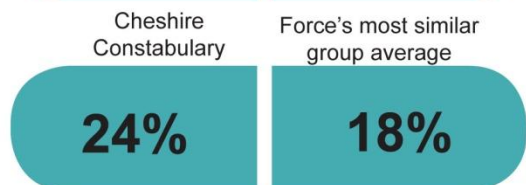
Number of times a Taser was used 12 months to 31 December 2014



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 Cheshire Constabulary.

## 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 justice<sup>3</sup>**

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**

Research<sup>4</sup> 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.

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<sup>3</sup> *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](http://whatworks.college.police.uk/Research/Documents/Fair_Cop_Briefing_Note.pdf)

<sup>4</sup> *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,<sup>5</sup> 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 Cheshire Constabulary**

A breakdown of the full-time equivalent (FTE) workforce<sup>6</sup> in Cheshire Constabulary as at 31 March 2015 is shown below.

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<sup>5</sup> The inspection took place between March and June 2015.

<sup>6</sup> Workforce comprises officers, staff and police community support officers (PCSOs).

**Figure 1: Breakdown of full-time equivalent (FTE) workforce in Cheshire Constabulary, 31 March 2015**

FTE	Total	Of which	
		Female	BAME*
<b>Total workforce</b>	<b>3,382</b>	<b>1,391 (41%)</b>	<b>28 (1%)</b>
<b>Total officers</b>	<b>1,952</b>	<b>554 (28%)</b>	<b>12 (1%)</b>
Constables	1,482	464 (31%)	9 (1%)
Sergeants	324	59 (18%)	2 (1%)
Inspecting ranks	126	28 (22%)	1 (1%)
Superintendents and above	20	3 **	0 **
<b>Staff</b>	<b>1,205</b>	<b>734 (61%)</b>	<b>13 (1%)</b>
<b>PCSOs</b>	<b>225</b>	<b>102 (45%)</b>	<b>3 (1%)</b>

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

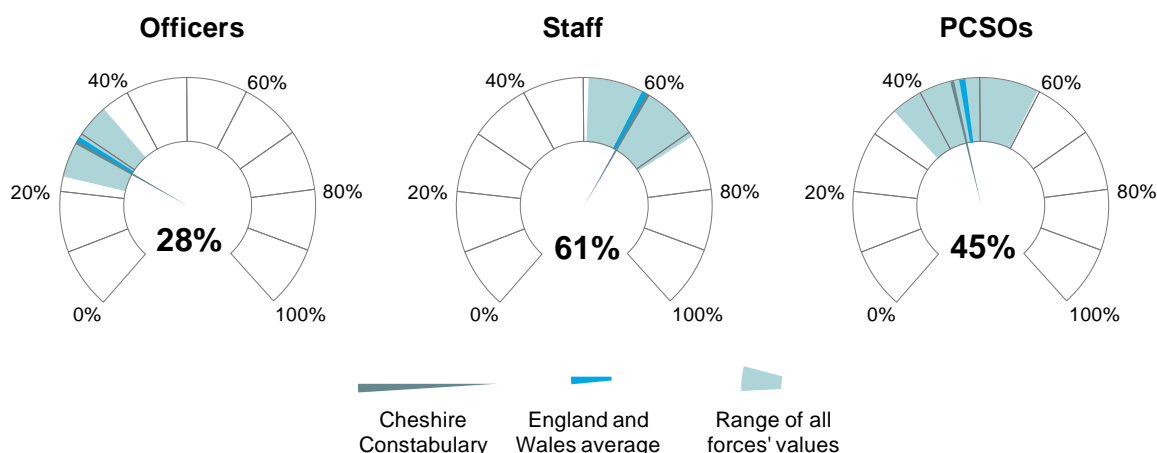
\* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

\*\* Where totals are very small, percentages have not been included.

**Source: Home Office Police Workforce statistics**

The figure below shows how the percentages of female officers, staff and PCSOs in Cheshire Constabulary compared with the averages of all forces in England and Wales. It shows they were broadly similar for all members of the workforce, that is, officers, staff and PCSOs.

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

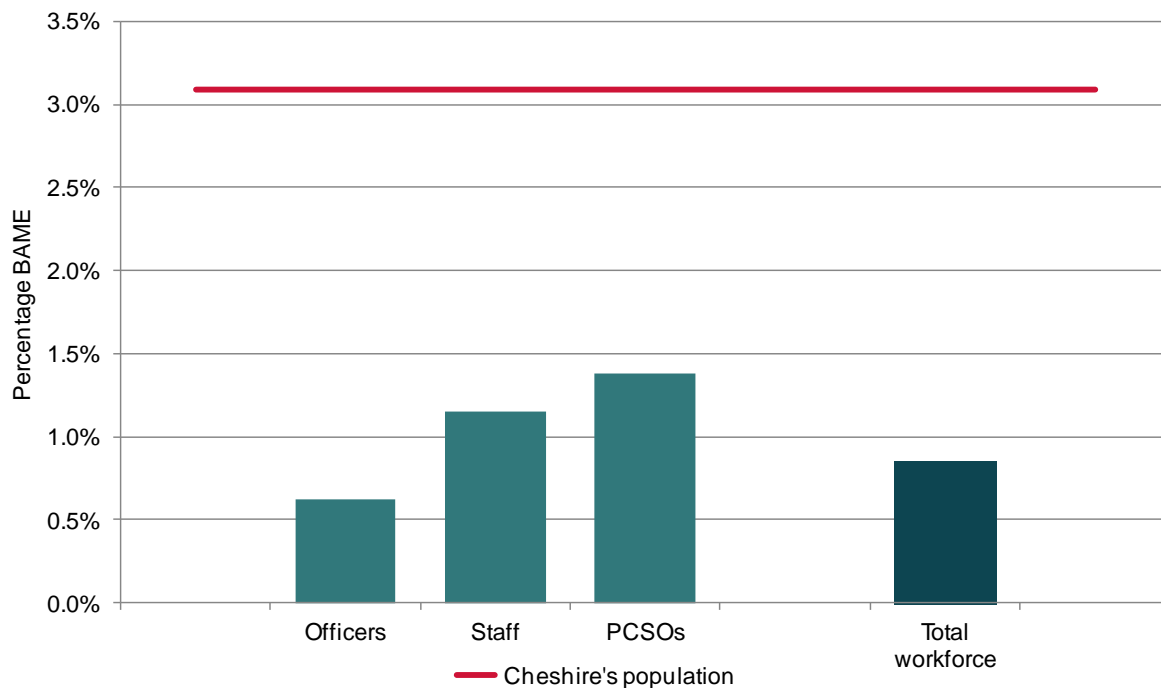


**Source: Home Office Police Workforce statistics**

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the proportion of BAME people living in the force area. In Cheshire, around 3 percent of the local population were BAME. The figure below shows these comparisons.

There was a statistically significant under-representation of BAME people in Cheshire Constabulary's overall police workforce, as well as separately for officers and staff.

**Figure 3: Percentage of BAME people within Cheshire Constabulary'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.<sup>7</sup> 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.

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

<sup>7</sup> *Spending Review 2010*, HM Government, October 2013. Available from: [www.gov.uk/government/publications/spending-review-2010](http://www.gov.uk/government/publications/spending-review-2010)

**Figure 4: Change in Cheshire Constabulary’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
<b>Total workforce</b>	<b>-561</b>	<b>(-14%)</b>	<b>+2</b>	<b>0</b>
Officers	-203	(-9%)	+3 ●	0
Staff	-345	(-22%)	+2	0
PCSOs	-12	(-5%)	+6	0 *

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).

\* Due to small workforce figures, percentage point changes should be treated with caution.

**Source: Home Office Police Workforce statistics**

There were no statistically significant changes in the percentages of either females or BAME people within Cheshire Constabulary's overall workforce between 31 March 2010 and 31 March 2015. However, there was a statistically significant change in the percentage of female officers – around a 3 percentage point increase.

Overall, compared with other forces, as at 31 March 2015, the percentage of females within Cheshire Constabulary's workforce was broadly similar for all members of the workforce, that is, officers, staff and PCSOs. By ethnicity, there was an under-representation in BAME officers and staff, and there was no statistically significant change in the proportion between 31 March 2010 and 31 March 2015 for either group.

## **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.

HMIC found that the chief constable and the chief officer team actively promoted the Code of Ethics which built on the established values of the constabulary, set out in the ‘SPICE’ standards, comprising service; professionalism; integrity; compassion; and equality and fairness.

These standards were reinforced by the constabulary's people strategy, which was designed to develop people with the skills and abilities to provide excellent policing services that meet the needs of the community, the organisation and the individual.

Staff we spoke to confirmed that the ethical culture of the constabulary had been reinforced with the introduction of the Code of Ethics. Staff told us that Cheshire Constabulary was a good organisation to work for, describing it as an open and supportive organisation.

The constabulary had embarked on a positive action programme to increase representation at all levels from female and black, Asian and minority ethnic staff (BAME). The programme has three phases: join us; stay with us; and develop with us, designed to attract and retain new entrants. The majority of staff that we spoke to were supportive of the initiative. HMIC found that police officers and staff perceived the promotion processes to be fair and transparent. A decision to publish the questions used in a recent promotion process was seen as a sign of transparency in demonstrating what the constabulary is looking for in its senior leaders. They also felt that the introduction of a lay panel in all selection processes, from superintendent to chief constable, had increased transparency and legitimacy. However, a number of people expressed a concern that introducing additional layers into promotion processes runs the risk of creating an overly bureaucratic system. Some views were also expressed that the identification and selection of officers to receive lateral development was inconsistent, with different individuals being treated more or less favourably, depending upon, for example, their geographical location.

Staff reported that they felt empowered and encouraged to raise concerns and challenge issues of unfairness, and felt the introduction of the Code of Ethics had reinforced their willingness to challenge.

## **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.

HMIC found that Cheshire Constabulary took the wellbeing of staff seriously, with staff reporting that concern over the wellbeing of the workforce has improved in recent years. Staff were surveyed every two years, and the results were analysed by the chief officer team. The most recent survey in 2014 identified that staff felt that senior leaders did not listen to their concerns. As a result, the chief officer team undertook a series of articles in the constabulary magazine and on the intranet, to respond in a "you said, we did" format. The constabulary intends to run an interim survey in June 2015 to monitor progress.



Staff expressed dissatisfaction over the provision of occupational health support. Occupational health services had been contracted out to an external provider which was considered to have failed in delivering the level of service expected by the constabulary, with staff reporting continuing delays in referrals to the occupational health unit, even for urgent cases. The constabulary was working with the provider on a development plan to deliver improvements in service.

The constabulary had provided training to supervisors and managers on the importance of wellbeing and the management of sickness absence in developing high-performing teams. We were pleased to find that police officers and staff we spoke to said they had seen a noticeable improvement in the constabulary's attitude and effort on wellbeing over the last twelve months. Examples were given of the provision of information and advice on the health and wellbeing intranet zone; an all-day event provided by the constabulary to allow people to understand the signs of stress; and the provision of massage therapy for force control room staff who sit at a console for long periods.

The constabulary had a policy that promoted the benefits of flexible working to the individual and the organisation. However, we found the implementation of the policy lacks consistency across the constabulary area, with different managers holding different views. Inconsistent understanding and application of the policy may have led to different groups of staff or individuals being treated more or less favourably, depending upon where they work.

Staff said they felt empowered to take responsibility for their own work/life balance and they have received training in how to identify signs of stress in themselves and others. They were aware of the need to maintain a work/life balance and not to work excessively long hours. All officers and staff, including the chief constable, were required to use the duties management system to record their hours of duty. The system monitored working hours and reported to line managers anyone in breach of the Working Time Regulations 1998.

## **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.<sup>8</sup> 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.

HMIC found the constabulary had used a variety of media to make the Code of Ethics part of day-to-day practice throughout the organisation. Posters and graphics were widely displayed across the constabulary estate, workshops were held with both middle and senior managers, and with teams in divisions and departments, video briefings were provided, and items were included on the intranet and in the constabulary magazine. The code had been integrated into training courses, including officer safety training and development courses for officers at sergeant and inspector level.

HMIC found that police officers and staff across the constabulary demonstrated a high level of awareness of the Code of Ethics. The code was well embedded across most parts of the organisation. Staff spoke of its importance in decision-making, and the importance of not seeing the code as a standalone piece of work, but a series of principles which need to be translated in to day-to-day work.

We found good evidence that the Code of Ethics was already established in the strategy, policy and practice of the constabulary, not least in the professional standards department. As part of our inspection we reviewed a small number of complaints and misconduct files, and found that consideration of the principles contained within the Code of Ethics was evident in the initial assessment of complaints and allegations.

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<sup>8</sup> 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](http://www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf)

## 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 co-operate or it is not reasonably practicable to investigate the complaint) or if they are withdrawn by the complainant.<sup>9</sup>

In the 12 months to 31 March 2015, Cheshire Constabulary finalised 1,221 allegations from public complaints that were made against its officers and staff. Of these, 46 percent had been investigated and 43 percent had been locally resolved. A similar proportion of allegations were investigated and a greater proportion were locally resolved in Cheshire compared with the average of its most similar group of forces.<sup>10</sup>

In the 12 months to 31 March 2015, the average time Cheshire Constabulary took to complete a local resolution was 59 days, broadly in line with the average of its most similar group of forces (54 days). Over the same period, the average time a local investigation took to complete was 119 days, broadly in line with the average of its most similar group of forces (130 days).

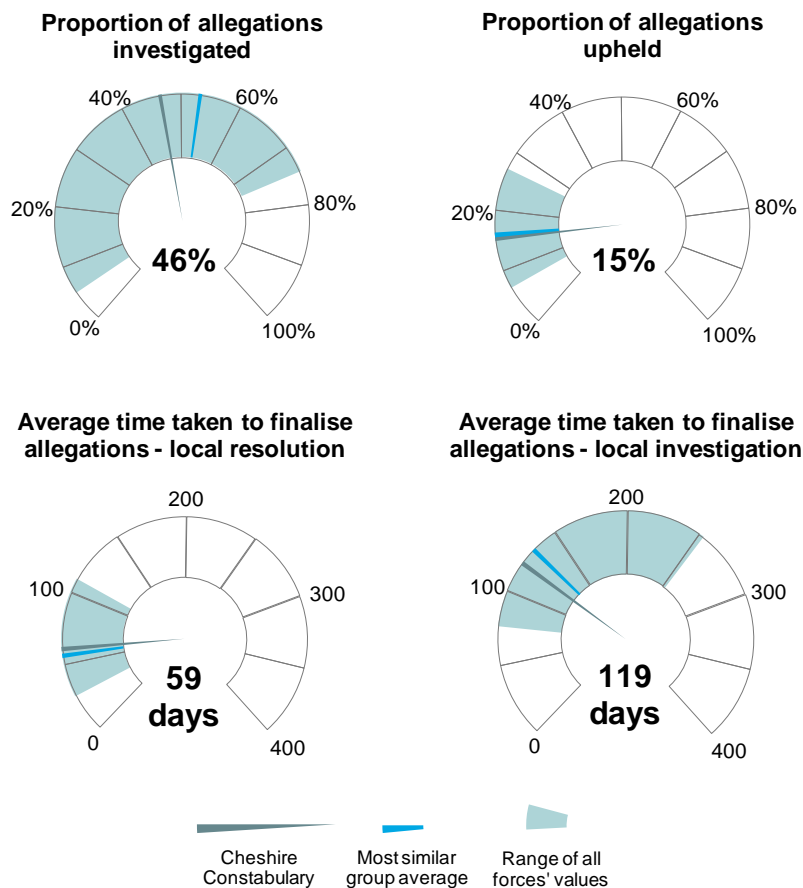
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<sup>9</sup> For a more complete outline of the definitions and potential outcomes resulting from public complaints, please see the Independent Police Complaints Commission's website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

<sup>10</sup> 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, Cheshire Constabulary closed 564 allegations in the 12 months to 31 March 2015. Of these, 15 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 in line with the average of Cheshire's most similar group of forces of 15 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 Cheshire Constabulary, 12 months to 31 March 2015**



**Source: Independent Police Complaints Commission**

Overall, in the 12 months to 31 March 2015, Cheshire Constabulary finalised 46 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was in line with the average of its most similar group of forces. Compared to its most similar group of forces, Cheshire took a similar amount of time to complete both local resolutions and 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,<sup>11</sup> 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,<sup>12</sup> 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 62 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 we did not find any evidence of any bias in how the force dealt with complaints and internal misconduct allegations, in respect of gender, ethnicity or rank.

HMIC found that Cheshire Constabulary had a consistent approach to dealing with complaints and misconduct issues. The professional standards department was responsible for all complaints and internal disciplinary issues for both police officers and police staff. This single approach had improved the quality of record-keeping; rationale for decision-making; assessments; and investigations. The case file review conducted by HMIC supported this. In one case, the constabulary held a joint misconduct hearing for a police officer and police staff member arising from a single complaint. This approach demonstrated the efforts made to ensure consistency in how the constabulary dealt with complaints and misconduct.

HMIC found that both the initial and the final assessments of the complaint investigations undertaken by the professional standards department, and all internal misconduct, were very thorough and of a high quality. HMIC were pleased to find

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<sup>11</sup> *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/](http://www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/)

<sup>12</sup> 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'.

that the high quality of initial assessments allowed the constabulary to make sound early decisions as to whether a case should be investigated or finalised in some other way. For example, by means of management action if the officer or staff member clearly admits the conduct and the behaviour was of a level which was suitable to be dealt with by this method.

HMIC was disappointed to find that some public complaints had been assessed by members of staff within the professional standards department who were below the rank of chief inspector or the police staff equivalent. This did not comply with the legislation governing public complaints.

The constabulary was robust in its approach to recording complaints, and we were pleased to find evidence of officers who came forward to report others for perceived inappropriate behaviour, and were supported by the constabulary after having done so. The constabulary also used the annual personal development review process to ensure that management action or advice was provided and acted upon. Ensuring that such sanctions are adhered to is good practice.

Police officers, staff and representatives from trade unions and staff associations all reported that the way the constabulary dealt with complaints and misconduct issues was fair, transparent and free from bias.

## Summary of findings



**Good**

HMIC found that the chief constable and the chief officer team actively promoted the Code of Ethics which built on the established values of the constabulary, set out in the 'SPICE' standards, comprising service; professionalism; integrity; compassion; and equality and fairness. These standards were reinforced by the constabulary's people strategy.

We found good evidence that the Code of Ethics was fully embedded across the organisation, and that it had been adopted in the constabulary's strategy, policy, practice and procedure. Staff reported they felt empowered and encouraged to raise concerns, and challenge issues of perceived unfairness.

Staff we spoke to generally expressed confidence that recruitment and promotion selection processes were fair, transparent and free from bias. Staff also recognised and understood the reasons behind the constabulary's adoption of positive action, aimed at increasing representation of female and black, Asian and minority ethnic (BAME) staff at all levels.

Historic problems in respect of the outsourcing of the occupational health service were recognised by the constabulary, and all staff we spoke to commented on the constabulary's efforts to improve wellbeing provision.

HMIC found that the constabulary dealt with complaints and misconduct in a fair and appropriate way.

# 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,<sup>13</sup> the inspection asked:

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

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<sup>13</sup> *Authorised Professional Practice on Engagement and Communication*, College of Policing, 2015. Available from: [www.app.college.police.uk/app-content/engagement-and-communication/?s](http://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.

HMIC found Cheshire Constabulary works hard and uses effective methods to seek and then respond to the needs of the people it serves. Over the past year, the constabulary has carried out a detailed review of how it operates and has changed its structure in order to engage better with the public. It has introduced eight local policing units with combined teams of response officers, detectives, beat manager constables, police community support officers and volunteers including special constables. These teams are supported by specialist officers and a force level operations and command unit, which directs staff and resources as required in response to changing needs.

At the same time the constabulary has introduced clear direction under the 'We're here' commitments which includes always responding to calls; supporting victims and communities; tackling offenders; and more efficient front line support.

HMIC was pleased to note the investment made by the constabulary to improve its understanding of the needs of people in Cheshire. The constabulary employs specialist skilled staff and uses a range of methods including surveys to identify and examine concerns and views. The results are analysed and then used by senior managers to change what the constabulary does and to provide information to the public. For example, the constabulary uses a rolling quarterly public perception survey that examines whether people believe that their local police are doing a good job in solving local problems. The results of this work indicate the constabulary is perceived positively.

The constabulary holds quarterly performance review meetings where analysis of crime and occurrences, as well as recent police action in each of the local policing unit areas, is examined in detail. These meetings also provide an opportunity for the constabulary to check and improve the service being provided to the public.

We found local officers were committed to understanding the communities they serve, although we found some gaps in the information they have available to build a reliable local picture of their local policing area. For example local policing units do not all have a profile of potentially harmful offenders that may be resident in their area, or other developed information to give them a full understanding of the neighbourhood where they work.

HMIC was pleased to note that where necessary the constabulary uses the community impact assessment process in response to key events; for example issues affecting the East Timorese community in Crewe were identified and monitored. We found these assessments were also understood by staff and used to guide the response of the constabulary.

Of the 455 survey responses from the area covered by Cheshire Constabulary, 55 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 9 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.

## **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.

HMIC found Cheshire Constabulary uses a well balanced range of methods to seek the views of the people it serves and to provide them with information. The constabulary website has been revised recently and has a section called 'What are your priorities?' to which people can contribute. The website also includes a page for each local policing unit, which displays those priorities and contains information on how they are being tackled. These priorities are reviewed each month and are changed according to the preferences expressed by the public locally. The constabulary successfully uses the 'Cheshire Alert' system to inform subscribers by text and email message of urgent and more general information they may need to prevent crime.

When we examined the constabulary website we found that actions and results were being kept up to date by the local policing teams. We also found consistent evidence that beat managers and community support officers, supported by special constables and volunteers were active and diligent in attending a range of local meetings,

including engagement events in supermarkets and other places where they expected to find people, to provide information and seek their views.

HMIC found Cheshire Constabulary is successful and effective in the ways it encourages the participation of local people in policing. In particular HMIC was impressed with the 'Change the Grange' scheme in Runcorn, through which the constabulary has engaged with the community to identify priorities and action, using funding from the police and crime commissioner.

At the time of the inspection there were 410 special constables active in the constabulary, including Special Constabulary supervisors and senior officers who manage these officers. The constabulary provides challenging roles for its special constables, for example they manage and run operations to tackle anti-social behaviour around licensed premises, and undertake regular supervisory checks of licensed premises. They have the opportunity to work in response policing, neighbourhood teams and some specialist roles, such as wildlife protection. Special constables receive appropriate and comprehensive training which includes crime investigation, police driving and custody investigation skills.

The constabulary successfully operates several 'watch' schemes including 'Ruralwatch' which provides text alerts to local farmers on crime and security information in respect of valuable farm equipment at risk of theft. HMIC notes a recent development in public participation has been the 'Horsewatch' scheme, which has already attracted over 600 participants from the more remote parts of the county, who receive notifications and alerts and who are asked to report any suspicious activity.

From the survey, 38 percent of the respondents from the area covered by Cheshire Constabulary speak highly of the police in their local area while 13 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.

## **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,<sup>14</sup> 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 Cheshire Constabulary, from the 40 calls assessed, HMIC we were satisfied that the call handlers were polite, respectful and effective. Some call handlers showed great empathy when dealing with more vulnerable callers, and took their concerns seriously. During our fieldwork we also observed front counter staff in their interaction with visitors at police stations across Cheshire when dealing with visitors. The staff we saw were smartly dressed and dealt courteously with members of the public.

HMIC found that the police officers and staff we spoke to had been trained in the use of the National Decision Model (NDM), and that there was an effective level of understanding of how it should be used. This was particularly noticeable in the communications centre, where we observed a call taker and supervisor efficiently deciding action about a caller reporting an unusual but serious situation. Their understanding and application of the model was clearly evident.

HMIC found the constabulary is investing in training its officers to update and improve their skills. The constabulary provides a one week beat management course, for neighbourhood officers in the local policing units, which includes input on the NDM and evidence-based approaches to problem solving. The NDM is an integral part of officer safety and Taser refresher training courses. However we found some response officers reported that the scheduled five-weekly training day is not always used for training delivery, but often used for proactive operations.

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<sup>14</sup> *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](http://www.app.college.police.uk/app-content/national-decision-model/?s)

The constabulary also shares knowledge through various conferences, such as the recent forensic evidence recovery conference aimed at sergeants and uses the quarterly performance review meetings to identify gaps and convene mentoring sessions to share good practice.

From the survey, 60 percent of respondents from the area covered by Cheshire Constabulary agree that the police in their local area treat people fairly and with respect versus 6 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.

## Summary of findings



### Outstanding

HMIC found that police officers and staff in Cheshire Constabulary are diligent and committed in their use of a comprehensive range of methods to engage with the people they serve, to discover their needs and then report to them the results they achieved. The constabulary is well directed through the 'We're here' commitments which clearly set out the service the public can expect. It has introduced a structure based on local policing teams designed to meet these promises, and it scrutinises performance to ensure its service does so.

The constabulary has trained its officers and staff and there is clear evidence that they understand and apply the National Decision Model in their choices and decisions. The constabulary has successfully recruited volunteers and ensures they have meaningful opportunities to improve policing services. Meanwhile the constabulary continues to invest in its staff to improve and extend their skills. The constabulary routinely checks the views and perceptions among the people it serves. HMIC is satisfied that Cheshire understands and engages well with its communities.

# 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.<sup>15</sup>

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme<sup>16</sup> 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.

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<sup>15</sup> *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/](http://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/)

<sup>16</sup> *Best Use of Stop and Search Scheme*, Home Office, 2014. Available from: [www.gov.uk/government/publications/best-use-of-stop-and-search-scheme](http://www.gov.uk/government/publications/best-use-of-stop-and-search-scheme)

In our 2013 inspection on stop and search,<sup>17</sup> 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 Cheshire Constabulary – Stop and search by volume**

In the 12 months to 31 March 2015, Cheshire Constabulary carried out 9,369 stops and searches. The table below shows this number per 1,000 population for Cheshire Constabulary 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 constabulary's use of stop and search powers is currently greater than the average of its most similar group of forces.

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<sup>17</sup> *Stop and Search Powers – are the police using them effectively and fairly?*, HMIC, July 2013. Available from: [www.justiceinspectors.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectors.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

**Figure 6: Number of stops and searches per 1,000 population carried out by Cheshire Constabulary 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**

	<b>Stops and searches per 1,000</b>	<b>Change from previous year</b>
Cheshire	9.0	40%
Cheshire's MSG average	6.0	-30%

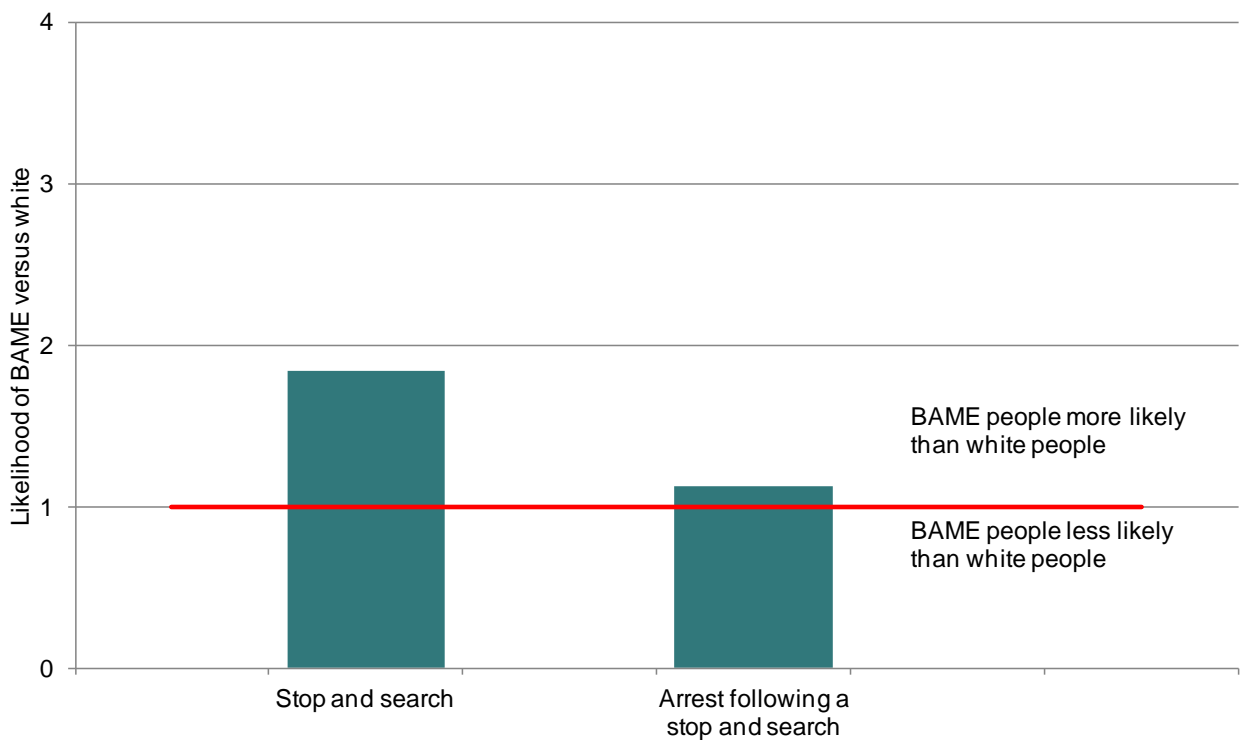
**Sources: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates**

### **Use of stop and search in Cheshire Constabulary – 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 Cheshire Constabulary 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 constabulary 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 Cheshire Constabulary, 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.

### **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 Cheshire Constabulary, the 2013 inspection showed that 65 of 200 records reviewed (33 percent) did not have sufficient reasonable grounds recorded. For this inspection we reviewed 100 stop and search records provided by the constabulary. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. Eighty-eight of the records we reviewed had been endorsed by a supervisor. We found that 22 of the 100 records (22 percent) did not have reasonable grounds recorded, of which 19 had been endorsed by a supervisor. Three of the records endorsed by a supervisor had no grounds recorded at all. This suggests that some officers, and some supervisors given the task of reviewing records, do not understand fully what constitutes reasonable grounds.

While the records we reviewed may not be representative of all stop and search records completed by the constabulary, the result indicates that still far too many records do not have reasonable grounds recorded. Of the 100 records we reviewed, the item searched for was found on only 18 occasions.

### **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.

HMIC found that while officers in Cheshire Constabulary understand the National Decision Model, it was less clear that the model is routinely being considered before stop and search powers are used. This is indicated in the unacceptably high number of search records, where the legal justification is not adequately explained. Most officers that we spoke to were not aware of the Best Use of Stop and Search scheme. The constabulary has recorded that 63 percent of all searches conducted in 2014-15 were in relation to drugs. The constabulary identifies preventing supply and sale of drugs as a strategic priority and in some areas it is also a local priority. Notwithstanding this, it was not clear that the use of stop and search is being directed effectively to the areas where the problem is most prevalent, or against those persons about whom the constabulary has intelligence. Officer briefings are not always specific about the use of stop and search powers. Officers we spoke to

and some of their supervisors described the use of the powers as a broad tactic in tackling criminality in Cheshire, particularly where it was suspected to involve people travelling from other areas.

HMIC found that, although the constabulary has recently updated its public website to allow people to raise concerns in respect of the use of stop and search powers, it does not yet have a policy covering how the community complaint trigger element of the Best Use of Stop and Search scheme would work. Similarly, although the constabulary is producing a video illustrating the training that their officers receive, there is no published means for members of the public to observe searches in progress.

The use of stop and search powers can be an effective tactic in preventing and detecting crime but it is intrusive and any misplaced use can adversely affect confidence in sections of the community. Cheshire Constabulary needs to ensure that its use of stop and search powers is always appropriate and that it is compliant with the Best Use of Stop and Search scheme, to which it has signed up.

<b>Feature of Best Use of Stop and Search scheme</b>	<b>HMIC assessment of compliance</b>
Recording and publishing the outcomes following a stop and search	<p>The constabulary does not comply with this feature of the scheme</p> <p>Cheshire Constabulary records the range of outcomes required and records if an item is found. However, it does not specifically record if the item found was the item searched for. The constabulary cannot therefore determine if there is a link between the outcome and the item searched for to test the effectiveness of the use of the powers and the accuracy of the grounds on which each search was based.</p> <p>The constabulary has a dedicated stop and search page on its website setting out people’s rights in respect of the use of the powers. However, there is no data published in respect of outcomes or the link between the items searched for and the outcomes. Data about outcomes are published on the police.uk website and there is a link on the constabulary website directing people to the data.</p>

<p>Providing opportunities for the public to observe officers using the power</p>	<p>The constabulary does not comply with this feature of the scheme</p> <p>The constabulary does not provide opportunities for the public to observe officers using stop and search powers.</p>
<p>Explaining to communities how the powers are being used following a 'community complaint'</p>	<p>The constabulary does not comply with this feature of the scheme</p> <p>There is no policy in place to allow the public to activate a community trigger in respect of stop and search.</p>
<p>Reducing the number of people stopped and searched without suspicion under Section 60<sup>18</sup> of the Criminal Justice and Public Order Act 1994</p>	<p>The constabulary complies with this feature of the scheme</p> <p>Only two such authorisations had been made since 1 September 2014, one by an assistant chief constable, the other by the deputy chief constable. All officers and supervisors spoken to understood that, in accordance with the Best Use scheme, such searches now required approval by an officer of at least assistant chief constable rank.</p>
<p>Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups</p>	<p>The constabulary does not comply with this feature of the scheme</p> <p>While the constabulary monitors the number of searches broken down by ethnicity, it does not monitor the age of people stopped and searched. There was no evidence to suggest that the constabulary were undertaking analysis to understand why BAME people were disproportionately affected by stop and search in Cheshire.</p>

<sup>18</sup> '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](http://www.legislation.gov.uk/ukpga/1994/33/section/60)

## **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.

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.<sup>19</sup>

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<sup>19</sup> *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/](http://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/)

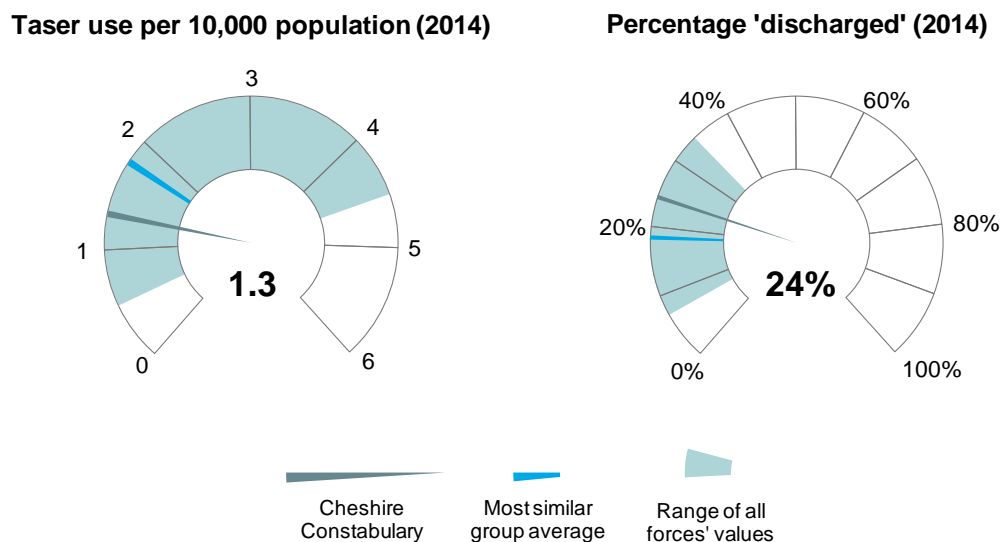
## Use of Taser in Cheshire Constabulary

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 136 times by Cheshire Constabulary, representing 1.3 times for every 10,000 people in the force's area. This was less than the average for Cheshire Constabulary's most similar group of forces, which was 1.8 times per 10,000 population.

During the same time period, Taser was 'discharged' on 33 occasions (out of the 136 times it was used in some capacity). This equated to 24 percent of overall use, greater than the constabulary's most similar group average of 18 percent. The following figure shows the comparisons.

**Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Cheshire Constabulary, 12 months to 31 December 2014<sup>20</sup>**



**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.

<sup>20</sup> 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 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 20 Taser deployment forms provided by Cheshire Constabulary. Although the findings of this review are not necessarily representative of all Taser forms completed by the constabulary, they do provide an indication of the constabulary's Taser activity. The forms showed that Taser had been fired five times, red-dotted nine times, aimed twice, and drawn four times.

Overall officers used Taser to protect themselves or others from a range of weapons, including several large kitchen knives and a brick.

The 'brief details' and the NDM sections of the forms provided us with evidence to suggest that the use of Taser was fair, lawful, and appropriate in 18 of the 20 cases reviewed. On one occasion, the officer did not record sufficient information in the 'brief details' section for us to make an assessment, and on the other occasion the discharge was accidental. 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 National Decision Model 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.

When Taser is used in Cheshire Constabulary, officers are also required to complete a 'use of force' form. Details of the incident are also recorded within the relevant command and control system incident log. If the officer using Taser is an authorised firearms officer, an entry is also made on the chronicle computer system, which is used to maintain a record of all firearms related deployments. During the inspection we spoke with a number of Taser-trained officers and we were satisfied that they understood and applied the National Decision Model and the code of ethics in their decision-making.

The constabulary has identified a need to increase the number of Taser officers, and will soon begin training an extra 120 officers in its use. HMIC notes that although selection of these officers has necessarily involved consideration of where they are based; the constabulary is also using a suitability screening process before individuals proceed to training.

HMIC was satisfied that the constabulary has good processes in place. Every occasion where Taser is drawn is subject to scrutiny, initially by the senior duty officer in the constabulary and thereafter by staff within the firearms unit.

Most Taser deployment forms are also forwarded to the professional standards department, who undertake an initial investigation of the circumstances and the explanation for using the device contained in the report.

The constabulary routinely publishes relevant data about its use of Taser on its website and HMIC notes that the constabulary also tests public perception in its use of force, including the use of Taser, through a survey. The results of the most recent survey indicate that 599 people (96 percent of those who responded) trusted Cheshire Constabulary to use methods of force responsibly and safely. Based on our assessment of the Taser forms and our fieldwork findings, HMIC is satisfied that on the whole, Taser is being used fairly and appropriately by Cheshire Constabulary.

## Summary of findings



**Requires improvement**

HMIC is concerned that too many of the stop and search records we examined, did not contain sufficient reasonable grounds for conducting the search. We are also concerned that current supervision is insufficient when reviewing these records. It is clear that Cheshire Constabulary is not complying with the Best Use of Stop and Search scheme. In particular, we found no evidence to suggest that the constabulary was undertaking analysis to understand why black, Asian and minority ethnic people were disproportionately affected by stop and search in Cheshire. However, HMIC found the constabulary has effective processes to select and train officers in the use of Taser, and has robust procedures in place to ensure it is used fairly and appropriately.

### Areas for improvement

- The constabulary should ensure that stop and search records include sufficient reasonable grounds to justify the lawful use of the power, and that officers fully understand the grounds required to stop and search.
- The constabulary should ensure that adequate supervision takes place to ensure that stop and search is conducted lawfully and fairly, and that reasonable grounds are recorded properly.
- The constabulary 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 constabulary within six months to determine what improvements have been made.



## 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 Cheshire Constabulary's MSG: Northamptonshire, Derbyshire, Staffordshire, Wiltshire, Devon and Cornwall, Avon and Somerset and Suffolk.
- 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 Definition<sup>21</sup>

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.

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<sup>21</sup> *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](http://www.gov.uk/government/statistics/police-use-of-taser-statistics-england-and-wales-1-january-to-31-december-2014).