

# PEEL: Police legitimacy 2015

An inspection of Lincolnshire Police



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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 Lincolnshire 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.<sup>2</sup>

The force has worked hard to fully establish an ethical culture. It has supported the wellbeing of staff and ensured that complaints from the public were dealt with fairly and consistently in a way that was free from bias.

Lincolnshire Police engages and communicates well with the communities it serves. The involvement of local people in policing activities, especially as volunteers, is commendable. Training on the National Decision Model (NDM)<sup>3</sup> ensures that officers and staff are knowledgeable and have the skills required to treat members of the public fairly and with respect. The model is a framework by which all policing decisions should be made, examined and challenged.

The use of Taser is fair and appropriate although the force is not compliant with all aspects of the Best Use of Stop and Search scheme, however, there are advanced plans in place to introduce mobile data and body-worn cameras. Officers lack understanding of what constitutes reasonable grounds for a search and the force should ensure it acts swiftly to address these concerns.

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

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

<sup>2</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)

<sup>3</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)

## Summary

The chief constable and his chief officer team promoted an ethical culture and the shared values of the organisation. These were well established and staff spoke clearly about 'policing with PRIDE' in Lincolnshire (professionalism; respect; integrity; dedication; and empathy). There was less of an understanding of the Code of Ethics<sup>4</sup> for those in more junior positions which the force intended to address by refreshing its internal messages to staff. This code was launched in April 2014 and sets out nine policing principles that should be applied by all officers and staff.

There was a positive approach to how the force considered health and wellbeing. Complaints and misconduct were generally dealt with in a fair and consistent manner.

When HMIC looked at how well the force understands and engages with all the people it serves, we found that a range of methods are being used to support effective engagement. There is clearly a good understanding of local communities, although this information is not captured in a formalised way, which would enable it to be shared beyond the local neighbourhood team. The people of Lincolnshire can, however, be confident that the force listens to its communities, responds to them and provides effective means by which priorities and concerns can be raised.

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. HMIC found that the force is not complying with the Best Use of Stop and Search scheme and there is a lack of understanding by officers to what constitutes reasonable grounds for a search.

At the time of inspection, it is not: recording and publishing all outcomes; monitoring the impact of stop and search on young people and black, Asian and minority ethnic (BAME) groups; nor is it providing opportunities for the public to observe officers using the power. However, the force has advanced plans in place to implement mobile data terminals which incorporate a new stop and search form. In addition, from April 2016 onwards it plans to distribute body-worn cameras to all frontline officers so they can record stops and searches and these will be shared with the newly formed stop and search scrutiny group.

More positively, it is clear that Taser-trained officers are aware of the National Decision Model (NDM), and understand its application. The model provides an important framework to decide to what extent police powers should be exercised ethically and proportionately.

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<sup>4</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)

The use of Taser is monitored and evaluated at a senior level and reviewed by qualified staff. The force uses Taser fairly and appropriately.

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



**Good**

Lincolnshire Police has developed and maintained an ethical culture where challenge and improvement were supported. The senior leadership team promoted the shared values of the organisation which were well-established. Staff spoke clearly about them and stated that they felt able to challenge inappropriate behaviour, irrespective of role or experience. They felt comfortable discussing ethical dilemmas with managers. There were systems in place to promote integrity and allow staff to report wrongdoing.

Overall, awareness of the Code of Ethics was good and it was being

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



**Good**

Lincolnshire Police has a clear understanding at a force level of the importance of effective engagement and this is supported within the policing plan.

It has a good understanding of the importance of positively engaging with local communities and sees the benefits to support police legitimacy. Local information and knowledge is used to inform community threat assessments and enables the force to respond to issues of concern. However, this local knowledge is not recorded to enable it to be shared more readily.

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



**Requires improvement**

Lincolnshire Police has accepted the principles of the Best Use of Stop and Search scheme but there is still considerable work to be done to fully establish and integrate all the elements of the scheme.

Officers have a lack of understanding in relation to what constitutes reasonable grounds for a search, and stop and search records do not always include sufficient reasonable grounds to justify the lawful use of the power.

The force is not complying with recording and publishing outcomes, monitoring the impact of stop and search on young people and black, Asian and minority ethnic groups

incorporated into force values, policy and practice, which had been adopted by the external supplier of services to the force. There were plans to refresh the communications with staff about the code.

There was a positive approach to health and wellbeing, and staff were aware of occupational health services. Line managers were very supportive and provided good pastoral care, although there were concerns about the increasing disruption to planned rest days.

The professional standards department was proactive and there was a quality assurance process to improve investigations and raise standards. Complaints and misconduct were generally dealt with in a fair and consistent manner; however staff had concerns regarding consistency between officers, staff or contracted staff.

Lincolnshire had made significant effort to create and maintain an ethical culture, and had very good processes in place.

An extensive range of methods are used to ensure effective engagement with local people. The public are kept informed through updates provided at local meetings and through a variety of communication routes including LincsAlert, Facebook and Twitter.

Lincolnshire Police engages and communicates well with the communities it serves and the involvement of local people in policing activities, especially as volunteers, is commendable. This includes the provision of informal interpreting services to assist engagement with communities where English is not the first language.

Training on the National Decision Model (NDM) ensures that officers and staff are knowledgeable and have the skills required to treat members of the public fairly and with respect.

(BAME). Nor is it providing opportunities for the public to observe officers using the power. However, there are advanced plans to introduce mobile data and body-worn video to all frontline officers by early 2016 and this will improve compliance with the scheme.

However, there are advanced plans to introduce mobile data and body-worn video to all frontline officers by early 2016 and this will improve compliance with the scheme.

More positively, it is clear that Taser-trained officers are aware of the National Decision Model and understand its application. The use of Taser is monitored and evaluated at a senior level and reviewed by qualified staff. Use is reported in accordance with national guidance although there is currently no external independent oversight. Taser is used fairly and appropriately by the force.

## Force in numbers



### Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

**2%**

officers

**2%**

staff

**1%**

PCSOs

**2%**

Percentage of BAME in local population, 2011 Census

**2%**



### Gender diversity

Percentage of females in overall workforce 31 March 2015

Lincolnshire Police

**34%**

England and Wales force average

**41%**

Percentage of females by role, Lincolnshire Police

officers

**28%**

staff

**51%**

PCSOs

**52%**

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

Lincolnshire Police

**1,001**

Proportion of finalised allegations investigated 12 months to 31 March 2015

Lincolnshire Police

**59%**

Force's most similar group average

**50%**

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

Lincolnshire Police Force's most similar group average

15%

15%



## Stop and search

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

5,930

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

Lincolnshire Police

Force's most similar group average

8.1

8.1

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

Lincolnshire Police

Force's most similar group average

-34%

-31%



## Tasers

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

332

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

Lincolnshire Police

Force's most similar group average

4.5

2.0

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

Lincolnshire Police

Force's most similar group average

16%

19%

**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 Lincolnshire 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 justice<sup>5</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>6</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>5</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>6</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>7</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 Lincolnshire Police**

A breakdown of the full-time equivalent (FTE) workforce<sup>8</sup> in Lincolnshire Police as at 31 March 2015 is shown below.

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<sup>7</sup> The inspection took place between March and June 2015.

<sup>8</sup> Workforce comprises officers, staff and police community support officers (PCSOs).

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

FTE	Total	Of which	
		Female	BAME*
<b>Total workforce</b>	<b>1,517</b>	<b>522 (34%)</b>	<b>23 (2%)</b>
<b>Total officers</b>	<b>1,100</b>	<b>308 (28%)</b>	<b>18 (2%)</b>
Constables	808	234 (29%)	14 (2%)
Sergeants	195	54 (28%)	3 (2%)
Inspecting ranks	81	17 (21%)**	1 (1%)**
Superintendents and above	17	3 **	0 **
<b>Staff</b>	<b>279</b>	<b>142 (51%)</b>	<b>2 (1%)</b>
<b>PCSOs</b>	<b>138</b>	<b>72 (52%)</b>	<b>3 (2%)</b>

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

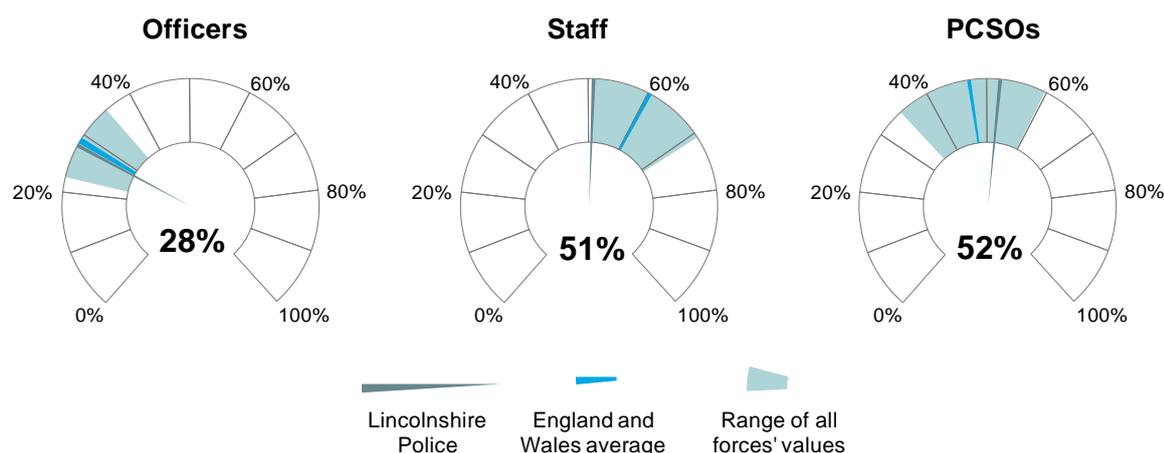
\* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

\*\* 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 Lincolnshire Police compared with the averages of all forces in England and Wales. It shows they were broadly similar for officers, higher for PCSOs yet lower for staff.

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

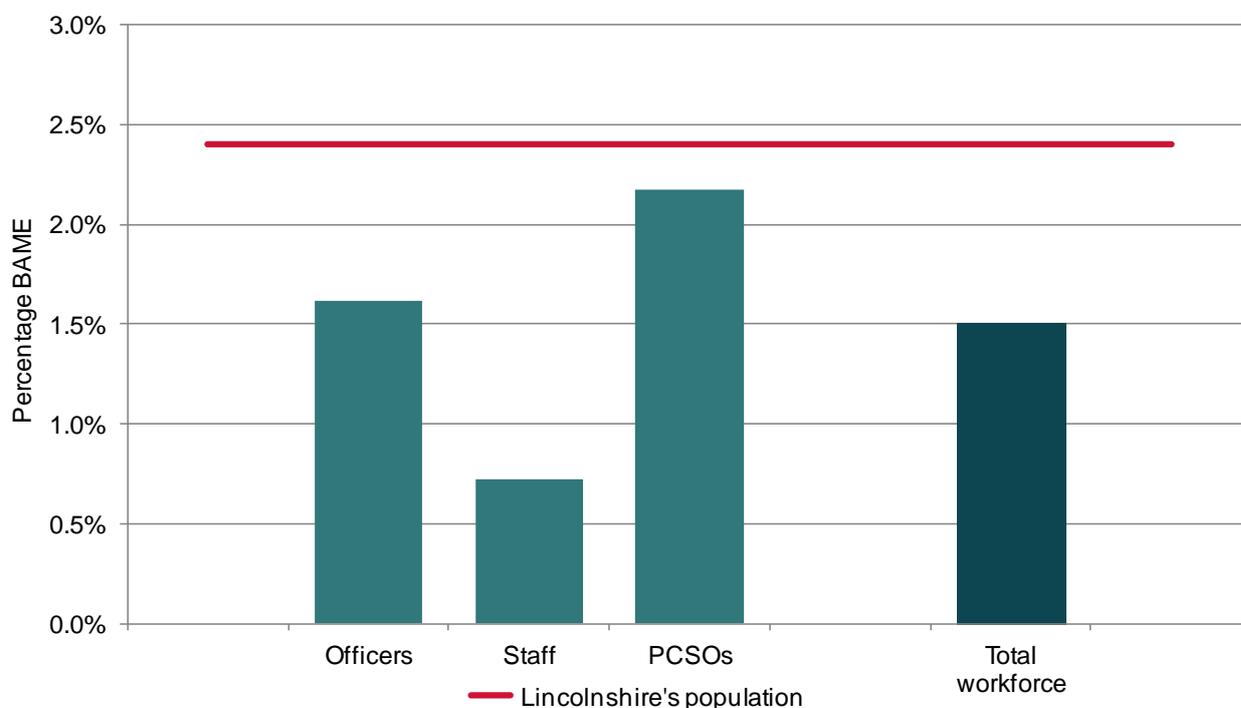


**Source: Home Office Police Workforce statistics**

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 Lincolnshire, around 2 percent of the local population were BAME.

The figure below shows these comparisons. There was a statistically significant under-representation of BAME people in Lincolnshire Police's overall police workforce, however, not at an officer or staff level.<sup>9</sup>

**Figure 3: Percentage of BAME people within Lincolnshire 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.<sup>10</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

<sup>9</sup> HMIC was unable to analyse to a statistically significant degree the ethnicity of PCSOs in Lincolnshire Police, due to the small number of PCSOs.

<sup>10</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)

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 Lincolnshire Police over the spending review period.

**Figure 4: Change in Lincolnshire 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
<b>Total workforce</b>	<b>-755</b>	<b>(-33%)</b>	<b>-5 ●</b>	<b>0</b>
Officers	-106	(-9%)	+3 ●	0
Staff	-638	(-70%)	-6 ●	0 *
PCSOs	-11	(-7%)	+3	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 was a statistically significant decrease in the proportion of females in Lincolnshire Police's overall workforce between 31 March 2010 and 31 March 2015. More specifically, there were statistically significant changes in the percentages of female officers and staff; the proportion of female officers increased by around 3 percentage points, yet female staff decreased by around 6 percentage points during the five years.

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

Lincolnshire Police had a well-established ethical culture and the chief officer team maintained and promoted shared organisational values, commonly known as the PRIDE values: professionalism; respect; integrity; dedication; and empathy. Staff spoke clearly about 'policing with PRIDE'. An ethical culture had been communicated to the workforce in different ways, for example senior leadership team video briefings and an ethics webpage on the force intranet.

Staff felt empowered and supported to challenge inappropriate behaviour, irrespective of rank, role or experience. They were kept informed of the required standards of behaviour in a quarterly publication produced by the professional standards department called *The Standard*. Staff spoke about an anonymous reporting mechanism for unethical and unacceptable conduct called 'Bad Apple', monitored by the professional standards department. The department also published the outcomes from misconduct cases to promote awareness and learning. There were staff and leadership 'charters', both of which emphasised the standards and behaviours expected.

Staff could provide their ideas for improvement through an 'ask the chief' facility on the force intranet. There was also a suggestion scheme called 'make a difference' which encouraged staff to identify innovation. However, this had recently stalled, with limited monitoring and updates on the contributions made.

Staff said they were confident they would be supported if they challenged or reported poor behaviour. Staff were provided with a professional standards department single point of contact and a welfare point of contact. They felt comfortable discussing ethical dilemmas with their line managers and, although there were systems in place to promote integrity and allow staff to report wrongdoing, there was nothing in place for them to anonymously report any ethical dilemmas.

There were generally good levels of morale and enthusiasm, and there was a positive culture within frontline roles. However, some staff perceived that some of the promotion and posting processes were not fair – in that some postings were predetermined – although those processes examined by HMIC, including for temporary promotion, were fair and open.

The force had developed and maintained an ethical culture where challenge and continual improvement were supported.

## **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.

Staff were generally positive about how the organisation considered their welfare and wellbeing. They were aware of the services offered by the occupational health unit. Supervisors and managers were very supportive and provided good pastoral care. However, some staff felt that the service was not as comprehensive as it once was. Staff also commented that they had seen an increase in the number of rest days that had to be cancelled and re-rostered to support force operations and they felt this had a detrimental effect on their welfare.

A number of support services were provided by an external company. There was good signposting on the intranet with a health topics' page covering mental health, advice on general health and other subjects such as cancer, smoking and diabetes. There was also guidance from the employee assistance provider who offered counselling, financial debt advice and family support. Access and navigation through the page allowed users to obtain advice easily or seek information to raise awareness in relation to individual and management responsibilities.

There was guidance for supervisors through the use of a 'sergeants daily routine' page. This offered guidance for the top ten areas of work that supervisors encounter through their day, with links to various subjects including the Code of Ethics<sup>11</sup> and the National Decision Model (NDM)<sup>12</sup>. There were links to policies and authorised professional practice for all supervisors with practical guidance on managing staff and their welfare. The force offered trauma risk incident management welfare support for those staff that had attended or dealt with traumatic incidents.

There were appropriate arrangements in place to support the wellbeing of the workforce although there were concerns about the increasing disruption to planned rest days.

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<sup>11</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)

<sup>12</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)

## 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>13</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.

A decision was made to incorporate the code as a feature of the already well-established values of: professionalism; respect; integrity; dedication and empathy. The 'PRIDE' values were also adopted, through a contract clause, by the external company contracted to provide some of the force's services. The Code of Ethics was used to inform most day-to-day decision-making and this was often checked by managers. The code underpinned most training and development opportunities. There were plans for the code to be integrated into all new policies as they fell due for review and renewal.

There was a good understanding of the NDM, which has the Code of Ethics at its core. A booklet on the code was issued to each staff member with a personal message from the chief constable. However, we found that some staff had not yet received this booklet. There were plans to refresh the internal messages on the code over the year as well as provide computer-based training.

Since the code was implemented there had been bespoke activity to raise awareness and in a recent staff survey the majority of staff felt that their line manager demonstrated awareness and application of the Code of Ethics, and nearly three-quarters of respondents knew how to access the code on the force intranet. The force had the main messages contained in the code on a web page which explained its background, and these were supported by messages from the police and crime commissioner and chief constable explaining its context and importance.

Chief officers and senior leaders set a vision for ethical standards and integrity through a regular board meeting which included consideration of the force's legitimacy. The head of the professional standards department led on this element and covered areas such as public perception, responding to calls and victim care considerations.

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<sup>13</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)

A main aim of the meeting was to ensure all staff acted with integrity and applied the Code of Ethics and that any data and information collected and used was of a high quality. Although most officers and staff were aware of the code and used the NDM there was overall a greater understanding of the force values.

Overall, awareness of the Code of Ethics was good and it was being incorporated into the established force values, including policy and practice. The 'PRIDE' values were also adopted, through a contract clause, by the external company contracted to provide some of the force's services.

## **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.<sup>14</sup>

In the 12 months to 31 March 2015, Lincolnshire Police finalised 1,001 allegations from public complaints that were made against its officers and staff. Of these, 59 percent had been investigated and 31 percent had been locally resolved. These proportions were broadly in line with the average of Lincolnshire's most similar group of forces.<sup>15</sup>

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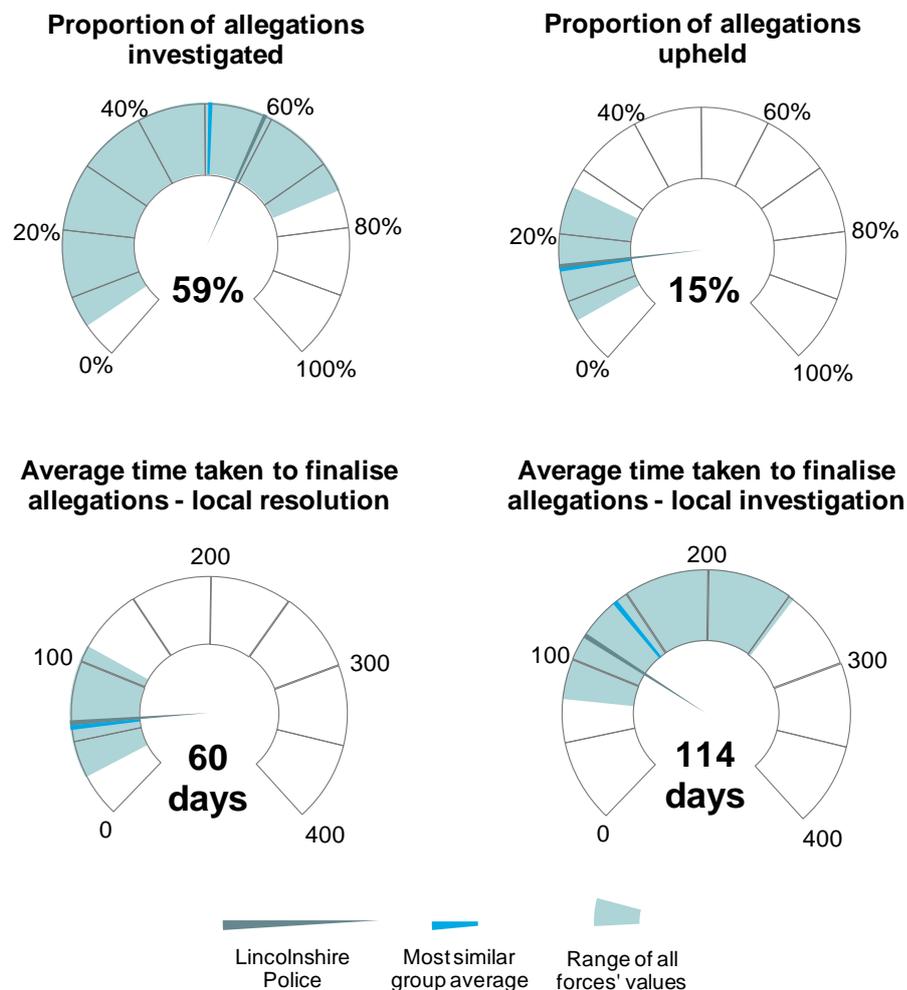
<sup>14</sup> For a more complete outline of the definitions and potential outcomes resulting from public complaints, please see the Independent Police Complaints Commission's website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk).

<sup>15</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 for more information.

In the 12 months to 31 March 2015, the average time Lincolnshire Police took to complete a local resolution was 60 days, broadly in line with the average of its most similar group of forces (57 days). Over the same period, the average time a local investigation took to complete was 114 days, less than the average of its most similar group of forces (140 days).

After local investigation, Lincolnshire Police closed 586 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 Lincolnshire'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 Lincolnshire Police, 12 months to 31 March 2015**



**Source: Independent Police Complaints Commission**

Overall, in the 12 months to 31 March 2015, Lincolnshire Police finalised 59 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, Lincolnshire took a similar amount of time to complete local resolutions and less time 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,<sup>16</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>17</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 50 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 complaints and internal misconduct allegations were dealt with, in respect of gender, ethnicity or rank.

Public complaints were generally dealt with in a fair and consistent way. There was a quality assurance process to improve the investigations and raise standards. The Code of Ethics was used as part of the rationale in complaint and misconduct cases, although it was not always recorded. The professional standards department was responsible for the oversight of all recorded public complaint cases, whether or not investigated by local officers or department investigators. The initial assessments of complaints and conduct matters were considered by the deputy head of the department. Once investigations or local resolutions were completed files were returned to the department for assessment and finalisation. The office of the police and crime commissioner also reviewed a small number of complaints to check for fairness and consistency.

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<sup>16</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>17</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'.

Appeals against the outcome of a complaint and local resolution were considered independently of the professional standards department, creating an open and clear process.

However, although those who were subject of a complaints or misconduct were kept updated with the progress of their cases there was inconsistency in the way misconduct allegations were assessed, investigated and finalised between police officers, staff members and contracted staff. The force was working hard to address this discrepancy and seeking to ensure complaints and conduct matters were dealt with in a consistent manner.

Some staff felt that there was a lack of understanding by supervisors and managers concerning contracts and employee conditions for the three different types of workforce, and expressed a desire for more guidance and training.

There was recognition from the force that greater understanding was needed between the professional standards department and the human resources department to further demonstrate fairness and consistency across officers, staff and contracted staff.

The force dealt with complaints from the public fairly and consistently and they were free from bias.

There was ongoing work to improve the consistency on how complaints and conduct matters were dealt with across officers, staff and contracted staff.

## Summary of findings



**Good**

Lincolnshire Police has developed and maintained an ethical culture where challenge and improvement were supported. The senior leadership team promoted the shared values of the organisation which were well-established. Staff spoke clearly about them and stated that they felt able to challenge inappropriate behaviour, irrespective of role or experience. They felt comfortable discussing ethical dilemmas with managers. There were systems in place to promote integrity and allow staff to report wrongdoing.

Overall, awareness of the Code of Ethics was good and it was being incorporated into force values, policy and practice, which had been adopted by the external supplier of services to the force. There were plans to refresh the communications with staff about the code.

There was a positive approach to health and wellbeing, and staff were aware of occupational health services. Line managers were very supportive and provided good pastoral care, although there were concerns about the increasing disruption to planned rest days.

The professional standards department was proactive and there was a quality assurance process to improve investigations and raise standards. Complaints and misconduct were generally dealt with in a fair and consistent manner; however staff had concerns regarding consistency between officers, staff or contracted staff.

Lincolnshire had made significant effort to create and maintain an ethical culture, and had very good processes in place.

# 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>18</sup> 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.

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<sup>18</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.

At a force level, Lincolnshire Police has a clear understanding of the importance of public engagement and the relationship between engagement and legitimacy. The force's commitment to effective engagement is reflected in the operational policing plan 2015–17, which includes a specific action to 'Inspire confidence in what we do and how we do it', supported by specific objectives relating to understanding community needs and keeping victims informed.

The head of corporate communications for the force is part of a shared service with the office of the police and crime commissioner (OPCC), which ensures a 'joined up' approach and there is a joint communication plan. There is also an engagement plan based around the themes of 'Informing, Consulting and Participating'. The plan provides a well-structured approach to proactive campaigns, surveying communities and public relations. There is also an agreed approach to evaluating the success of engagement activity.

Each year, around ten force-wide engagement days are held in different areas, often with partner involvement, in particular that of other 'blue light' services such as the fire service. Other force-wide events are held to engage with specific communities, such as students during 'fresher's week'.

The force demonstrates a good understanding of communities across the county and local officers and police community support officers (PCSOs) have a good knowledge of their neighbourhoods. Access to specific groups, including those 'hard to reach' or 'hard to hear', is being achieved through locally based partners, for example schools, and police surgeries. There is considerable work being undertaken in the Boston area to understand emerging communities, especially those from Eastern Europe. The understanding and safeguarding emerging communities team has a key role in this, and there is an impressive depth of understanding and effective activity to tackle issues within these communities. This is not, however, replicated in other parts of the county.

Local knowledge and understanding of its communities is good although this information is not recorded so it can be made available to all staff. For example, there are no neighbourhood or community profiles and much of the knowledge resides with individual local neighbourhood staff. The force recognises this issue and is developing neighbourhood plans to support its operational policing plan objectives.

The force uses what it calls Community Threat Assessments (CTAs) to monitor likely concerns or tension, and the police action undertaken to address these. Most are developed in response to a pre-planned event but they are put in place as a result of a spontaneous incident, for example a firearms incident, and the requirement for completion is included in force policy.

An assessment of a number of examples of CTAs shows that while there is some variation in the quality of the documents, overall they are comprehensive and contain appropriate detail for their intended purpose. There is a governance and oversight structure for more high profile incidents, with independent members of the public involved and daily management meetings (DMMs) used to oversee actions within the CTAs. In most cases local neighbourhood inspectors are responsible for managing specific actions highlighted within the assessments.

Of the 406 survey responses from the area covered by Lincolnshire Police, 49 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 19 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.

Lincolnshire Police has a good understanding of the importance of positively engaging with their local communities and sees the benefits to support 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. Lincolnshire uses a wide range of methods to support formal and informal engagement with local people. These include traditional face-to-face meetings as well as the force internet site and a presence on various social media

sites. The force internet includes a dedicated page for each local neighbourhood policing area and these provide a further link to local information contained on the 'police.uk' website.

A quarterly force performance report, which provides information on crime data, public attitude surveys and details of specific events, and a quarterly update report from the chief constable, on a variety of issues, are accessible through the force's and the police and crime commissioner's internet sites. Details and results of misconduct hearings are also made available to the public.

The force has a strong social media presence with around 36,000 followers on Facebook and 4,500 on Twitter. Members of the public can also use these to raise issues and provide feedback. To support more local engagement, each of the local policing teams has a dedicated social media account and these are used to circulate information and photographs of persons suspected of crime.

The force operates a two way community messaging system called 'LincsAlert', which is capable of sending alerts by email, text and telephone call. The system currently has around 15,300 unique registered members; however the reach of the system is extended to around 48,000 residents as neighbourhood watch co-ordinators are able to forward information to their own members.

At a local level, neighbourhood officers organise quarterly meetings and weekly surgeries as well as attend parish and town council meetings. There are also specific local engagement initiatives in response to particular problems or concerns. One example is a stall at Boston market, staffed by PCSOs in conjunction with representatives from local charities and the council community safety team.

The force is able to engage with communities where English is not the first language. Bi-lingual volunteers are used to provide informal interpretation services in a range of languages including Russian, Lithuanian, Czech, Latvian and Slovakian. Telephone translation services are also available to facilitate communication within police stations.

A full range of communication routes is used to let people know what action has been taken following engagement. Social media is used to provide prompt feedback, and face-to-face meetings at a local and force level are also used to update communities and provide information about recent policing activities. Local neighbourhood policing pages within the 'police.uk' website provide updates on concerns raised by communities and details of police action taken to address them.

The importance of volunteers is recognised by the force and there are currently a total of 520 volunteers (205 special constables, 103 cadets, 177 volunteers and 35 volunteer PCSOs). It is an aspiration of the force and the PCC, through the 'V1000 project', to recruit a total of 1,000 volunteers. This is commendable and shows how the force is involving local people in policing activities to increase its legitimacy.

From the survey, 32 percent of the respondents from the area covered by Lincolnshire Police speak highly of the police in their local area while 19 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.

Lincolnshire Police engages and communicates well with the communities it serves and the involvement of local people in policing activities, especially as volunteers, is commendable.

## **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>19</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 Lincolnshire Police, from the 40 calls assessed, call takers are polite, respectful and effective and the needs and vulnerabilities of callers are appropriately assessed. Supervisors are

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<sup>19</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)

required to quality assure at least five calls per staff member per month. This is followed up with a performance meeting with the call taker to provide feedback and address any performance issues. This quality assurance process is detailed and covers both behavioural and transactional matters.

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations, and in all cases a good service is provided. Front counter staff are consistently polite, respectful and deal with the issues in a sensitive and effective manner. There is also a wide selection of information leaflets at the front desks, including Lincolnshire Police leaflets, in a range of languages.

There is a clear commitment at senior level to fully embed the NDM. The deputy chief constable is personally involved in the making of a 'Poltube' video to explain the model and its application in a number of operational scenarios.

Completion of computer-based training in relation to the NDM is mandatory for all officers and is reinforced during annual personal safety training sessions. Posters highlighting the model and its links to the Code of Ethics are displayed at prominent locations and the model is now integrated into a number of force procedures and policies. Officers and staff have a good understanding of the NDM and a number of crime reports checked show its use. Many officers feel that the application of the model is now almost routine.

Learning from public complaints, internal misconduct and case reviews is available on the force's internal intranet site called the 'Learning Zone' and a quarterly newsletter, called 'The Standard' is also produced. Officers and staff show a good awareness of both of these.

A monthly telephone survey is conducted to assess the extent to which victims of burglary, vehicle crime and violent crime are satisfied with their experience of the police. The force is aiming to improve the longer term trend in victim satisfaction and has recently introduced a team called 'Victim Lincs', who call victims to keep them informed of progress on their case and provide reassurance.

From the survey, 53 percent of respondents from the area covered by Lincolnshire Police agree that the police in their local area treat people fairly and with respect versus 8 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 treat the public fairly and with respect and the force is trying to improve how victims are kept updated and informed of their cases. There is a good understanding of the NDM and officers and staff routinely apply it and record its use.

## Summary of findings



**Good**

Lincolnshire Police has a clear understanding at a force level of the importance of effective engagement and this is supported within the policing plan.

It has a good understanding of the importance of positively engaging with local communities and sees the benefits to support police legitimacy. Local information and knowledge is used to inform community threat assessments and enables the force to respond to issues of concern. However, this local knowledge is not recorded to enable it to be shared more readily.

An extensive range of methods are used to ensure effective engagement with local people. The public are kept informed through updates provided at local meetings and through a variety of communication routes including LincsAlert, Facebook and Twitter.

Lincolnshire Police engages and communicates well with the communities it serves and the involvement of local people in policing activities, especially as volunteers, is commendable. This includes the provision of informal interpreting services to assist engagement with communities where English is not the first language.

Training on the National Decision Model (NDM) ensures that officers and staff are knowledgeable and have the skills required to treat members of the public fairly and with respect.

# 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>20</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>21</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>20</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>21</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>22</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 Lincolnshire Police – Stop and search by volume**

In the 12 months to 31 March 2015, Lincolnshire Police carried out 5,930 stops and searches. The table below shows this number per 1,000 population for Lincolnshire 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 in line with the average of its most similar group of forces.

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<sup>22</sup> *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](http://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 Lincolnshire 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**

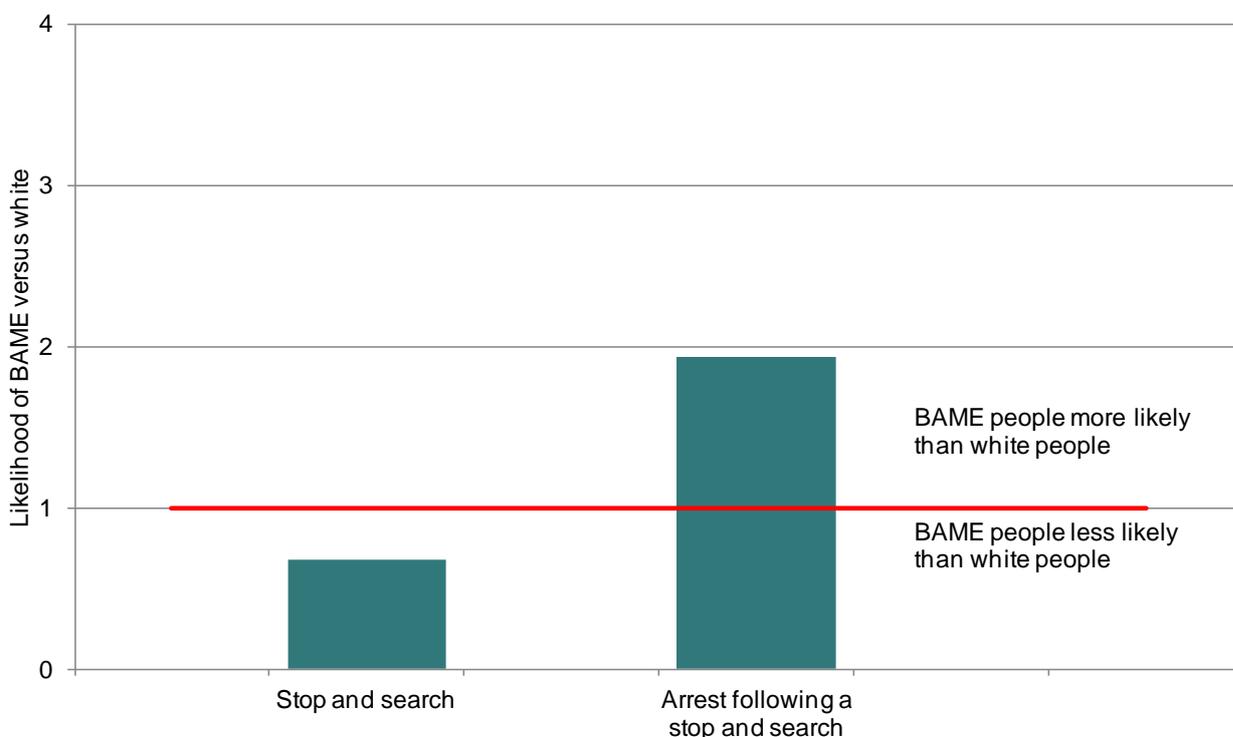
	Stops and searches per 1,000	Change from previous year
Lincolnshire	8.1	-34%
Lincolnshire's MSG average	8.1	-31%

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 Lincolnshire 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 less likely to be stopped and searched by Lincolnshire Police than white people. However, of the individuals who had been stopped and searched, BAME people were statistically more likely to be arrested by the force than 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 Lincolnshire 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.

### **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 Lincolnshire Police, the 2013 inspection showed that 33 of 200 records reviewed (17 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 90 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 Lincolnshire Police 81 of the records we reviewed had been endorsed by a supervisor. We found that 29 of the 90 records (32 percent) did not have reasonable grounds recorded of which 23 had been endorsed by a supervisor.

This suggests that some officers, and some supervisors given the task of reviewing records, do not understand fully what constitutes reasonable grounds.

While the forms reviewed may not be representative of all stop and search records completed by the force, the result indicates that far too many records still do not have reasonable grounds recorded.

The item searched for was recorded as having been found in eight of the 90 records reviewed.

### **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.

There is a force level stop and search governance board, which is chaired by the assistant chief constable, and performance in relation to stop and search is reviewed on a quarterly basis including: disproportionality; public complaints; the number of searches carried out and by whom; and the quality of records submitted. The board also has oversight of the force's stop and search action plan which is available on the force's external website along with general information about stop and search powers and details of how to complain about an encounter. Information is available in a number of languages including Latvian, Czech and Russian. The page offers an opportunity for persons stopped and searched to provide feedback on their experience and a community complaints trigger, which allows any member of the public to report concerns around the use of stop and search by the force.

Encouragingly, the force recently surveyed members of the community about the use of stop and search and it suggests that there is broad support for the use of the power and that it helps the community to feel safer. However, for those who are subject to a stop and search there is a significant proportion (49 percent) who state they were not told the reason for the search, and a higher proportion (66 percent) who did not agree that they had been treated with respect throughout the process. This is important feedback for the force to act on and the introduction of body-worn video in early 2016 will help the force monitor stop and search interactions.

The force collects only a limited range of data on stop and search encounters including the number of 'positive outcomes', but there is little evidence that these are analysed for connection with the original grounds for the search. There is also currently no independent oversight of stop and search encounters through the office of the police and crime commissioner or Independent Advisory Group (IAG), though proposals are in hand to introduce this. Lastly, the force has not yet introduced a 'ride along' scheme to provide an opportunity for members of the public to view police activity first hand. Plans to implement such a scheme were well advanced but these are now subject to review, following force concerns regarding the effectiveness of the scheme and to ensure it does not cause bias.

Force policy has been amended to increase the authority level for Section 60 as required by the scheme. There has been one authorisation since this change which included IAG involvement and the completion of a community threat assessment.

While all officers receive NDM training, they have yet to receive formal training in relation to the Best Use of Stop Search scheme. It is clear from reality testing and analysis of stop search records carried out by HMIC prior to this inspection, that officers are still unsure about the grounds required to stop and search. Dip testing by the force itself reveals that at least 10 percent of records still do not record sufficient grounds. In July 2015 the force provided additional guidance on the recording of grounds for search through the intranet site, but, as yet, this does not seem to have been fully understood. Additional training is now included in personal safety training but it is too early yet to assess whether this is improving the level of understanding required for the grounds to search a person.

<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 force does not comply with this feature of the scheme.</p> <p>The force does not record and publish the full range of outcomes following a stop and search encounter. The force publishes some limited data on its use of stop and search powers. There are also limited data published on the police.uk website in relation to the use of stop and search powers.</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 does not provide opportunities for the public to observe officers using the power.</p>
Explaining to communities how the powers are being used following a 'community complaint'	The force complies with this feature of the scheme.

Reducing the number of people stopped and searched without suspicion under Section 60 <sup>23</sup> 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 the force carries out some monitoring in this area, it is not compliant with this element of the scheme.

## 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.

<sup>23</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)

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>24</sup>

### **Use of Taser in Lincolnshire Police**

Lincolnshire Police is part of the East Midlands Operational Support Service (EMOpSS) collaboration which includes Nottinghamshire, Leicestershire and Northamptonshire police forces. The collaboration started in May 2015. The force has specialist officers from roads policing, firearms and dog patrol officers assigned to this service who work across the region as well as a number of neighbourhood and response officers who are Taser-trained. All training, re-classification and review processes applicable to the use of Taser by Lincolnshire officers are consistent across the region and are overseen by senior managers within the EMOpSS. HMIC looked specifically at the use of Taser by these force based officers.

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.

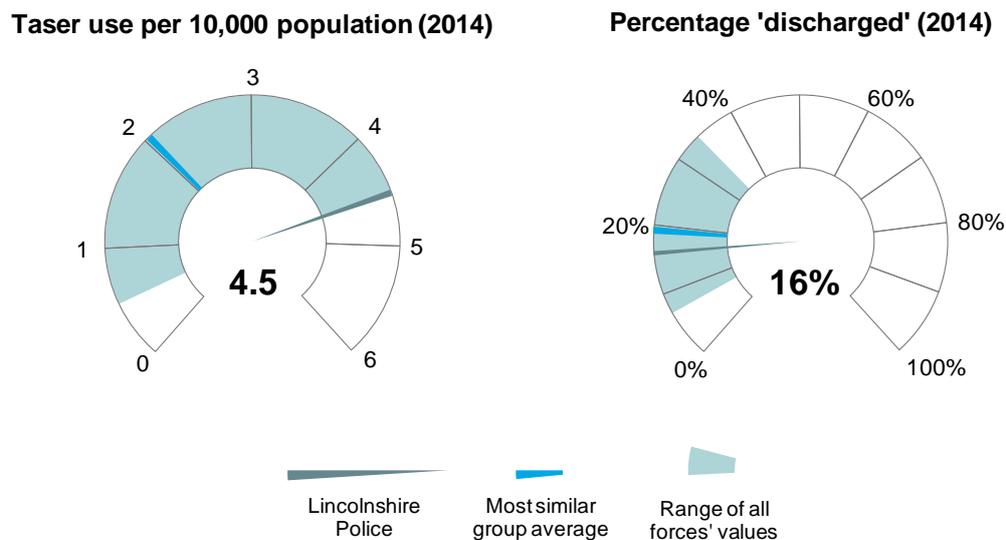
Between 1 January and 31 December 2014, Taser was used in some capacity 332 times by Lincolnshire Police, representing 4.5 times for every 10,000 people in the force's area. This was greater than the average for Lincolnshire Police's most similar group of forces, which was 2.0 times per 10,000 population.

During the same time period, Taser was 'discharged' on 53 occasions (out of the 332 times it was used in some capacity). This equated to 16 percent of overall use, less than the force's most similar group average of 19 percent. The following figure shows the comparisons.

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<sup>24</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/)

**Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Lincolnshire Police, 12 months to 31 December 2014<sup>25</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. 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 and linked documentation provided by Lincolnshire Police. 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. The forms related to the use of Taser by Lincolnshire Police officers who do not work within the East Midlands Operational Support Service (EMOpSS) four-force collaboration.

Of the 20 forms reviewed, Taser had been fired twice, angle drive-stunned once, red-dotted six times, aimed once, and drawn ten times. The one time that the Taser had been drive-stunned, we found evidence that consideration of other tactics had been recorded by the officer. We found an example of how officers had to dynamically switch tactics in often fast-moving situations.

<sup>25</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.

Officers were required to enter a property to investigate a report that a man was self-harming with a knife, but immediately reverted to negotiation tactics once they saw through a gap in the door that he was not actively self-harming.

Overall officers used Taser to protect themselves or others from a range of weapons, including several kitchen knives, a machete, a chainsaw, a large metal foot pump, and a chair.

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.

There are varying levels of detail in the forms, and some officers are unclear about how to record the use of the NDM; but in all cases the use of Taser was 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.

The force has a clear selection process for Taser officers and applicants must be supported by their line managers. Initial and refresher Taser training complies with College of Policing guidance including the NDM and the training time allocated exceeds the minimum levels required. From reality testing and discussion at focus groups, it is clear that Taser-trained officers understand the model and recognise the importance of applying the model to their use of Taser. Special circumstances, such as the use of Taser in custody suites or on persons suffering from mental illness, are highlighted during training.

The deployment of Taser to spontaneous incidents is generally authorised by an inspector within the force control room. The authority is recorded on the force command and control system with reference being made to the model. Officers have authority to self-deploy in urgent circumstances, but are required to record their justification and grounds on the force command and control system for retrospective approval by the control room inspector. In addition to the command and control log, details of all authorisations and self-deployments are recorded on a regional system called Chronicle.

All usage of Taser is reported in accordance with national guidance and the forms are reviewed by a senior Taser training officer. The review process is robust and details of any action taken is fully recorded on Chronicle. Improper use of Taser is robustly dealt with, for example, the immediate removal of an officer from the authorised list of Taser users following an accidental discharge, until a full investigation had been carried out.

Complaints and discharges of Taser are reviewed with the office of the police and crime commissioner at a professional standards governance board, although details

of these meetings and any outcomes of reviews are not made public. Information and learning is shared with Taser officers in the force through a group email system and articles in 'The Standard' newsletter.

The published information that the force provides to the public is very limited and does not include regular information on use. There is an opportunity for the force to be more transparent about how it uses Taser; both for individual high-profile cases, and for use overall. 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 Lincolnshire Police.

## Summary of findings



**Requires improvement**

Lincolnshire Police has accepted the principles of the Best Use of Stop and Search scheme but there is still considerable work to be done to fully establish and integrate all the elements of the scheme.

Officers have a lack of understanding in relation to what constitutes reasonable grounds for a search, and stop and search records do not always include sufficient reasonable grounds to justify the lawful use of the power.

The force is not complying with recording and publishing outcomes, monitoring the impact of stop and search on young people and black, Asian and minority ethnic groups (BAME). Nor is it providing opportunities for the public to observe officers using the power. However, there are advanced plans to introduce mobile data and body-worn video to all frontline officers by early 2016 and this will improve compliance with the scheme.

More positively, it is clear that Taser-trained officers are aware of the National Decision Model and understand its application. The use of Taser is monitored and evaluated at a senior level and reviewed by qualified staff. Use is reported in accordance with national guidance although there is currently no external independent oversight. Taser is used fairly and appropriately by the force.

### **Areas for improvement**

- The force 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 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 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 Lincolnshire Police's MSG: Norfolk, North Yorkshire, North Wales, West Mercia, Suffolk, Devon and Cornwall and Cumbria.
- 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>26</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>26</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).