

PEEL: Police legitimacy 2015

An inspection of Merseyside Police



February 2016

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ISBN: 978-1-78655-039-2

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

Overall judgment¹



Good

Throughout 2015, HMIC's PEEL legitimacy inspection programme has assessed the culture within Merseyside 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.

HMIC found there was a strong ethical culture within Merseyside Police, and the force had established practices to support the wellbeing of staff and deal with complaints and misconduct in a fair and appropriate way.

Merseyside Police engages well with its communities using a range of methods, and officers and staff understand the importance of treating people fairly and with respect. The force complies with all features of the Best Use of Stop and Search scheme² apart from the need to publish data. Taser is used fairly and appropriately.

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

Summary

HMIC found there was a strong ethical culture within Merseyside Police. The Code of Ethics³ was fully integrated into the force's vision which had been clearly communicated to staff and integrated within force policy, practice and most training.

The force had established a range of practices to support the wellbeing of staff and the majority of staff we spoke to felt supported. HMIC found that the force dealt with complaints and misconduct in a fair and appropriate way.

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

² *Best Use of Stop and Search Scheme*, Home Office, 2014. Available from: www.gov.uk/government/publications/best-use-of-stop-and-search-scheme

³ *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

When HMIC looked at how well the force understands and engages with all the people it serves, we found that Merseyside Police fully understood the relationship between engagement and legitimacy and we found commitment to neighbourhood policing and engagement. The force effectively engages with the public through conventional meetings, face-to-face within the communities it serves, and through creative and tailored communication campaigns. It utilises information well from a range of sources at a local level, and through social media, although recognises it could do more to gain better insight of the results of this activity at a force level. As a result we are satisfied that the force has a reasonable understanding of the needs and concerns of the public, more so at a local level than at force level.

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 Merseyside Police complies with all the features of the Best Use of Stop and Search scheme apart from publishing data. Taser officers are fully trained and the use and oversight of the deployment of Taser is well managed.

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



Good

HMIC found that Merseyside Police's chief officer team clearly communicated to its workforce the values and behaviours expected of them via the 'Just Trilogy' (Just Talk, Just Think, Just Lead) vision. The force had a strong ethical culture and had embedded the Code of Ethics into its vision, policy, practice and most training. We found that staff have a good understanding of what is expected of them.

The force had established a comprehensive range of provision to support the wellbeing of staff, and the majority of staff we spoke to felt supported. There had been a focus on sickness reporting with an emphasis on supporting those who are genuinely sick. However, some staff

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



Good

Merseyside Police understands the relationship between engagement and legitimacy at both a strategic and local level. There is a commitment by officers and staff in Merseyside to both neighbourhood policing and engaging with the public more generally. Officers and staff understand the importance of treating people fairly and with respect, and the link this has with public confidence.

The force effectively engages with the public through conventional meetings, and face to face within the communities it serves. We were impressed by the engagement with the public made through creative and tailored

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



Good

HMIC is satisfied that Merseyside Police complies with all features of the stop and search scheme apart from the need to publish data. There is good use made of independent scrutiny of the use of stop and search powers, although the force could provide the public with a greater understanding of the use of the powers through publication of data on its website.

During the fieldwork we found that officers have a good understanding of the principles of the scheme and that there is effective oversight and scrutiny. Officers in Merseyside Police use the National Decision Model to good effect.

Taser officers are well trained and there is robust

we spoke to felt unable to report sickness for fear that it might affect their promotion or other employment prospects.

The views of staff were welcomed through the 'Just Trilogy' road shows, and senior leader forums, however the force can do more to understand the specific views of staff through conducting a regular survey. We found that although the majority of staff felt they were able to constructively challenge views, some expressed that they felt they could not speak freely about their ideas.

The force dealt fairly and consistently with complaints and misconduct but we were disappointed to find that some cases had not been assessed by a staff member of suitable seniority and that some allegations were not being recorded in a timely manner.

communication campaigns. It uses information well from a range of sources at a local level, and through social media, although recognises it could do more to gain better insight of the results of this activity at a force level.

At a strategic level the force values its engagement with a range of communities represented on its independent advisory groups. It also engages well in encouraging the participation of volunteers to carry out various policing activities within the force.

oversight of the deployment of Taser. There is also an effective review process.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

3%

officers

3%

staff

2%

PCSOs

2%

Percentage of BAME in local population, 2011 Census

5%



Gender diversity

Percentage of females in overall workforce 31 March 2015

Merseyside Police

39%

England and Wales force average

41%

Percentage of females by role, Merseyside Police

officers

27%

staff

62%

PCSOs

46%

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

Merseyside Police

1,739

Proportion of finalised allegations investigated 12 months to 31 March 2015

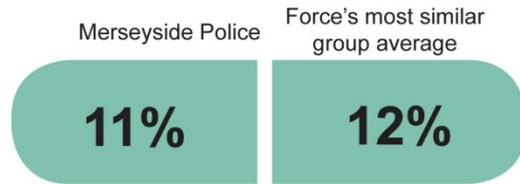
Merseyside Police

74%

Force's most similar group average

51%

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

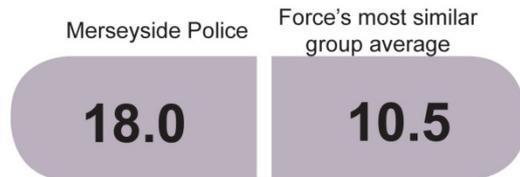


Stop and search

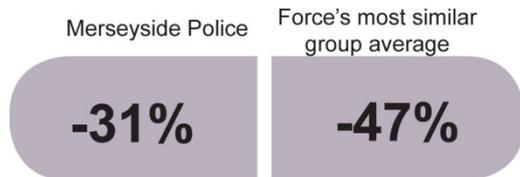
Number of stops and searches carried out 12 months to 31 March 2015



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



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

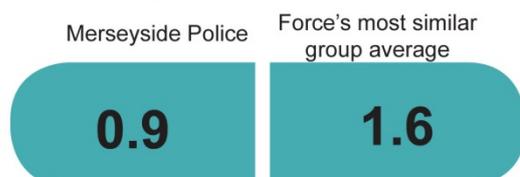


Tasers

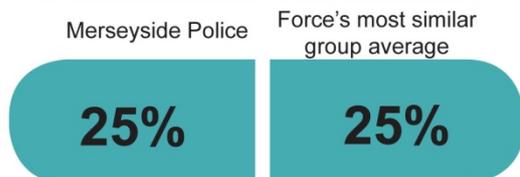
Number of times a Taser was used 12 months to 31 December 2014



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



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



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

Introduction

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

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

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

Spring 2015 inspection

- To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?
- Autumn 2015 inspection
- How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?
- To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?

This report provides the main findings for Merseyside Police.

Methodology

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

Prior to inspection fieldwork we also reviewed a small number of Taser deployment forms and stop and search forms; and listened to calls for service from members of the public.

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

Organisational justice⁴

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

In a policing context, staff who feel they are treated fairly and with respect by their force, are more likely to go on to treat the public with whom they come into contact fairly and with respect. This will increase the public's view that the police act legitimately.

Procedural justice

Research⁵ has shown that for the police to be considered legitimate in the eyes of the public, people need to believe that the police will treat them with respect, make fair decisions (and take the time to explain these decisions), and be friendly and approachable. It also indicates that the way officers behave is central to policing as it can encourage greater respect for the law and foster social responsibility.

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

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

⁵ *Ibid.*

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

Introduction

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

Officers and staff who feel they are treated fairly and with respect by their force, are more likely to go on to treat the public with whom they come into contact fairly and with respect. This will increase the public's view that the police act legitimately.

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

1. How well does the force develop and maintain an ethical culture?
2. How well does the force provide for the wellbeing of staff?
3. How well has the Code of Ethics been used to inform policy and practice?
4. How fairly and consistently does the force deal with complaints and misconduct?

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

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

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

⁶ The inspection took place between March and June 2015.

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

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

FTE	Total	Of which			
		Female	BAME*		
Total workforce	5,951	2,303	(39%)	167	(3%)
Total officers	3,794	1,024	(27%)	129	(3%)
Constables	2,956	848	(29%)	107	(4%)
Sergeants	563	119	(21%)	14	(3%)
Inspecting ranks	232	53	(23%)	6	(3%)
Superintendents and above	44	5	**	2	**
Staff	1,803	1,118	(62%)	29	(2%)
PCSOs	353	161	(46%)	9	(2%)

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

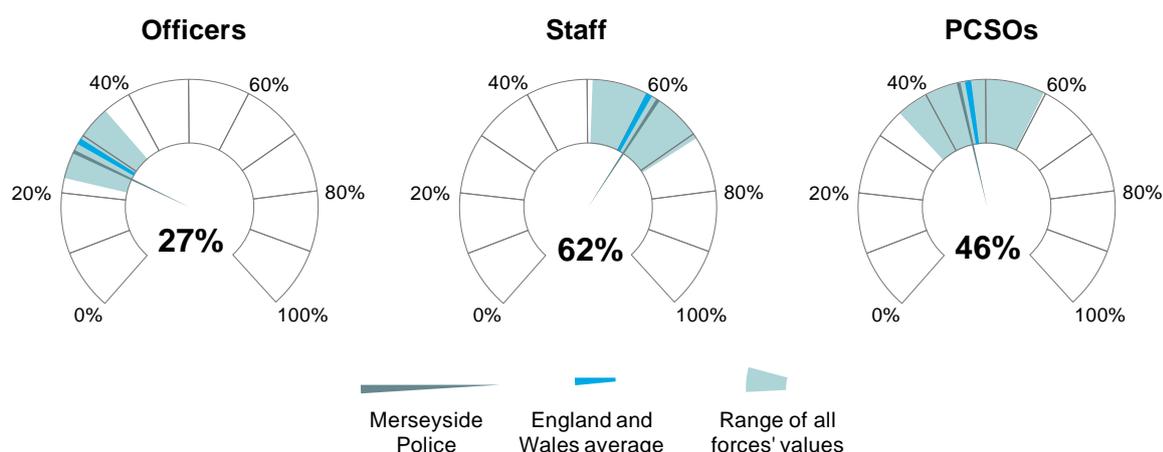
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

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

Source: Home Office Police Workforce statistics

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

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

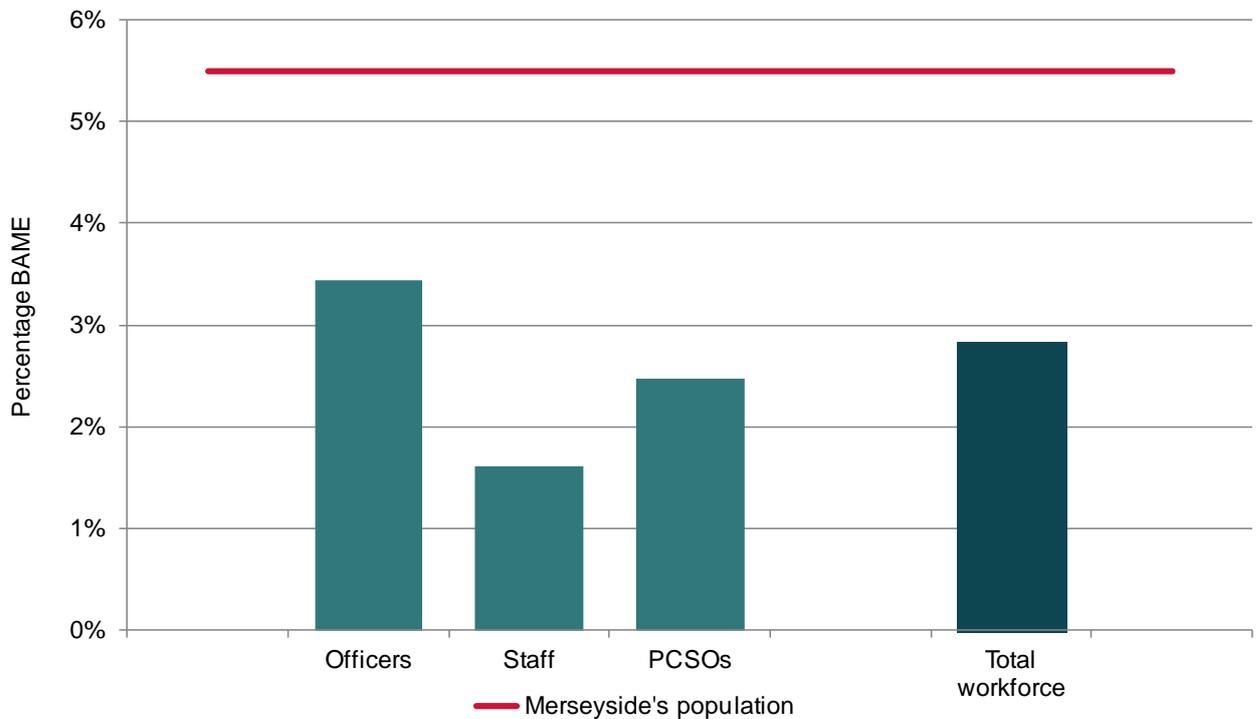


Source: Home Office Police Workforce statistics

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 Merseyside, around 5 percent of the local population were

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

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



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

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

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

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

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

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

	Total change		Percentage point change	
			% female	% BAME
Total workforce	-1,285	(-18%)	+1	0
Officers	-722	(-16%)	+2 ●	0
Staff	-448	(-20%)	-1	0
PCSOs	-115	(-25%)	+2	-1

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

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

Source: Home Office Police Workforce statistics

There were no statistically significant changes in the percentages of either females or BAME people within Merseyside Police's overall workforce between 31 March 2010 and 31 March 2015. However, there was a statistically significant change in the percentage of female officers – around a 2 percentage point increase.

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

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

It is critical that the culture inside police forces is an ethical one, where challenge and continual improvement are encouraged and where staff feel that they and others are treated fairly and consistently. If it is not, the service provided to the public may be equally unfair and inconsistent. HMIC therefore considered the extent to which people at all levels and all ranks (or equivalent) were creating and maintaining an ethical culture.

HMIC found that the force had developed and maintained a strong ethical culture. The chief constable and chief officer team had clearly set out to the workforce their vision and values in respect of ethical standards and behaviour. The chief constable had developed the ‘Just Trilogy’ (Just Talk, Just Think, Just Lead) vision which

clearly outlined the force's expectations of staff and the values they were expected to display. This had been woven into policy, procedure and training and delivered to staff through a number of mediums, for example 'Just Trilogy' road shows.

This strong ethical culture was well embedded throughout the force with 'Just Trilogy' and its theme of professional standards and values being clearly understood by all. There was a clear expectation on all managers to lead in respect of ethics and all staff were expected to lead by example with reference to the trilogy.

The workforce demonstrated loyalty and a strong commitment to the force. Staff showed respect for the chief constable and chief officer team and passion for the organisation. The majority of staff we interviewed felt valued, were proud to work for the force, and told us that they demonstrated a high level of ethical behaviour.

Staff were encouraged to admit their mistakes, so that matters could be dealt with at an early stage with a promise of support by the force if they had made a mistake with good intentions. Staff felt there were robust yet supportive processes in place for dealing with complaints and misconduct and welcomed the force's system that allowed staff to make allegations or raise concerns anonymously.

Staff we spoke to reported that the force had a zero tolerance towards any form of discrimination and they believed the force's processes for recruitment and promotion to be fair, and free from bias. Officers and staff were provided with career development opportunities, where possible, to prepare them for promotion with additional support available to black and minority ethnic officers from constable to inspector rank.

HMIC found that senior leaders did not regularly seek feedback from the wider workforce. Feedback was welcomed at the Just Trilogy road shows, and some feedback was encouraged as part of the change process consultation. However, beyond this there were no formal routes for leaders to receive feedback from the wider workforce. We found that although the majority of staff felt they were able to constructively challenge views, some said that they felt they could not speak freely about their ideas.

HMIC found there to be good engagement with the staff associations. The force consulted with them in the development of policy and provided feedback where their comments had resulted in changes being made. There was also a formal process for the chief constable to meet with the staff associations to ensure their issues could be raised directly.

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

Police forces need to understand the benefits of having a healthier workforce – a happy and healthy workforce is likely to be a more productive one, as a result of people taking fewer sick days and having a greater investment in what they do. This inspection was concerned with what efforts were being made in forces to consider, and provide for, the wellbeing needs of their workforce.

HMIC found that although the force did not have a wellbeing policy, it had established a range of practices to support the wellbeing of staff which the force reported had reduced their sickness absence rate. Staff were able to access the wellbeing support available to them, and the majority we spoke to felt supported during periods of illness or where, for example, they needed support to care for a family member.

While the force had reduced the number of staff responsible for providing wellbeing support, it had identified other ways to deliver this service. The force had established a comprehensive provision of wellbeing services including; direct access to an employee assistance programme, focused support to identify high-stress workplaces, support groups for bereavement and red circle days to protect a limited number of rest days for officers. It had a post incident management process (PIM) and trauma incident management (TRiM) process to counsel staff after traumatic events.

The force provided wellbeing support for those staff who were the subject of allegations of disciplinary or misconduct issues, in particular where a member of staff was suspended or placed on restricted duties. Staff were allocated a welfare officer who, with the appropriate staff association, worked to reduce discomfort and anxiety during the internal investigation process.

The force kept in touch with staff who were away from the workplace, such as women on maternity leave, using informal meetings as an opportunity for absent staff to keep up-to-date with the force and discuss any issues or concerns they had.

HMIC found that the majority of staff were positive about the support they had received and the support available to them. There was a high expectation that managers would deal with welfare issues and provide support to their staff, but the level of understanding and support provided was felt to be variable resulting in an inconsistent approach to provision.

Although the force had practices and procedures to provide for the wellbeing of staff, some staff felt that consideration of the wider impact of budget cuts on staff was required. For example, some staff expressed fears of being open about illnesses or the recording of sickness leave in case it affected their employment prospects,

particularly while the force was going through significant change. Examples were provided of officers coming into work while sick or using annual leave to avoid reporting a sickness absence.

The force had recently conducted a review of flexible and part-time working to enable a greater alignment of resources to business need at peak times. It found that some who were working part-time for child care purposes now had grown up children. The force wanted to give the opportunity to work part-time to those who needed it most, where available. HMIC found mixed views about how this made staff feel. Some staff reported that while they understood the need to carry out this task, it was perceived by some as a forced change to established working practices.

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.⁹ This sets out nine policing principles that should be applied by all officers and staff: Accountability; Integrity; Openness; Fairness; Leadership; Respect; Honesty; Objectivity; and Selflessness. These principles should be used to underpin the decisions and actions taken by officers and staff.

This inspection considered the extent to which officers and staff were aware of the Code of Ethics, and how the force was working to embed the code into policy and practice.

The force had not delivered the Code of Ethics as a standalone policy, but instead embedded it into its 'Just trilogy' vision which covered all aspects of the code and was used by the force as the anchor point for everything it delivered. The Just trilogy had been integrated in to force policy, practice and most training, thereby informing staff about the way in which they were expected to act and behave. The majority of staff reported receiving some form of training on the principles set out in the Code of Ethics through 'Just Trilogy' regular briefings and through an online learning package. We were encouraged to find that staff had a good understanding of what was expected of them and this had helped to develop a strong ethical culture within the workforce.

No explicit mention was made of the Code of Ethics in any of the small number of complaint and misconduct files HMIC reviewed. However, we were told that the Code of Ethics was considered during all professional standards department and anti-corruption unit investigations and was mapped across into the standards of behaviour. This was perceived to have assisted the force in understanding any

⁹ *Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

cultural trends developing and enabled them to disseminate issues of concern to staff to reinforce standards of ethical behaviour. An example provided was the force communicating to staff the behaviour expected when off-duty, particularly when staff may be drinking socially. This was believed to have resulted in a subsequent reduction in complaints about staff behaviour.

We found that the 'Just Think' campaign, led by the chief constable, was mentioned in the small number of complaints and misconduct case files we reviewed. This appeared in the initial and final assessments of conduct matters as well as the formal records of misconduct meeting findings. This was particularly the case where officers had acted in an inappropriate way either on or off-duty.

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 repetitive 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.¹⁰

In the 12 months to 31 March 2015, Merseyside Police finalised 1,739 allegations from public complaints that were made against its officers and staff. Of these, 74 percent had been investigated and 17 percent had been locally resolved.

¹⁰ 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.

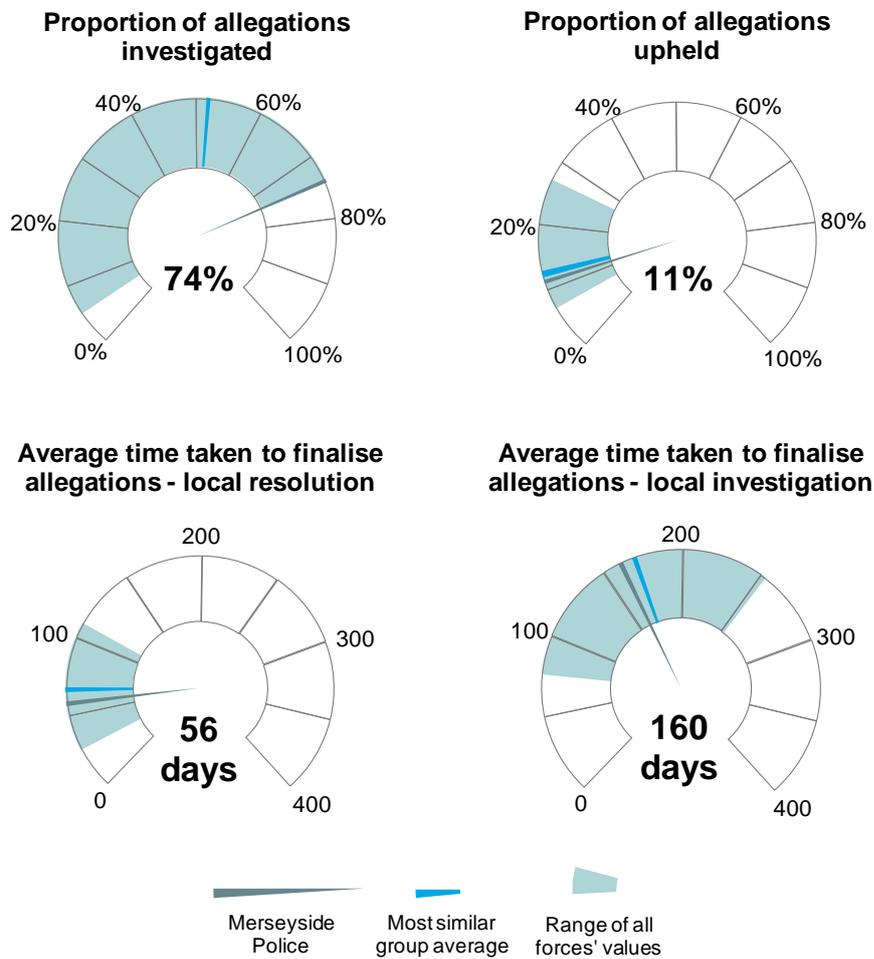
A greater proportion of allegations were investigated and a smaller proportion were locally resolved in Merseyside compared with the average of its most similar group of forces.¹¹

In the 12 months to 31 March 2015, the average time Merseyside Police took to complete a local resolution was 56 days, less than the average of its most similar group of forces (65 days). Over the same period, the average time a local investigation took to complete was 160 days, broadly in line with the average of its most similar group of forces (169 days).

After local investigation, Merseyside Police closed 1,284 allegations in the 12 months to 31 March 2015. Of these, 11 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 broadly in line with the average of Merseyside's most similar group of forces of 12 percent. The following figure shows how these values compare.

¹¹ 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.

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



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Merseyside Police finalised 74 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was broadly in line with the average of its most similar group of forces. Compared to its most similar group of forces, Merseyside took less time to complete local resolutions and a similar amount of 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,¹² 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,¹³ 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 63 public complaints and internal misconduct allegations, to assess whether they had been considered fairly and consistently.

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.

HMIC found that the force dealt with complaints and misconduct fairly and consistently. There was good governance in place, providing the deputy chief constable, as the professional behaviour lead, with a clear overview of all complaints and ongoing corruption and integrity matters. However, HMIC found that some public complaints were assessed by a member of staff within the professional standards department, who was below the rank of chief inspector. This did not comply with the legislation governing public complaints. In addition we found that some local resolutions had not been carried out with meaningful engagement with complainants.

We also found that some complaints and misconduct allegations were not being recorded in a timely manner. The force's service recovery process, which allowed ten working days for a complainant to be re-contacted to resolve an issue before recording a complaint, was found to have led to unnecessary delays in recording.

¹² *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/

¹³ 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'.

This did not comply with the guidance in relation to resolution from the Independent Police Complaints Commission and misinterpreted the 10 days afforded for the administrative process of recording.

HMIC also found that in some cases, proven misconduct matters resulted in extremely low-level outcomes. The force had recognised this issue and provided legal training to chairs of misconduct meetings.

The force told HMIC it had recognised previously that the treatment of police staff was not equal to that of police officers for misconduct and disciplinary cases. To address this, the professional standards department now deals with all complaints and misconduct allegations, which ensured a consistency of approach for both officers and staff. The processes for both police staff and police officers also now result in the same outcome for the same type of disciplinary case, which ensures fairness and consistency. Recent changes had also resulted in the local resolutions teams within each local policing area being centralised within the professional standards department.

We found that most staff we spoke to felt that the force dealt fairly and consistently with complaints and misconduct. Officers perceived that their cases had been dealt with fairly.

Summary of findings



Good

HMIC found that Merseyside Police's chief officer team clearly communicated to its workforce the values and behaviours expected of them via the 'Just Trilogy' (Just Talk, Just Think, Just Lead) vision. The force had a strong ethical culture and had embedded the Code of Ethics into its vision, policy, practice and most training. We found that staff have a good understanding of what is expected of them.

The force had established a comprehensive range of provision to support the wellbeing of staff, and the majority of staff we spoke to felt supported. There had been a focus on sickness reporting with an emphasis on supporting those who are genuinely sick. However, some staff we spoke to felt unable to report sickness for fear that it might affect their promotion or other employment prospects.

The views of staff were welcomed through the 'Just Trilogy' road shows, and senior leader forums, however the force can do more to understand the specific views of staff through conducting a regular survey. We found that although the majority of staff felt they were able to constructively challenge views, some expressed that they felt they could not speak freely about their ideas.

The force dealt fairly and consistently with complaints and misconduct but we were disappointed to find that some cases had not been assessed by a staff member of suitable seniority and that some allegations were not being recorded in a timely manner.

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,¹⁴ 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.

¹⁴ *Authorised Professional Practice on Engagement and Communication*, College of Policing, 2015. Available from www.app.college.police.uk/app-content/engagement-and-communication/?s

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

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

Merseyside Police understands the relationship between engagement and police legitimacy, at both a strategic and local level. The chief constable stresses the importance of legitimacy and the way in which officers should engage with the public. He does this through his 'Just Trilogy' road shows, that include 'Just Talk' which encourages the workforce to communicate with the public, and 'Just Think' encouraging staff to think about the decisions they make and how their actions will be perceived by the public of Merseyside.

The force's community engagement group has links with a range of accredited organisations including MENCAP, a learning disability charity, and Navajo – a lesbian, gay, bi-sexual and transgender society. The police and crime commissioner (PCC) has a member of their staff based in each local policing area or basic command unit to engage with the public, understand their concerns and provide feedback. The PCC's community engagement strategy provides a focus for this activity which, in turn, informs the policing priorities.

At a strategic level the force seeks the views of a range of communities across Merseyside. It has strong links to community groups through the Merseyside independent advisory group (MIAG) which allows the force to engage and seek the views of representatives from faith, ethnic minority, disability and transgender communities. The MIAG process is replicated at a local level within some basic command units. The force also seeks the views of young people through the youth advisory group, whose focus is youth inclusion on police matters. The group consists of 55 young people aged between 14-24 years.

We found good engagement at a local level through neighbourhood policing teams. They understand the importance of engagement generally and the link between how they treat people and the level of confidence the public has in the organisation. They understand their neighbourhood areas and there are good examples of community impact assessments (CIAs), at both force and local level. These are used to assess areas of potential or actual tension within the community. The community engagement group assess the CIA following each major incident such as a violent assault or use of firearms. Effective use of CIAs within the force is seen to contribute to good relationships with the public and key networks. To assist neighbourhood teams in understanding their communities we found that a revision of neighbourhood

profiles had recently been completed. It is clear that officers and staff have good knowledge of their communities, understanding their needs and concerns without needing to refer to these documents.

The force gathers information about community issues and priorities from a number of sources including partners, neighbourhood teams, the force internet site, and through local community engagement officers working to the PCC. The tools used for local engagement are primarily conventional via community meetings and face-to-face engagement with police community support officers (PCSOs). This level of engagement provides good information and intelligence within each basic command unit, although it is unclear how this informs the force's understanding of the views of communities at a strategic level.

Of the 650 survey responses from the area covered by Merseyside Police, 47 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.

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. HMIC found that Merseyside Police engages well with the communities it serves. Greater use is being made of social media, with 144 Twitter accounts across the force used to push messages to communities about what is happening in their local area. It has a single corporate Facebook page which is used for appeals, information and feedback. There is an acceptance by the force that it could make more use of social media. There were plans to roll out a community messaging service by December 2015, funded by the PCC. This will increase the two-way communication with local communities, and allow for surveys to be completed.

We were impressed by the way the force engages with communities through creative communication campaigns. A recent example is a 'flash mob' which was played out at Liverpool Airport to engage with victims and potential victims of so-called honour-based violence. Members of the public filmed the scene on their mobile phones and shared it online, gaining more than a million shares on social media, and resulting in reports from victims. The force has also engaged with victims of domestic violence to understand what works when communicating with victims and offenders. This resulted in a communication campaign informed by victims, using the words that offenders use and victims hear.

Face-to-face engagement is used extensively by the police and crime commissioner, her staff, and neighbourhood policing teams. There is an established meeting structure which is used by the public to varying degrees. Community surgeries are seen by officers to be a more effective engagement tool and include registered social landlords and other partner organisations. There are good examples of engagement with minority and disability groups with some quarterly forums attracting a large audience. The MIAG and Youth Action Group (YAG) allow for engagement with different communities, and members independently review processes within the force. An example is the review of stop and search occurrences. Members of the MIAG review the body-worn camera video footage of stop and search occurrences and provide views on the behaviour of the officer. At the time of inspection members of the YAG were being trained to do this for the stop and search of young people.

Merseyside Police has good participation from volunteers who carry out various policing activities. This includes students working within the high tech crime unit, volunteers on enquiry desks at local stations, and speed watch campaigns. The force has a cadet scheme and 315 special constables. We also found that the force is making good use of an employer supported policing scheme where major companies provide staff with benefits such as time off for training, and paid time off in lieu of undertaking special constabulary duties. The force is engaging well but would benefit from more strategic co-ordination of activity.

From the survey, 31 percent of the respondents from the area covered by Merseyside 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.

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,¹⁵ 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 the force, from the 40 calls assessed, HMIC was generally satisfied that the call handlers were polite, respectful and effective. Call-handlers showed empathy and patience when dealing with more vulnerable callers, although they did not routinely offer the caller an incident number, during either 999 or 101 calls.

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations and found staff to be polite, helpful and efficient.

HMIC found a good level of understanding of the National Decision Model among officers and staff. It is included within routine training, such as officer safety and stop and search training, and used in day-to-day decision-making by officers.

The message that staff should treat people with courtesy and respect is part of day-to-day practice. The chief constable's messages to staff through his 'Just Trilogy' has further defined the culture within the organisation.

The levels of satisfaction with police action across all the crime types measured and across all the local policing areas in Merseyside are reducing. The force has analysed the survey findings to understand the service provided to local communities

¹⁵ *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

and used this to inform changes to internal processes. For example, a reduction in satisfaction levels for vehicle crime led to further analysis and resulted in a change in process for victims.

Having considered the results of the call review, observations of staff at public enquiry counters and the fieldwork findings, HMIC is satisfied that the majority of officers and staff in Merseyside are treating people fairly and with respect when they come into contact with them.

From the survey, 48 percent of respondents from the area covered by Merseyside Police agree that the police in their local area treat people fairly and with respect versus 12 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Summary of findings



Good

Merseyside Police understands the relationship between engagement and legitimacy at both a strategic and local level. There is a commitment by officers and staff in Merseyside to both neighbourhood policing and engaging with the public more generally. Officers and staff understand the importance of treating people fairly and with respect, and the link this has with public confidence.

The force effectively engages with the public through conventional meetings, and face to face within the communities it serves. We were impressed by the engagement with the public made through creative and tailored communication campaigns. It uses information well from a range of sources at a local level, and through social media, although recognises it could do more to gain better insight of the results of this activity at a force level.

At a strategic level the force values its engagement with a range of communities represented on its independent advisory groups. It also engages well in encouraging the participation of volunteers to carry out various policing activities within the force.

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.¹⁶

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁷ 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.

¹⁶ *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/

¹⁷ *Best Use of Stop and Search Scheme*, Home Office, 2014. Available from: www.gov.uk/government/publications/best-use-of-stop-and-search-scheme

In our 2013 inspection on stop and search,¹⁸ 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 Merseyside Police – Stop and search by volume

In the 12 months to 31 March 2015, Merseyside Police carried out 25,037 stops and searches. The table below shows this number per 1,000 population for Merseyside 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 greater than the average of its most similar group of forces.

¹⁸ *Stop and Search Powers – are the police using them effectively and fairly?*, HMIC, July 2013. Available from: www.justiceinspectors.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

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

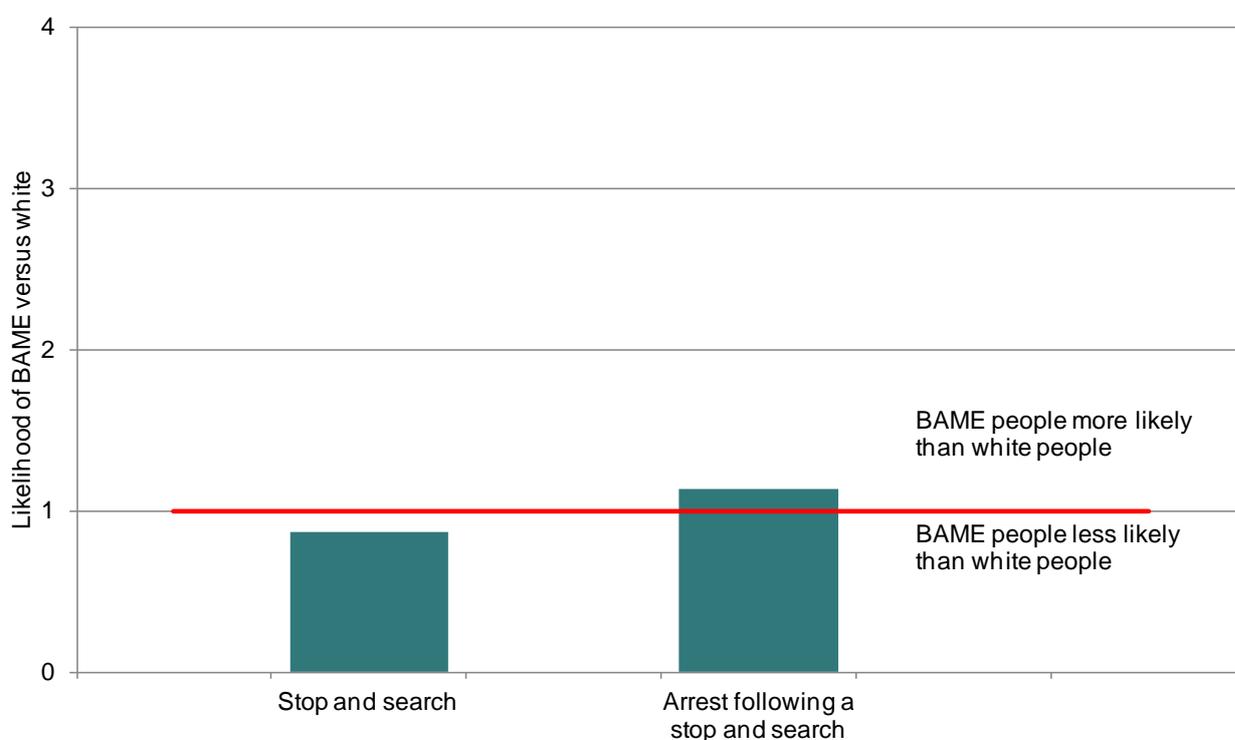
	Stops and searches per 1,000	Change from previous year
Merseyside	18.0	-31%
Merseyside's MSG average	10.5	-47%

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 Merseyside 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 Merseyside Police than white people. However, of the individuals who had been stopped and searched, there was no statistical difference in the likelihood of arrest by the force between BAME people and white people.

Figure 7: A comparison between the likelihood of BAME and white people being stopped and searched and, separately, arrested following stop and search by Merseyside 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 Merseyside Police, the 2013 inspection showed that 12 of 200 records reviewed (6 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 100 stop and search records provided by the force. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. Of the records we reviewed 90 had been endorsed by a supervisor. We found that five of the 100 records (5 percent) did not have reasonable grounds recorded. Four of the five records that did not have reasonable grounds recorded had been endorsed by a supervisor. This suggests that some officers, and some supervisors given the task of reviewing records do not understand what constitutes reasonable grounds.

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

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.

Merseyside Police is compliant with the scheme in all aspects, except the publication of data. The force monitors all the data required including outcomes through its internal governance process. There is a clear governance structure in place for performance and scrutiny through bi-monthly meetings with each basic command unit. There is an internet page dedicated to stop and search on the force's website which contains a link to data published on the police.uk website but it is not obvious this relates to stop and search data. The data are published on the police.uk website but do not include the connection between items searched for and outcomes.

A comprehensive set of data, including analysis based on age, ethnicity, gender, child, young persons, down to individual officers is examined by the lead officer for stop and search and informs strategic meetings. Officers are aware of the National Decision Model and use it when carrying out stop and search.

The force and the office of the police and crime commissioner (OPCC) have run a communications campaign called 'Know Your Rights' for stop and search. This campaign has been aimed at specific areas of the force where the number of stops and searches taking place have been higher than elsewhere.

The force has seen a reduction in the use of stop and search powers over recent years, although their use is still above the average use when compared with peers. Officers expressed some confusion in using stop and search powers following the completion of a recent national training package, and also that the completion of the electronic form was time-consuming. The force is planning to roll out mobile devices, which will allow for the details of the stop and search to be recorded at the time of the encounter.

There have been a low number of complaints about stop and search since the introduction of the scheme resulting in no need for a 'community trigger' to be activated. HMIC was impressed by the use of body-worn video as standard practice within stop and search encounters which protects staff and public alike. This also assists in reviewing stop and search encounters and addressing complaints.

The force complies with the Best Use of Stop and Search scheme in respect of the authorisation level for section 60 searches. It has seen a marked reduction in such authorities over recent years. There have been six section 60 authorisations in Merseyside in the last 12 months with a good example of it being used as a preventative tool for pre-planned disorder prior to a football match.

The public have the opportunity to observe stop and search encounters as part of Merseyside's 'ride along' scheme and there have been three requests over a

12-month period to join the ride along, but none managed to witness a stop and search encounter. The force considers the use of the Merseyside Independent Advisory Group and Youth Action Group observations of body-worn camera footage much more beneficial. It has also engaged lay observation with academics from local universities who have been conducting research into decision-making in the course of police duties including the use of stop and search powers. The results of this work are reported to a quarterly project board where any resulting recommendations are followed up by the force.

Feature of Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	<p>The force does not comply with this feature of the scheme.</p> <p>The force records the full range of outcomes, including whether or not the item searched for is found but does not publish them, so is not compliant with this element of the scheme. However, data about the outcomes are published on the police.uk website and there is a link from the force website directing people to the police.uk website. Notwithstanding that, neither website includes data about the connection between the outcomes and the item searched for.</p>
Providing opportunities for the public to observe officers using the power	The force complies with this feature of the scheme.
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 ¹⁹ of the Criminal Justice and Public Order Act 1994	The force complies with this feature of the scheme

¹⁹ '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

Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The force complies with this feature of the scheme
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To what extent does the force ensure that Tasers are used fairly and appropriately?

Background

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

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

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

The way a Taser is used by police officers is categorised into a range of escalating actions from drawing the device, through to it being 'discharged' (that is, fired, drive-stunned or angled drive-stunned). A table in Annex D outlines the definitions of the different levels of use.

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

HMIC has not previously inspected how Taser is used either in, or between, forces. This inspection considered whether chief officers understand how Taser is being used across the force area, to satisfy themselves that it is being used fairly and appropriately, and whether Taser-trained officers are acting in accordance with the College of Policing's Authorised Professional Practice and the legal framework each time it is used.²⁰

²⁰ *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/

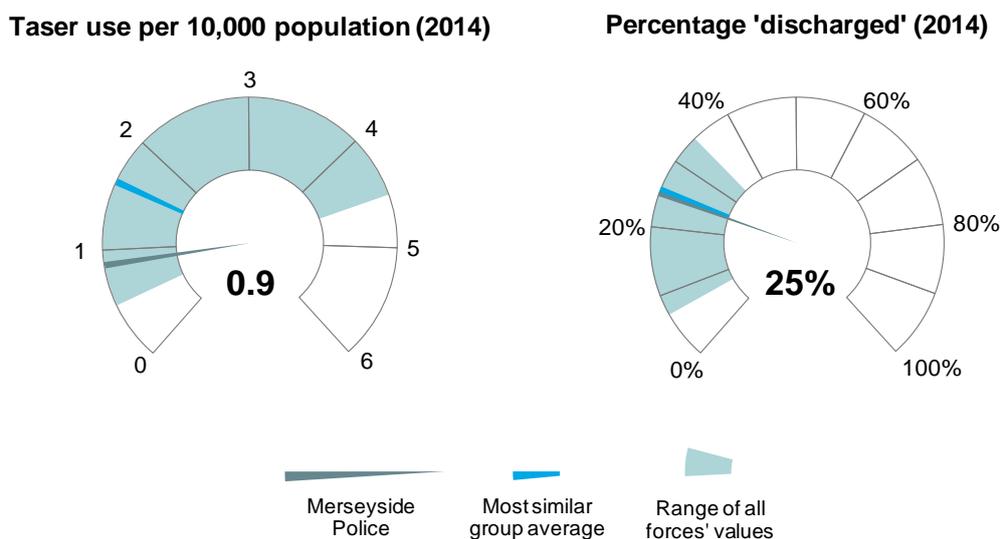
Use of Taser in Merseyside Police

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

Between 1 January and 31 December 2014, Taser was used in some capacity 121 times by Merseyside Police, representing 0.9 times for every 10,000 people in the force's area. This was less than the average for Merseyside Police's most similar group of forces, which was 1.6 times per 10,000 population.

During the same time period, Taser was 'discharged' on 30 occasions (out of the 121 times it was used in some capacity). This equated to 25 percent of overall use, in line with the force's most similar group average of 25 percent. The following figure shows the comparisons.

Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Merseyside Police, 12 months to 31 December 2014²¹



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.

²¹ 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.

For any other use, such as 'drawn', 'aimed', 'red-dotted' or 'arced', officers are only required to provide brief details of the incident. A detailed description, structured around the National Decision Model, is not required.

Before the fieldwork stage of the inspection, HMIC conducted a review of 20 Taser deployment forms provided by Merseyside 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. Of the 20 forms reviewed, Taser had been fired twice, red-dotted eleven times, aimed twice, and drawn five times. On both of the occasions that Taser was fired, we found evidence that consideration of other tactics had been recorded.

Overall officers used Taser to protect themselves or others from a range of weapons, including several knives, a claw hammer, glass, and an air rifle.

The 'brief details' and the NDM sections of the forms provided us with evidence to suggest that the use of Taser fair, lawful, and appropriate in all of the 20 cases reviewed.

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 National Decision Model is both understood and applied by all Taser officers. At the heart of the model is the Code of Ethics and we are satisfied that all Taser activity is based on the principles of the code. Although the force has low use of Taser, there has been one complaint directly related to the use of Taser in Merseyside Police in the last 12 months, which was still ongoing at the time of inspection. The force requirement to use body-worn cameras to record the encounter minimises the risk to both the subject and the officer. Staff expressed that the presence of the Taser often acts as a deterrent when seen, even without it being drawn.

The force has a formalised structure in place, from basic command unit to strategic level to monitor the use of Taser across the force. We found that the force has a rigorous review process whereby all forms and incidents involving the use of Taser are examined by supervision through to the assistant chief constable (ACC). Taser policy and development reports are reviewed at the strategic firearms meeting, chaired by the ACC.

Although we found a comprehensive Taser policy in place, some concern was expressed by officers about the deployment of single-crewed Taser officers to incidents, where they would expect two officers to be deployed.

The force has accepted that this may be unclear and plan to clarify this through confirming the policy with officers.

All Taser training, both initial and refresher complies with national guidelines. Officers are selected for this role through an application process, or through nomination, and have a good understanding of relevant legislation and authorised professional practice, and receive annual refresher training. The force has provided some training to staff from the Independent Police Complaints Commission (IPCC) and its own professional standards department in relation to the force policies and use of Taser, to allow them to better understand the force training and policies and procedures in relation to Taser. The force collects data in relation to Taser, although we found that this is not made available to the public.

The force does not publish information on the use of Taser to the public. HMIC suggests that the force should 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 our assessment of the Taser forms and our fieldwork findings, HMIC is satisfied that, on the whole, Taser is being used fairly and appropriately by Merseyside Police.

Summary of findings



Good

HMIC is satisfied that Merseyside Police complies with all features of the stop and search scheme apart from the need to publish data. There is good use made of independent scrutiny of the use of stop and search powers, although the force could provide the public with a greater understanding of the use of the powers through publication of data on its website.

During the fieldwork we found that officers have a good understanding of the principles of the scheme and that there is effective oversight and scrutiny. Officers in Merseyside Police use the National Decision Model to good effect.

Taser officers are well trained and there is robust oversight of the deployment of Taser. There is also an effective review process.

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 black, Asian and minority ethnic (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 Merseyside Police's MSG: Cleveland, Greater Manchester, West Midlands, Northumbria, West Yorkshire and South Yorkshire.
- 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 Definition²²

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.

²² *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.