

PEEL: Police legitimacy 2015

An inspection of Cumbria Constabulary



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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 Cumbria Constabulary, and how this is reflected in the constabulary's public engagement, use of Taser and compliance with the Best Use of Stop and Search scheme.

There was a positive and supportive culture within Cumbria Constabulary that encouraged all staff to behave professionally and ethically. Cumbria Constabulary understands its communities, treats them with fairness and respect and engages with them effectively.

While the use of Taser is fair and appropriate, there is further work required regarding key elements of the Best Use of Stop Search scheme² and recording of reasonable grounds for search before they are compliant.

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

Summary

There was a positive and supportive culture within Cumbria Constabulary that encouraged all staff to behave professionally and ethically. Senior leaders were clear on the expected standards of behaviour and the workforce had a good understanding of force standards.

The wellbeing of staff was seen as important and the responsibility of managers. There was a good system of support for staff through the internal trauma-related, incident management network of counsellors.

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

The occupational health unit was seen as visible and proactive. Most staff we spoke to were familiar with the Code of Ethics³ and the firm expectation on them to apply the code during their duties.

When HMIC looked at how well the constabulary understands and successfully engages with all the people it serves, we found that officers and staff understand the importance of treating people with courtesy and respect, and the link with public confidence. They also have a good understanding of the issues and concerns of their communities. The constabulary effectively engages with the public through conventional surveys, face-to-face meetings, digital technology and social media. There is a healthy involvement of local people in policing activity, and the constabulary is looking to boost recruitment to the special constabulary to previous levels.

Stop and search and Taser are two ways that the police can prevent crime and protect the public. However, they can be intrusive and forceful methods, and it is therefore vital the police use them fairly and appropriately. HMIC found that Cumbria Constabulary is only partially compliant with the Best Use of Stop and Search scheme. According to officers we spoke to, it was clear that there was a lack of understanding on how to record the reasonable grounds for a stop and search.

Taser is being used fairly and appropriately by Cumbria Constabulary.

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

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



Good

HMIC found a positive and supportive culture within Cumbria Constabulary that encouraged all staff to behave professionally and ethically. Senior leaders were clear on the expected standards of behaviour and the workforce had a good understanding of constabulary standards.

Staff could use the force intranet to directly ask the chief constable questions. We found that questions raised were responded to promptly by chief officers, and this forum was frequently used across the constabulary.

The wellbeing of staff was seen as important and the responsibility of managers. There was a good system of support for staff through the internal trauma-related incident management

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



Good

Cumbria Constabulary fully understands the relationship between engagement and legitimacy at both a strategic and local level. Cumbria is made up of many widespread and rural communities, with some large towns, which means that engagement is of necessity locally based. The new engagement strategy aims to introduce minimum standards for engagement in the new policing structure, while also reducing the number of face to face engagement events. This will be while improving the quality of the interaction with the public and feedback received.

Officers and staff understand the importance of treating people with courtesy and respect and

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



Requires improvement

Cumbria Constabulary is only partially compliant with the Best Use of Stop Search scheme. It is clear to HMIC that there is a considerable lack of understanding by officers, in respect of recording reasonable grounds for a search.

According to officers we spoke to, there is sufficient space on the constabulary's electronic hand-held terminal for a thorough explanation of why the stop and search was carried out, but it was clear that officers did not understand how to record the reasonable grounds.

We were encouraged to find that training in the Best Use of Stop Search scheme for initial recruits was more comprehensive, and that those officers who had joined the

network of counsellors. The occupational health unit was seen as visible and proactive.

The principles of the Code of Ethics have been made clear to all staff, having been promoted by the chief constable, and then reinforced through more formal training delivered to all staff. Most staff we spoke to were familiar with the Code of Ethics and the firm expectation on them to apply the code during their duties.

We found discrepancies in how misconduct investigations relating to police officers were recorded and finalised when compared to those relating to police staff.

the link with public confidence. They also have a good understanding of the issues and concerns of their communities.

We found that the constabulary effectively engages with the public through conventional surveys, face to face meetings, digital technology and social media. There is a healthy involvement of local people in policing activity, and the constabulary is looking to boost recruitment to the special constabulary to previous levels.

HMIC is satisfied that Cumbria Constabulary effectively engages with their communities, understands their concerns and treats them with fairness and respect.

constabulary recently, had a greater understanding of their obligations under the scheme. It is important that all officers using the power, also understand the principles of the scheme.

Taser officers are well trained and the use and oversight of the deployment of Taser is well managed. There is also an effective review process. We found that non-Taser-trained officers and staff felt well supported by their Taser-trained colleagues. Taser is being used fairly and appropriately by Cumbria Constabulary.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

1%

officers

1%

staff

0.3%

PCSOs

1%*

Percentage of BAME in local population, 2011 Census

2%



Gender diversity

Percentage of females in overall workforce 31 March 2015

45%

Cumbria Constabulary
England and Wales force average

41%

Percentage of females by role, Cumbria Constabulary

officers

35%

staff

61%

PCSOs

60%*

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

Cumbria Constabulary

486

Proportion of finalised allegations investigated 12 months to 31 March 2015

Cumbria Constabulary

50%

Force's most similar group average

53%

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



Stop and search

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



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



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

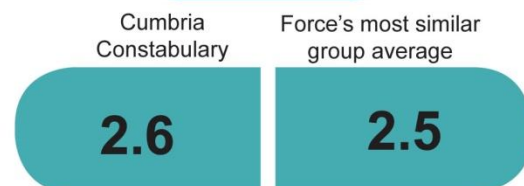


Tasers

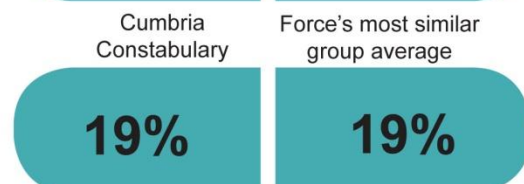
Number of times a Taser was used 12 months to 31 December 2014



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



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



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

* These data are based on small numbers and so comparisons with the average should be treated with caution.

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 Cumbria Constabulary.

Methodology

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

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

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

Organisational 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: 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 Cumbria Constabulary

A breakdown of the full-time equivalent (FTE) workforce⁷ in Cumbria Constabulary 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 Cumbria Constabulary, 31 March 2015

FTE	Total	Of which	
		Female	BAME*
Total workforce	1,851	834 (45%)	16 (1%)
Total officers	1,143	405 (35%)	13 (1%)
Constables	877	335 (38%)	11 (1%)
Sergeants	185	55 (30%)	1 (1%)
Inspecting ranks	70	13 (18%)**	1 (1%)**
Superintendents and above	11	2 **	0 **
Staff	622	378 (61%)	2 (0.3%)
PCSOs	86	51 (60%)**	1 (1%)**

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

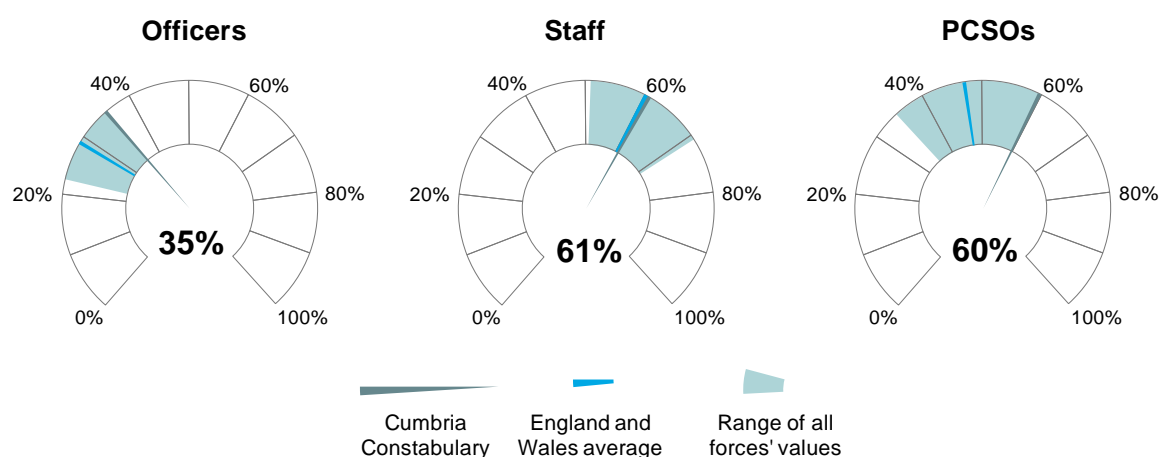
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

** 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 Cumbria Constabulary compared with the averages of all forces in England and Wales. It shows they were broadly similar for staff yet higher for both officers and PCSOs. Please note, however, that because the numbers are small in Cumbria, the percentage of female PCSOs should be treated with caution.

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

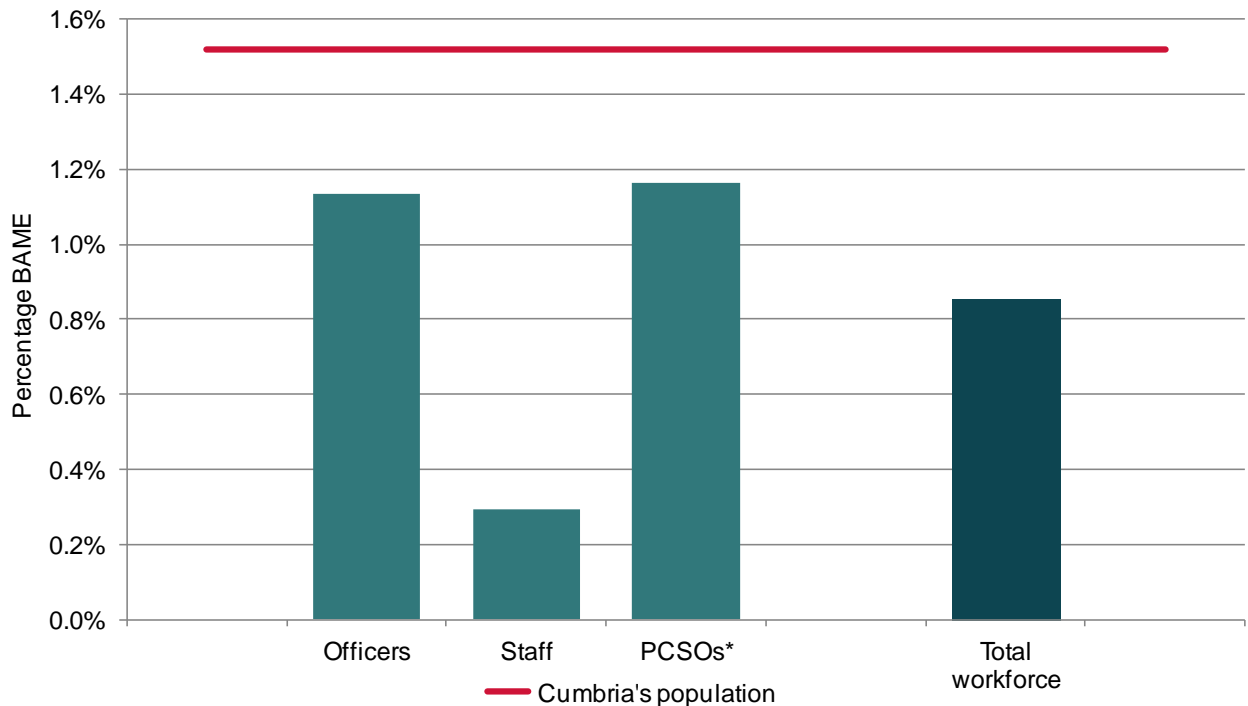


*Due to the figures being small, the proportion of female PCSOs should be treated with caution.

Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the proportion of BAME people living in the force area. In Cumbria, 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 Cumbria Constabulary's overall police workforce, as well as separately for staff.⁸

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



***Due to the figures being small, the proportion of BAME PCSOs should be treated with caution.**

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.⁹ 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

⁸ HMIC was unable to analyse to a statistically significant degree the ethnicity of PCSOs in Cumbria Constabulary due to the small number of PCSOs. The figure 3 data that relates to PCSOs should be treated with caution.

⁹ *Spending Review 2010*, HM Government, October 2013. Available from: www.gov.uk/government/publications/spending-review-2010

percentages of BAME people and females within the overall workforce increased during the five year period. Most notably, the proportion of female officers increased over 2 percentage points to 28 percent, and the proportion of BAME officers increased by nearly 1 percentage point to just under 6 percent. In contrast, the proportion of BAME PCSOs decreased by nearly 2 percentage points to just over 9 percent.

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

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

	Total change		Percentage point change	
			% female	% BAME
Total workforce	-324	(-15%)	+1	0
Officers	-95	(-8%)	+3 ●	0
Staff	-204	(-25%)	0	0 *
PCSOs	-25	(-23%)	+5 *	+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).

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

Source: Home Office Police Workforce statistics

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

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

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

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

There was strong and visible leadership from chief officers that set out the expected standards, and how policing across the constabulary will evolve in the future. In March 2015, the chief constable carried out a number of road-shows at main police stations across the county. The chief constable explained the ongoing progress of the constabulary change programme and re-iterated the expected standards required of staff and the constabulary's vision of 'Keep people safe'.

All staff had the opportunity to ask the chief constable questions on an online intranet forum, called 'ask the chief'. Our fieldwork showed that chief officers were very responsive to online questions. They were prompt in using this medium to update staff on current issues and remind them of expected standards. Staff we spoke to used 'ask the chief', but considered that a more interactive forum would be an improvement.

The constabulary does intend to introduce an internal social-networking platform called 'Yatter'. This is a blog-style application which will not be regulated, so as not to limit discussion, but will allow staff to post directly onto a message board. There will then be an opportunity for chief officers and other staff to respond and comment on issues highlighted.

Cumbria Constabulary commissioned Durham University to undertake a cultural survey of its staff. This is a long-term project designed to understand and gain the views of the workforce as the constabulary enters a period of change. The survey will canvas opinions over a two year period. It is designed to give senior managers a greater understanding of the culture and morale across the constabulary, inform the programme of change and influence decision-making.

As part of their duties, managers from the professional standards department attended local policing areas, to provide training to all staff and raise awareness of complaint processes. All staff received 'standards and anti-corruption' training, as part of their initial training course.

There were good working relationships between the professional standards department and the unions and staff associations, with regular meetings between them to discuss disciplinary cases. The professional standards department provided

a confidential briefing to police federation representatives in cases that involved their members. This allowed the federation the opportunity to be fully prepared to support their members at the very beginning of disciplinary investigations, meaning cases were more likely to be dealt with swiftly.

There was a confidential reporting line on the constabulary intranet which enabled staff members to raise concerns directly to the professional standards department. The department reported an increase in calls to the reporting line following the introduction of the Code of Ethics, as well as an increase in self-referrals from officers. Although referrals can be anonymous, the professional standards department encouraged officers to disclose personal details so that they were able to support members of staff and resolve the issues.

Overall, we considered that there was an ethical culture across Cumbria Constabulary.

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.

There was an expectation that all aspects of staff development, supervision and wellbeing were managed through regular, formal discussions between each member of staff and their manager. However, while there were formal performance review arrangements across a number of roles, not all staff were subject to these scheduled one-to-one discussions with managers. Nevertheless, staff we spoke to confirmed that they would raise any professional or personal wellbeing issues with their manager without the need for a formal meeting. Supervisors were aware of the availability and services offered by the constabulary occupational health unit. We found the unit was highly regarded by staff members.

The constabulary operated a trauma risk management (TRiM) system to help staff affected by stress, trauma and personal issues. Some staff across the constabulary were specially trained to offer early counselling support. The initial contact was made by email, telephone or direct personal contact, which ensured immediate emotional support and early assessment as to options for longer-term support. This scheme had been recognised nationally as good practice. Referrals to the trauma risk management system can be self-generated or through a line manager. Potential referrals were considered at daily morning meetings, at which senior managers reviewed serious incidents.

The Police Federation, in co-operation with the police and crime commissioner and the constabulary, was in the process of establishing a physiotherapist service at police headquarters. This will enhance the current medical support available from the occupational health department.

HMIC consider that Cumbria has good arrangements in place to support the wellbeing of officers and staff.

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

In April 2014, the College of Policing launched the Code of Ethics.¹⁰ This sets out nine policing principles that should be applied by all officers and staff: Accountability; Integrity; Openness; Fairness; Leadership; Respect; Honesty; Objectivity; and Selflessness. These principles should be used to underpin the decisions and actions taken by officers and staff.

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

The Code of Ethics was considered in the development of all constabulary policy and procedures and in ongoing reviews of current practices. In 2014, the chief constable and the deputy chief constable conducted a number of road-shows to promote the code across the constabulary. We were pleased to find that in order to further promote the values, questions linked to the code featured in all recruitment and promotion selection interviews.

All staff members had received training on the Code of Ethics, during which they were encouraged to discuss and consider a number of ethical dilemmas concerning policing. To build on this learning, online news items and posters explaining the code were published.

Cumbria Constabulary introduced an external, independent ethics and integrity panel to consider complaints, misconduct and discipline cases and provide advice to the constabulary. The panel is chaired by a former judge and supported by other highly-respected community members. The panel had met once and reviewed a number of cases, providing feedback to the professional standards department.

We are satisfied that the constabulary have taken the introduction of the code seriously, and are incorporating it into policy and practice.

¹⁰ *Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

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.¹¹

In the 12 months to 31 March 2015, Cumbria Constabulary finalised 486 allegations from public complaints that were made against its officers and staff. Of these, 50 percent had been investigated and 40 percent had been locally resolved. A similar proportion of allegations were investigated and a greater proportion were locally resolved in Cumbria compared with the average of its most similar group of forces.¹²

In the 12 months to 31 March 2015, the average time Cumbria Constabulary took to complete a local resolution was 41 days, less than the average of its most similar group of forces (55 days). Over the same period, the average time a local investigation took to complete was 125 days, broadly in line with the average of its most similar group of forces (127 days).

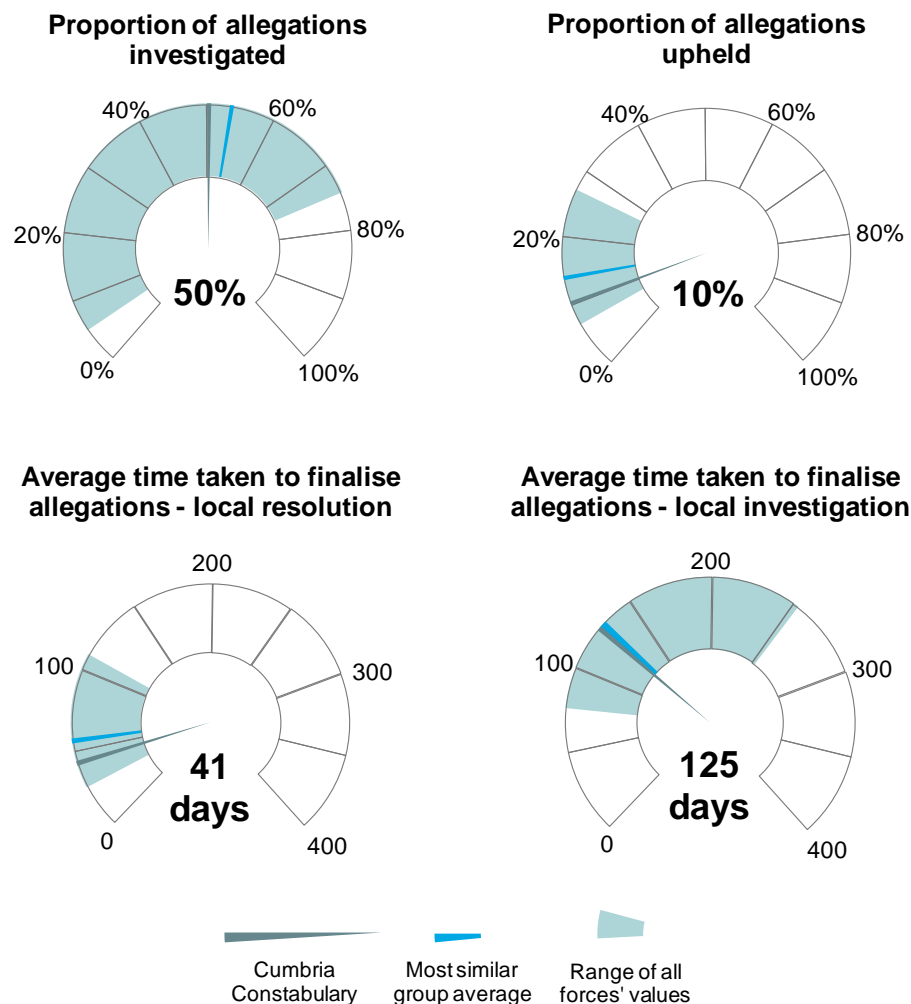
After local investigation, Cumbria Constabulary closed 243 allegations in the 12 months to 31 March 2015. Of these, 10 percent were upheld, where it was concluded that the service provided by the police officer or police staff or the service as a whole did not reach the standard a reasonable person could expect. This was

¹¹ 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.

¹² 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.

less than the average of Cumbria's most similar group of forces of 14 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 Cumbria Constabulary, 12 months to 31 March 2015



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Cumbria Constabulary finalised 50 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was less than the average of its most similar group of forces. Compared to its most similar group of forces, Cumbria 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,¹³ 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,¹⁴ 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 65 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.

The professional standards department investigated all complaints against police officers, and allegations of criminal conduct made against police staff. Complaints against police staff not involving criminal allegations were investigated by the human resources department.

Cumbria Constabulary identified that there was a lack of consistency in the complaints and misconduct procedures between police officers and police staff. This was supported by our case file review. Decisions about misconduct in relation to police officers were made by a chief inspector in the professional standards department, but decisions about police staff were taken by a number of police staff human resources managers. Cases for police officers and police staff were handled by different departments and there was no shared approach. Additionally, we found that the recording of decisions made by the human resources department was not as comprehensive or transparent as that applied to the recording of decisions made by

¹³ *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/

¹⁴ 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'.

the professional standards department. The different processes adopted for police officers and police staff may have resulted in a variance in decision-making and potential unfairness in respect of outcomes for the two groups.

The professional standards department periodically circulated the circumstances of disciplinary cases together with details of the outcomes in a newsletter and on the intranet for the attention of all staff. The publication also contained lessons learned from cases investigated by the independent police complaints commission. In publishing this information, the constabulary applied a greater degree of transparency to misconduct issues, reinforced expected standards of behaviour and dispelled rumours about perceived unfairness in how disciplinary cases had been dealt with.

There was a monthly meeting at which data and intelligence relevant to professional standards was considered, and reviews of officers subject of repeated complaints were carried out. The human resources department was represented and provided an overview of complaints against police staff.

The professional standards department provided training to police inspectors as they were most likely to record a complaint from a member of the public. All other staff received training on standards and anti-corruption as part of continuous training inputs. This ensured that they were aware of the required standards of behaviour.

Frontline officers we spoke to believed that more complaints could be resolved locally rather than being investigated fully by the professional standards department. They believed that managers in local policing areas were too willing to forward complaints to the professional standards department without seeking quicker but appropriate resolution. However we did not find this during our case file review. Many officers we spoke to told us that the communication about the handling of complaints was poor, with staff and managers not being kept properly informed about progress and outcomes.

Summary of findings



Good

There was a positive and supportive culture within Cumbria Constabulary that encouraged all staff to behave professionally and ethically. Senior leaders were clear on the expected standards of behaviour and the workforce had a good understanding of constabulary standards.

Staff could use the constabulary intranet to directly ask the chief constable questions. We found that questions raised were responded to promptly by chief officers, and this forum was frequently used across the constabulary.

The wellbeing of staff was seen as important and the responsibility of managers. There was a good system of support for staff through the internal trauma-related incident management network of counsellors. The occupational health unit was seen as visible and proactive.

The principles of the Code of Ethics have been made clear to all staff, having been promoted by the chief constable, and then reinforced through more formal training provided to all staff. Most staff we spoke to were familiar with the Code of Ethics and the firm expectation that staff would apply the code during their duties.

We found discrepancies in how misconduct investigations relating to police officers were recorded and finalised when compared to those relating to police staff.

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,¹⁵ 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.

¹⁵ *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.

HMIC is satisfied that Cumbria Constabulary fully understands the relationship between engagement and legitimacy at strategic and local levels. Effective engagement is fundamental to the overall policing philosophy in Cumbria and is embedded in the neighbourhood policing model. The geographically diverse nature of Cumbria with many isolated rural communities, as well as distinct towns with their own identities, lends itself to engagement at a very local level. HMIC inspectors were impressed with the commitment of staff to locally-based engagement through many long-standing official and unofficial channels.

There is a comprehensive engagement strategy, 2015-2018, with an associated action plan, that was approved by chief officers in October 2015. The aim of this strategy is to introduce a minimum standard of public engagement within the new structure of three neighbourhood policing teams and fifteen geographical areas of responsibility.

Officers at the rank of inspector in each geographical area of responsibility have been authorised to review and assess the effectiveness of the current engagement structure within their area. It is the view of the constabulary that their historic approach to engagement – through attendance at many face-to-face meetings – is no longer sustainable. The constabulary aims to reduce the numbers of meetings conducted in this way and be more innovative in how it communicates with the public in future, given the budgetary pressures on the organisation. It is hoped this new approach will lead to a better use of police time while still maintaining effective engagement with communities.

An engagement plan, including methods of communication, is being developed for each geographical area of responsibility, and will be available on both the constabulary's intranet and public website.

There is good engagement with partners at a local level through long and well-established contacts with effective data sharing. At a corporate level there will be a need to reduce the number of meetings, such as the current four community safety partnerships to better reflect the new policing model.

Each neighbourhood policing team has networks linking in with the important contacts in its area. However, the neighbourhood profiles are in a stage of transition as they are redeveloped to match to the new geographical areas of responsibility. There is good evidence of community impact assessments being developed, which

are used to assess areas of potential or actual tension within a community. They are developed by the officer with the best knowledge of the area and local communities, irrespective of rank or position. Recent examples of when they were used to inform the police approach to community engagement were in relation to a murder in Carlisle, and for a stabbing in Kirkby Stephen.

The chief officer team is keen to introduce a more proactive approach to engagement with the Eastern European community as the team has identified this as a gap in its knowledge.

HMIC is satisfied that staff at all levels of the organisation fully appreciate the importance of understanding the needs and concerns of the people they serve.

Of the 400 survey responses from the area covered by Cumbria Constabulary, 52 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 13 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. The constabulary uses a range of techniques for engaging with the community. These include conventional methods such as face-to-face meetings, surveys, and the use of digital technology.

A variety of surveys are used, some in collaboration with the police and crime commissioner. There is an annual consultation survey sent out to 2,000 households, who make up a citizens' panel, and additionally to others including minority groups.

This survey is also made available on line through the constabulary website. Questions are set by both the constabulary and the commissioner with the results used to set the strategic priorities for the organisation and also identify key areas of concern to the public.

Police desks are a major element in the overall engagement strategy and have been running since June 2014. They are drop-in fora in areas with a high public use, such as shops and libraries, advertised both locally and on the constabulary's website and held on a regular basis. There is an emphasis on local engagement in Cumbria including parish and town council meetings and regular school visits where issues such as child sexual exploitation and cyber bullying have been discussed.

The constabulary's 'Street safe' initiative is an effective method of engagement at a very local level. Staff will consult the community on their doorsteps, assess any specific issues of concern and then put in place an appropriate response, which may include involving other partner agencies in reaching solutions, if necessary.

The constabulary is keen to take full advantage of digital engagement and currently has 26,000 Facebook and 34,000 Twitter followers. Each neighbourhood policing team can publish information on the constabulary Facebook page, and each has its own Twitter account. 'Web chats' are used primarily to engage the public in more sensitive discussions around such issues as child sexual exploitation, hate crime awareness and suicides of young people. There has also been a specific 'web chat' for members of the lesbian, gay, bi-sexual and transgender community to allow the constabulary to better understand their concerns.

The community-messaging system allows the constabulary to send messages to a large number of people or a small section of the community. Currently, 7,500 members of the public use this system, particularly in relation to broadcasts about Farmwatch and Speed Watch. Officers and staff are using it to raise awareness of crime trends, to issue information on suspects and to provide feedback to communities.

There are 86 volunteers across the organisation who are utilised in a range of roles from supporting specialists working in the high tech crime unit, carrying out audits, or conducting speed checks as part of the Speed Watch initiative and other forms of community engagement.

The number of special constabulary officers has reduced from 150 to 90 with many recently joining the constabulary as full-time constables. The organisation is addressing this shortfall and is actively trying to recruiting new special constables.

HMIC is satisfied that Cumbria Constabulary is engaging well with the people it serves, especially at a local level.

From the survey, 38 percent of the respondents from the area covered by Cumbria Constabulary speak highly of the police in their local area while 13 percent speak critically. The remainder have mixed views or do not know. Although not directly comparable because of the small force sample size, of the responses from across all forces in England and Wales, 32 percent speak highly and 16 percent speak critically.

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

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

This inspection looked at whether all members of the public (including those with protected characteristics) are treated (and perceive that they are treated) fairly and with respect by the police. We also assessed the extent to which officers understand the National Decision Model,¹⁶ 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 constabulary, from the 40 calls assessed, HMIC was satisfied that the call-handlers were polite, respectful and effective and that the needs and vulnerabilities of callers were appropriately assessed.

¹⁶ *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

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations. The way in which the public were responded to and treated by front counter staff at three separate locations were observed and we were impressed by the professionalism, courtesy and respect afforded to visitors at these police stations.

HMIC is satisfied that staff have a good understanding of the National Decision Model (NDM) and we found that training in relation to the model features in courses such as personal safety training, public order and Taser.

Treating people with fairness and respect is fundamental to the Code of Ethics. In Cumbria, training on the code was given to all the staff in the constabulary. It was scenario-based and has clearly been understood. In addition, we found evidence of specific training in relation to treating people with fairness and respect in the initial recruit training for both officers and PCSOs.

An assessment of the degree to which people are treated with fairness and respect is undertaken, by asking questions in the annual consultation survey. According to the constabulary's own figures, 76.6% of respondents tended to agree or strongly agreed when asked to comment on the statement that 'Cumbria Constabulary would treat you with courtesy and respect if you had contact with them for any reason'. When asked to comment on the statement 'Cumbria Constabulary treat everyone fairly regardless of whom they are', 63.7% of respondents tended to agree or strongly agree.

All the representatives of partner agencies were complimentary about engagement with Cumbria Constabulary, and HMIC is satisfied that officers and staff in Cumbria understand the need to treat the members of the public with fairness and respect.

From the survey, 58 percent of respondents from the area covered by Cumbria Constabulary agree that the police in their local area treat people fairly and with respect versus 7 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Summary of findings



Good

Cumbria Constabulary fully understands the relationship between engagement and legitimacy at both a strategic and local level. Cumbria is made up of many widespread and rural communities, with some large towns, which means that engagement is of necessity locally-based. The new engagement strategy aims to introduce minimum standards for engagement in the new policing structure, while also reducing the number of face-to-face engagement events. This will be while improving the quality of the interaction with the public and the feedback received.

Officers and staff understand the importance of treating people with courtesy and respect and the link with public confidence. They also have a good understanding of the issues and concerns of their communities.

We found that the constabulary effectively engages with the public through conventional surveys, face-to-face meetings, digital technology and social media. There is a healthy involvement of local people in policing activity, and the constabulary is looking to boost recruitment to the special constabulary to previous levels.

HMIC is satisfied that Cumbria Constabulary effectively engages with their communities, understands their concerns and treats them with fairness and 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.¹⁷

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁸ 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.

¹⁷ *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/

¹⁸ *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,¹⁹ 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, more effectively monitor their use 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 Cumbria Constabulary – Stop and search by volume

In the 12 months to 31 March 2015, Cumbria Constabulary carried out 6,556 stops and searches. The table below shows this number per 1,000 population for Cumbria Constabulary and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the constabulary's use of stop and search powers is currently greater than the average of its most similar group of forces.

¹⁹ *Stop and Search Powers – are the police using them effectively and fairly?*, HMIC, July 2013. Available from: www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

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

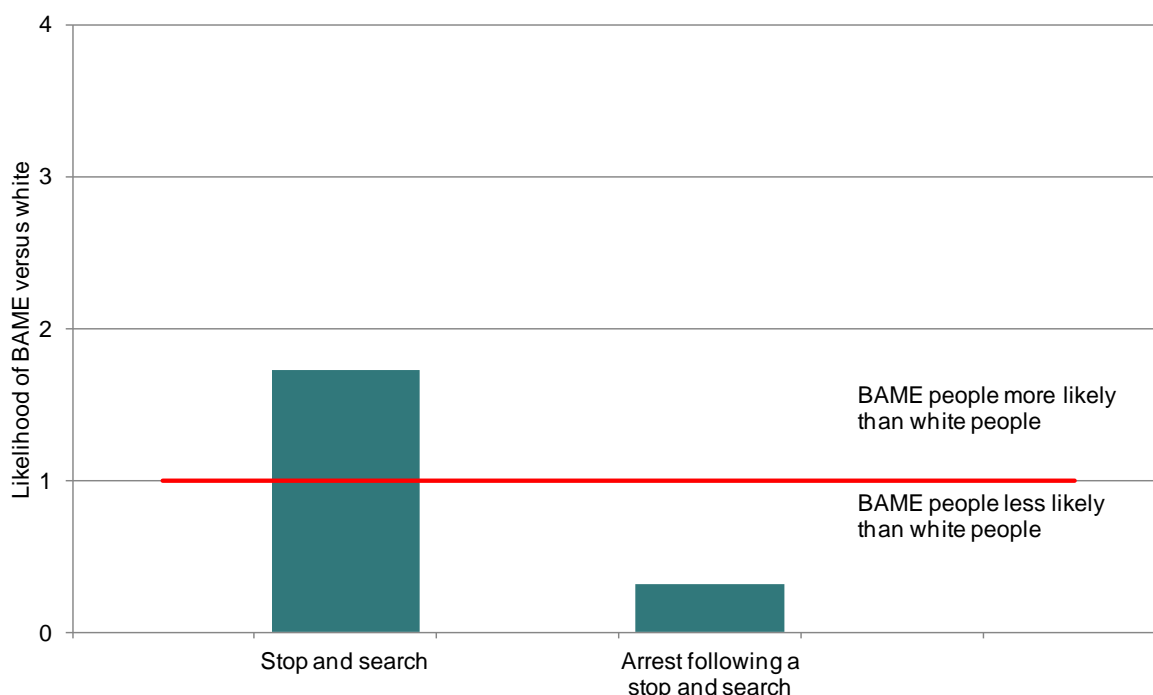
	Stops and searches per 1,000	Change from previous year
Cumbria	13.2	-44%
Cumbria's MSG average	9.3	-35%

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 Cumbria Constabulary – Stop and search by ethnicity

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

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



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

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

- the 2011 ethnicity figures no longer being representative of the force's local population;
- the difference between the ethnicity of the street population available to be stopped and searched at any given time with the general force population;
- stops and searches being carried out on people who are not resident in the area (and so are not counted as part of the population);
- disparity in the crime rates between different ethnicities;
- disparity in the number of repeat stops and searches carried out on individuals by ethnicity; or
- difficulties with the recorded data by ethnicity (while forces always record ethnicity when arresting a person as a result of being stopped and searched, they do not always record it when the encounter does not involve an arrest).

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

Recording reasonable grounds for suspicion

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

For Cumbria, the 2013 inspection showed that 43 of 200 records reviewed (22 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 100 stop and search records provided by the constabulary. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. None of the records we reviewed had been endorsed by a supervisor. We found that 21 of the 100 records did not have reasonable grounds recorded. This suggests that some officers still do not understand fully what constitutes reasonable grounds.

The item searched for was recorded to have been found in 15 of the 100 records we reviewed.

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

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 constabulary complied with each aspect of the scheme. Our analysis is set out in the table below.

While many officers could not describe the National Decision Model (NDM), it was clear from their explanations that it was a consideration in their thought processes for stop and search.

Cumbria Constabulary is only partly complying with the scheme. From our discussions with officers, HMIC is more concerned about the lack of understanding of what should be included on search records in relation to the reasonable grounds for a search. A gap in knowledge was evident among officers from constable to inspector and the dip-sampling approach adopted by the constabulary to supervise stop and search records is not effective enough.

Cumbria Constabulary uses electronic tablets to record stop and search. Sergeants are expected to dip-sample submitted records on constabulary systems to reflect that they have been checked and quality-assured for compliance with the scheme. This should leave an electronic record of each supervisor's check. However, when printed out, there is nothing to indicate that a supervisory check has been undertaken. We therefore undertook further work to assess how many forms were being dip-sampled by sergeants as required by the constabulary's policy. We looked at 420 electronic forms between 1 October 2015 and 31 October 2015, and found only four that had any electronic evidence of a supervisory check.

An inspector acts as a stop and search 'champion' in each of the three territorial policing areas. The policy requires these 'champions' to dip sample 20 forms every two months. This is happening, and a spreadsheet record by one of the 'champions' indicated that they had returned ten percent of submitted stop and search forms owing to insufficient reasonable grounds having been recorded.

It is clear to HMIC that there is still a significant lack of understanding of what needs recording on the record of a search to justify the reasonable grounds. According to officers there is sufficient space on the electronic terminal for a thorough explanation, but there is a lack of knowledge regarding how they should justify the reasonable grounds.

We were encouraged to find that training in the Best Use of Stop Search scheme for initial recruits was more comprehensive, and those officers that had joined the constabulary recently had a greater understanding of their obligations under the scheme. It is important that all officers using the power also understand the principles of the scheme.

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 constabulary does not comply with this feature of the scheme</p> <p>Cumbria Constabulary records the full range of outcomes and also records if an item is found and if that item is linked to the item originally searched for. In terms of recording outcomes the constabulary is compliant with this element of the scheme.</p> <p>The constabulary has a dedicated stop and search page on its website, but there are no outcomes published or any information about the connection between the items searched for and the outcomes. Data about outcomes from the use of stop and search powers in Cumbria are published on the Home Office’s ‘police.uk’ website and, while data about outcomes are included, no data are published about the connection between the outcomes and the items searched for. Additionally, there is no link on the constabulary’s website, directing people to the police.uk website and members of the public are unlikely to find the data. Therefore, the constabulary is not compliant with this element of the scheme.</p>
Providing opportunities for the public to observe officers using the power	<p>The constabulary does not comply with this feature of the scheme</p> <p>The constabulary has not introduced a lay observation policy. The constabulary has in the past, offered the opportunity to members of the independent advisory group to observe stop and search powers being exercised by officers, but has decided not to offer the same opportunity to members of the wider public. The constabulary considers that to do so in such a rural force with so few stop and search encounters would be disproportionate.</p>

<p>Explaining to communities how the powers are being used following a 'community complaint'</p>	<p>The constabulary does not comply with this feature of the scheme</p> <p>The constabulary has implemented a procedure by which each complaint about the use of stop and search powers triggers a full investigation by the professional standards department. This is not sufficient to comply with the scheme as there is a requirement to provide an explanation to an independent scrutiny panel about the use of the powers, once the community trigger has been activated</p>
<p>Reducing the number of people stopped and searched without suspicion under Section 60²⁰ of the Criminal Justice and Public Order Act 1994</p>	<p>The constabulary complies with this feature of the scheme</p>
<p>Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups</p>	<p>The constabulary complies with this feature of the scheme</p>

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.

²⁰ '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

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.²¹

Use of Taser in Cumbria Constabulary

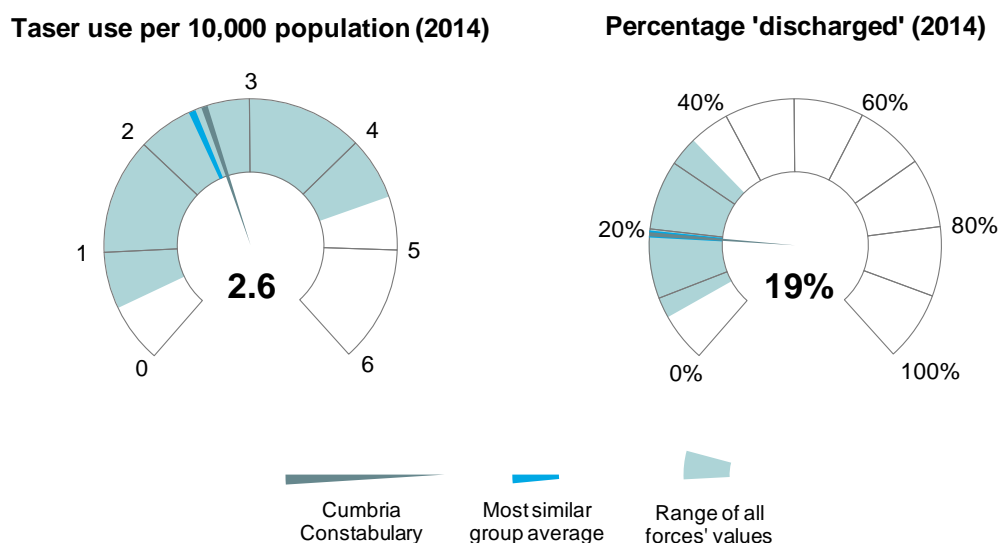
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 130 times by Cumbria Constabulary, representing 2.6 times for every 10,000 people in the constabulary's area. This was broadly in line with the average for Cumbria Constabulary's most similar group of forces, which was 2.5 times per 10,000 population.

During the same time period, Taser was 'discharged' on 25 occasions (out of the 130 times it was used in some capacity). This equated to 19 percent of overall use, in line with the constabulary's most similar group average of 19 percent. The following figure shows the comparisons.

²¹ *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Cumbria Constabulary, 12 months to 31 December 2014²²



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 provided by Cumbria Constabulary. Although the findings of this review are not necessarily representative of all Taser forms completed by the constabulary, they do provide an indication of the constabulary's Taser activity. The forms showed that Taser had been fired once, red-dotted 15 times, and drawn four times.

For the occasion the Taser had been fired, the officer had recorded their rationale using the NDM. From this, we found evidence that the officer had considered other tactics before deciding to fire Taser. In this case we also assessed the way the officer had recorded their use of the NDM. We found that the threat assessment was not recorded in accordance with the College of Policing training, and that the powers

²² 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.

and policy section had not been completed properly. We contrasted this with the control room log for the incident where the supervisor had comprehensively recorded their rationale in the NDM.

Overall officers used Taser to protect themselves or others from a range of weapons, including several knives, kitchen knives, and a shard of glass from a smashed beer glass.

The 'brief details' and the NDM sections of the forms provided us with evidence to suggest that the use of Taser was fair, lawful, and appropriate in all the 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 (NDM) is both understood and applied by all Taser officers in Cumbria. Inspectors are satisfied that the constabulary has in place an effective review process whereby all forms and incidents involving the use of Taser are examined by the constabulary liaison officer. Any forms incorrectly completed will be returned to the officer and if problems persist, the officer concerned will have their Taser authority withdrawn. All Taser forms are compared to the incident log and the officer's statement.

There are 252 Taser-trained officers in Cumbria. This is sufficient for the needs of the constabulary given the size of the force area and the distance between different towns and communities. We found officers feel supported in the general availability of Taser, though the number of Taser-trained officers can vary from shift to shift. The estimate of Taser-trained officers required were determined following a comprehensive assessment in 2008 and has been regularly reviewed since. The establishment of Taser-trained officers was increased by 30 officers in April 2015 following one such review and a reassessment of intelligence relating to national security. The constabulary is committed to providing Taser-trained officers on each shift across the constabulary area, supplemented by armed response officers.

Selection for the role accords with national guidance as does both the initial and refresher training which is held annually. Any learning is disseminated at the refresher training or directly by email. Officers had a good understanding of relevant legislation and Authorised Professional Practice and were aware of special considerations regarding the use of Taser on certain groups such as the young or elderly.

A wide range of data in relation to the use of Taser is collected and analysed. The information is sent annually to the police and crime commissioner. Since July 2015 Taser is a standard agenda item at the monthly operations board which is chaired by the assistant chief constable.

There are comprehensive standard operating procedures in place. Authorisation for the use of Taser in response to a spontaneous incident rests with the inspector in the constabulary control room, although officers can self-deploy in appropriate circumstances. We found that the deployment of Taser by Cumbria Constabulary was well managed and undertaken by well trained, motivated individuals.

The only published information that the constabulary provides to the public is on the 'police.uk' website.

Based on our assessment of the Taser forms and our fieldwork findings, HMIC is, on the whole, satisfied that Taser is being used fairly and appropriately by Cumbria Constabulary.

Summary of findings



Requires improvement

Cumbria Constabulary is only partially compliant with the Best Use of Stop Search scheme. It is clear to HMIC that there is a considerable lack of understanding by officers, in respect of recording reasonable grounds for a search.

According to officers we spoke to, there is sufficient space on the constabulary's electronic hand-held terminal for a thorough explanation of why the stop and search was carried out, but it was clear that officers did not understand how to record the reasonable grounds.

We were encouraged to find that training in the Best Use of Stop Search scheme for initial recruits was more comprehensive, and that those officers who had joined the constabulary recently, had a greater understanding of their obligations under the scheme. It is important that all officers using the power also understand the principles of the scheme.

Taser officers are well trained and the use and oversight of the deployment of Taser is well managed. There is also an effective review process. We found that non-Taser-trained officers and staff felt well supported by their Taser-trained colleagues. Taser is being used fairly and appropriately by Cumbria Constabulary.

Areas for improvement

- The constabulary should ensure that stop and search records include sufficient reasonable grounds to justify the lawful use of the power, and that officers fully understand the grounds required to stop and search.
- The constabulary should ensure that adequate supervision takes place to ensure that stop and search is conducted lawfully and fairly, and that reasonable grounds are recorded properly.
- The constabulary should put in place an action plan setting out how it will comply with all the features of Best Use of Stop and Search scheme. HMIC will revisit the constabulary within six months to determine what improvements have been made.

Annex A – HMIC judgments

The categories are:

- outstanding;
- good;
- requires improvement; and
- inadequate.

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

- the legitimacy of the force is achieving is good, or exceeds this standard sufficiently to be judged as outstanding;
- the legitimacy of the force requires improvement, and/or there are some weaknesses; or
- the legitimacy of the force is inadequate because it is considerably lower than is expected.

Annex B – Data methodology

Please note the following for the data.

- The sources of the data are provided in each section. For the force in numbers data, please see the relevant section.
- Workforce figures (based on full-time equivalents) were obtained from the Home Office annual data return 502. Most of these are available from the Home Office's published *Police workforce England and Wales statistics*, although figures may have been updated since the publication.
- Police staff includes section 38 designated officers (investigation, detention and escort).
- Data from the Office for National Statistics 2011 Census were used for the number and proportion of 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 Cumbria Constabulary's MSG: Lincolnshire, Norfolk and North Wales.
- 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 Definition²³

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.

²³ *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.