

# PEEL: Police legitimacy 2015

An inspection of Durham Constabulary



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# Contents

<b>Overview – How legitimate is the force at keeping people safe and reducing crime? .....</b>	<b>4</b>
Overall judgment.....	4
Summary .....	4
<b>Force in numbers .....</b>	<b>8</b>
<b>Introduction .....</b>	<b>10</b>
Methodology .....	10
<b>To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture? .....</b>	<b>12</b>
Introduction.....	12
How well does the force develop and maintain an ethical culture?.....	16
How well does the force provide for the wellbeing of staff? .....	17
How well has the Code of Ethics been used to inform policy and practice? .....	18
How fairly and consistently does the force deal with complaints and misconduct? .....	19
Summary of findings .....	23
<b>How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?.....</b>	<b>24</b>
Introduction.....	24
How well does the force understand the people it serves and the benefits of engaging with them?.....	25
How well does the force engage with all the people it serves? .....	26
To what extent are people treated fairly and with respect when they come into contact with police officers and staff? .....	28
Summary of findings .....	30
<b>To what extent are decisions taken on the use of stop and search and Taser fair and appropriate? .....</b>	<b>31</b>

Introduction.....	31
To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?.....	31
To what extent does the force ensure that Tasers are used fairly and appropriately?.....	37
Summary of findings.....	41
<b>Annex A – HMIC judgments .....</b>	<b>42</b>
<b>Annex B – Data methodology .....</b>	<b>43</b>
<b>Annex C – The Best Use of Stop and Search scheme .....</b>	<b>45</b>
<b>Annex D – Types of use of Taser .....</b>	<b>47</b>

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

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



**Good**

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

The chief constable and chief officer team actively promoted the vision and values of the constabulary to develop and maintain an ethical culture, and it was clear that significant efforts had been made to ensure the workforce felt valued and engaged in decisions which affected them. We found that engagement with the public is at the heart of the policing model in Durham Constabulary.

HMIC was concerned to see that 33 percent of the stop and search records we reviewed did not contain sufficient reasonable grounds for carrying out the search. However, the constabulary is complying with almost all the requirements of the Best Use of Stop and Search scheme, and we are satisfied that Taser is used fairly and appropriately.

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

## Summary

HMIC found that Durham Constabulary's chief constable and chief officer team actively promoted its vision and values to develop and maintain an ethical culture. Significant efforts were being made to ensure the workforce felt valued and engaged in decisions which affected them. A culture existed where misconduct and unprofessional behaviour were challenged and reported, and where those who did so were supported.

When HMIC looked at how well the constabulary understands and successfully engages with all the people it serves, we found that engagement is at the heart of the policing model in Durham Constabulary. It is both innovative and comprehensive, providing a thorough understanding of the issues affecting the community. The

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

importance of engagement is understood at all levels of the organisation and the leadership of the chief constable in this area of business is impressive. As a result, we believe that engagement in Durham Constabulary is both sustainable and effective.

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 was concerned to see that 33 percent of the stop and search records we reviewed did not contain sufficient reasonable grounds for carrying out the search. However, the constabulary is complying with almost all the requirements of the Best Use of Stop and Search scheme. It still has more to do in recording and publishing outcomes, and explaining to communities how the powers are being used following a “community complaint”.

We are satisfied that Taser is used fairly and appropriately.

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



**Good**

HMIC found that Durham Constabulary's chief constable and chief officer team actively promoted its vision and values to develop and maintain an ethical culture. Significant efforts were being made to ensure the workforce felt valued and engaged in decisions which affected them. A culture existed where misconduct and unprofessional behaviour was challenged and reported, and where those who did so were supported.

The constabulary sought to understand the views of staff about their wellbeing, and provided various services to meet their needs.

The constabulary has continued to invest in promoting the Code of Ethics. Training was being provided to staff, and the code was being used to

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



**Outstanding**

Durham Constabulary fully understands the relationship between engagement and legitimacy at strategic and local levels. Engagement is at the heart of the constabulary approach to policing and staff understand its importance and the link to legitimacy.

We found staff feel empowered and supported, and they are prepared to be innovative in their approach to engaging and working closely with local people. They try new methods to reach more people in the community, to successfully explain their approach to policing, and to seek information from the public in order to reduce crime and protect people. There is a comprehensive understanding of the issues and concerns affecting people.

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



**Requires improvement**

HMIC was concerned to see that a large proportion of the stop and search records we reviewed did not contain sufficient reasonable grounds for carrying out the search. The majority of these forms had been endorsed by a supervisor, suggesting that both the officers carrying out the search, and those supervising them, do not understand what constitutes a legal use of the power.

However, the constabulary is complying with almost all the requirements of the Best Use of Stop and Search scheme. It still has more to do in recording and publishing outcomes, and explaining to communities how the powers are being used following a "community complaint".

influence day-to-day decision-making.

Steps were being taken to ensure complaints and cases of misconduct for both officers and staff were investigated fairly and consistently.

The constabulary uses a range of both conventional engagement, in the form of surveys and meetings, as well as digital engagement through Facebook and Twitter, which is innovative and effective. The chief constable provides personal leadership in all aspects of public engagement, and is considered to be a role model for others in the organisation.

All staff spoken to know they are expected to treat people with fairness and respect.

We are satisfied that Taser is used fairly and appropriately.

## Force in numbers



### Ethnic diversity

Percentage of BAME in workforce 31 March 2015



Percentage of BAME in local population, 2011 Census



### Gender diversity

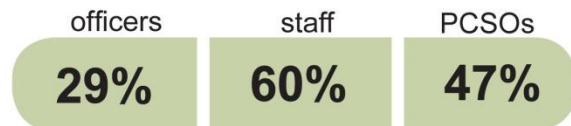
Percentage of females in overall workforce 31 March 2015



Percentage of females by role, Durham Constabulary



Percentage of females by role, England and Wales force average

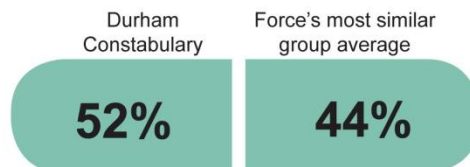


### Public complaints

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

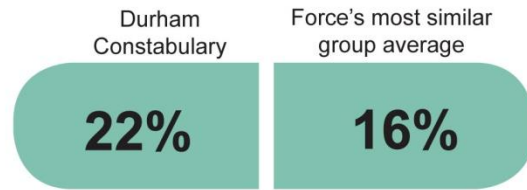


Proportion of finalised allegations investigated 12 months to 31 March 2015





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

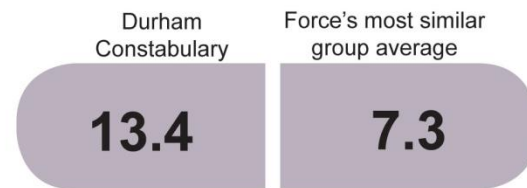


## Stop and search

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

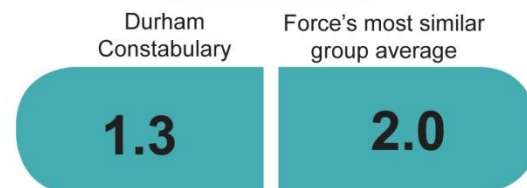


## Tasers

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 Durham 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, stop and search forms, and listened to calls for service from members of the public.

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

## **Organisational justice<sup>2</sup>**

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

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

## **Procedural justice**

Research<sup>3</sup> has shown that for the police to be considered legitimate in the eyes of the public, people need to believe that the police will treat them with respect, make fair decisions (and take the time to explain these decisions), and be friendly and approachable. It also indicates that the way officers behave is central to policing as it can encourage greater respect for the law and foster social responsibility.

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

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<sup>2</sup> *It's a fair cop? Police legitimacy, public cooperation, and crime reduction*, Andy Myhill and Paul Quinton, National Policing Improvement Agency, London, 2011. Available from [http://whatworks.college.police.uk/Research/Documents/150317\\_Fair\\_cop%20FINAL\\_REPORT.pdf](http://whatworks.college.police.uk/Research/Documents/150317_Fair_cop%20FINAL_REPORT.pdf)

<sup>3</sup> *ibid*

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

## Introduction

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

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

In spring 2015,<sup>4</sup> HMIC made an assessment of police force culture. The inspection asked:

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

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

### **Gender and black, Asian and minority ethnic (BAME) breakdown in Durham Constabulary**

A breakdown of the full-time equivalent (FTE) workforce<sup>5</sup> in Durham Constabulary as at 31 March 2015 is shown below.

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<sup>4</sup> The inspection took place between March and June 2015.

<sup>5</sup> Workforce comprises officers, staff and police community support officers (PCSOs).

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

FTE	Total	Of which	
		Female	BAME*
<b>Total workforce</b>	<b>2,136</b>	<b>908 (43%)</b>	<b>31 (1%)</b>
<b>Total officers</b>	<b>1,169</b>	<b>328 (28%)</b>	<b>20 (2%)</b>
Constables	902	263 (29%)	15 (2%)
Sergeants	172	40 (23%)	3 (2%)
Inspecting ranks	79	22 (28%)**	1 (1%)**
Superintendents and above	16	3 **	1 **
<b>Staff</b>	<b>810</b>	<b>510 (63%)</b>	<b>9 (1%)</b>
<b>PCSOs</b>	<b>157</b>	<b>70 (44%)</b>	<b>2 (1%)</b>

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

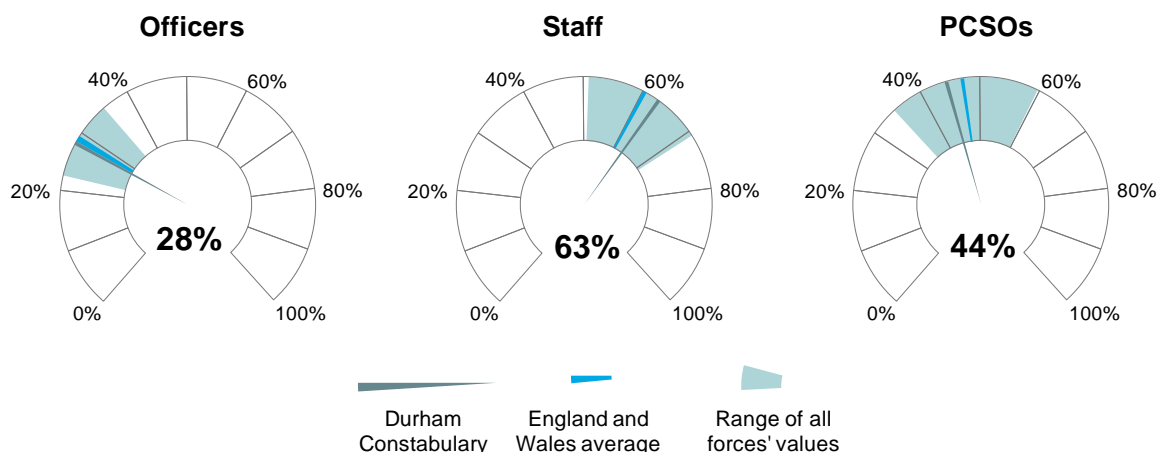
\* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

\*\* 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 Durham Constabulary compared with the averages of all forces in England and Wales. It shows they were broadly similar for both officers and PCSOs yet higher for staff.

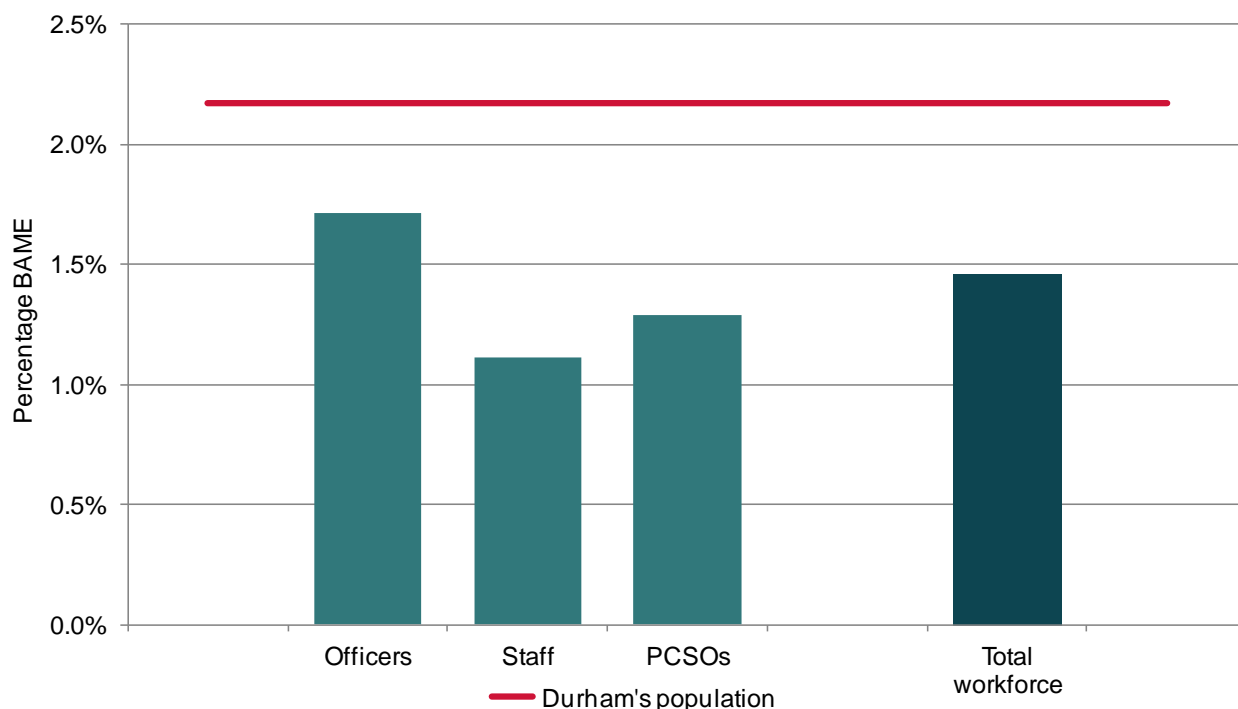
**Figure 2: The percentage of female officers, staff and PCSOs in Durham Constabulary compared with the force average for England and Wales, 31 March 2015**



**Source: Home Office Police Workforce statistics**

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the proportion of BAME people living in the force area. In Durham, 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 Durham Constabulary's overall police workforce, as well as separately for staff.<sup>6</sup>

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



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

Police forces in England and Wales have experienced large reductions in their total workforce since the government's October 2010 spending review.<sup>7</sup> HMIC also examined how the percentages of BAME officers and staff, and females within the workforce had changed over this period.

Across all police forces in England and Wales, total workforce numbers decreased by 15 percent between 31 March 2010 and 31 March 2015. However, the percentages of BAME people and females within the overall workforce increased during the five-year period. Most notably, the proportion of female officers increased

<sup>6</sup> HMIC was unable to analyse to a statistically significant degree the ethnicity of PCSOs in Durham Constabulary, due to the small number of PCSOs.

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

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 Durham Constabulary over the spending review period.

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

	Total change		Percentage point change	
			% female	% BAME
<b>Total workforce</b>	<b>-466</b>	<b>(-18%)</b>	<b>+3 ●</b>	<b>0</b>
Officers	-339	(-22%)	+2	0
Staff	-109	(-12%)	+2	0
PCSOs	-18	(-10%)	0	+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 was a statistically significant increase in the proportion of females in Durham Constabulary's overall workforce between 31 March 2010 and 31 March 2015. There were, however, no statistically significant changes in the percentages of BAME people or females at officer, staff or PCSO level.

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

The chief constable and chief officer team actively promoted the vision and values of the constabulary to the workforce in order to develop and maintain an ethical culture. This was achieved through their regular engagement work with staff using a range of methods including webcasts on the intranet, training workshops and unannounced visits to shift briefings.

Staff told us the chief officer team were visible and accessible and consistently reinforced standards and expectations when they discussed a range of issues with them. Staff consistently described the constabulary as having a professional and ethical culture with strong values and a positive attitude.

The constabulary had made significant efforts to understand whether the workforce felt valued and engaged. In 2012, it began a programme with Durham University to help it to understand the impact of change on staff. This understanding had influenced the way the constabulary engaged with staff, including the use of staff surveys, to ensure they felt valued.

The constabulary used various award schemes to recognise positive behaviour among its staff. For example, the constabulary regularly submitted entries to a national award scheme, which the constabulary viewed as a way to empower, showcase and recognise the work of staff. This reflected the principle that staff who felt valued provided a better service for the public.

The constabulary actively sought the views of staff to identify areas for improvement or learning opportunities. Individuals had the opportunity to get involved in shaping change through various working groups and a bright ideas scheme, which encouraged staff to submit ideas for improvements with an annual award presented to the person giving the best suggestion.

The constabulary was taking positive steps to ensure its workforce was representative of the community it serves. It had taken account of best practice in other forces and held recruitment events and positive action days.

The constabulary told us that it sought to ensure that promotion and selection processes were fair and free from bias. For example, a member of staff from the human resources department sat on every promotion board. Some staff we



questioned were uncertain as to why the chief constable also sat on promotion boards, suggesting that the process only reflected one person's views. We also considered this to be an unusual practice. However, most staff we spoke to said they believed recruitment, posting and promotion processes to be fair and free from bias.

We found staff were encouraged to raise concerns about any practice they felt was unethical, through a confidential reporting line into the professional standards department (PSD). The facility had been well publicised and we were told by staff that they had no concerns reporting or challenging colleagues of any seniority as they felt they would be appropriately supported. The facility to report concerns confidentially contributes toward an ethical culture.

Overall, we considered that Durham were making good efforts to create and maintain an ethical culture.

## **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 Durham Constabulary took the wellbeing of its workforce seriously. In response to feedback in its 2012 staff survey, the constabulary commissioned research to identify how it could improve the physical, emotional and financial wellbeing of its staff. The research covered a wide range of areas including family friendly services, health, wellbeing issues, reward and recognition. A wellbeing project was established to look at the recommendations from the research, and an action plan was being monitored through the constabulary health management group.

The constabulary mainly provided for the wellbeing of staff through a health management unit located at its headquarters. Staff were informed of the types of services available to them using email, the intranet and video blogs by chief officers. Throughout the year 'wellbeing weeks' were held to inform staff how they could address issues such as drinking, smoking, health and fitness.

However, despite these methods, we found awareness of wellbeing provisions among many staff was patchy. A number of people, including supervisors, were unsure of the services available or how to access them. Some members of staff said they were reluctant to visit health management unit as it was based at constabulary headquarters, and they perceived that there was a lack of privacy.

Nevertheless, the health management unit had seen an increase in the demand for its services. We spoke to representatives from staff associations who expressed concerns about the staffing levels in the health management unit which had led to delays in staff getting the support they needed, with many having to make their own arrangements. We noted, however, that the constabulary had started to address these concerns by recruiting additional staff to this unit.

We found the professional standards department ensured a welfare contact was allocated to provide support when required. This helped address the additional stress that could be experienced by some staff when under internal investigation.

HMIC found that Durham Constabulary used modern methods of working to provide for the wellbeing of staff and enable a good work-life balance. Staff were able to securely access all constabulary information technology systems required to perform and fulfil their day-to-day responsibilities from home, any police station, or the shared site with the fire and rescue service. Staff we spoke to told us that flexible working was now considered to be the norm, rather than the exception.

Those staff who were investigating an historical sexual and physical abuse case were regularly assessed. This was necessary to ensure their welfare needs were addressed at the earliest opportunity.

Monthly performance review meetings between staff and supervisors were also used as an opportunity to raise any wellbeing issues and seek appropriate support. Supervisors at all ranks and grades demonstrated a good knowledge of their staff. This provided evidence of the constabulary as a caring organisation.

Overall, we consider that Durham Constabulary took wellbeing seriously.

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

In April 2014, the College of Policing launched the Code of Ethics.<sup>8</sup> This sets out nine policing principles that should be applied by all officers and staff: Accountability; Integrity; Openness; Fairness; Leadership; Respect; Honesty; Objectivity; and Selflessness. These principles should be used to underpin the decisions and actions taken by officers and staff.

This inspection considered the extent to which officers and staff were aware of the Code of Ethics, and how the force was working to make the code part of day-to-day practice.

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<sup>8</sup> *Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, London, July 2014. Available from: [www.college.police.uk/What-we-do/Ethics/Documents/Code\\_of\\_Ethics.pdf](http://www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf)

HMIC found that the constabulary was continuing to invest considerable resources and effort into promoting the Code of Ethics. The code had been introduced as an extension of the constabulary core values, and supported the standards already set by the constabulary through initiatives such as 'Aiming for Excellence' and the 'Durham Difference'.

The constabulary ensured all staff attended a mandatory Code of Ethics face-to-face training session and completed an e-learning programme. Each member of staff had been provided with a pack containing copies of documents relating to the Code of Ethics. At the time of inspection, this work was still in progress. The constabulary was also reinforcing the requirements of the code through video blogs from the deputy chief constable, and screensaver prompts on the constabulary's computer systems.

Various changes had been made by the constabulary to ensure everyone applied the principles and standards of the Code of Ethics in their day-to-day decision-making. Staff we spoke to had a good understanding of the Code of Ethics and how it influenced the way they carried out their daily activities.

The constabulary had been integrating the Code of Ethics into policy and procedures, and all constabulary policies were in the process of being reviewed and adapted to reflect the code. The code was also incorporated in promotion and selection processes and induction and training activities; for example, promotion boards included a question on ethics.

The constabulary was keen that the public be involved in how the constabulary applied the principles and standards of the Code of Ethics. The constabulary had created an external Code of Ethics committee with representatives from the institute of local governance committee and members of the public, to consult on wider ethical issues.

Overall, we considered that Durham Constabulary had made good efforts to incorporate the Code of Ethics into policy and practice.

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

Complaints made by the public against police officers, police staff, contracted police staff, and force procedures are recorded by individual police forces. Each complaint may have one or more allegations attached to it. For example, one complaint that an officer was rude and that they pushed an individual would be recorded as two separate allegations.

Each allegation can be dealt with, or resolved, in a number of ways. Some complaints, such as rudeness or incivility, may be dealt with through the local resolution process. The way these complaints are resolved should be adapted to the

needs of the complainant – for example, they may involve an apology or an explanation of the circumstances in writing or in person. If the complaint is more serious, and assessed as not suitable for local resolution, it must be investigated by an appointed investigating officer who will produce a report detailing findings against each allegation. Under certain circumstances, some complaints do not proceed. These use processes known as disapplication or dispensation (for example, if the matter is already the subject of a complaint or if the complaint is repetitious or vexatious), discontinuance (for example, if the complainant refuses to co-operate or it is not reasonably practicable to investigate the complaint) or if they are withdrawn by the complainant.<sup>9</sup>

In the 12 months to 31 March 2015, Durham Constabulary finalised 585 allegations from public complaints that were made against its officers and staff. Of these, 52 percent had been investigated and 38 percent had been locally resolved. These proportions were broadly in line with the average of Durham's most similar group of forces.<sup>10</sup>

In the 12 months to 31 March 2015, the average time Durham Constabulary took to complete a local resolution was 62 days, broadly in line with 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 136 days, less than the average of its most similar group of forces (169 days).

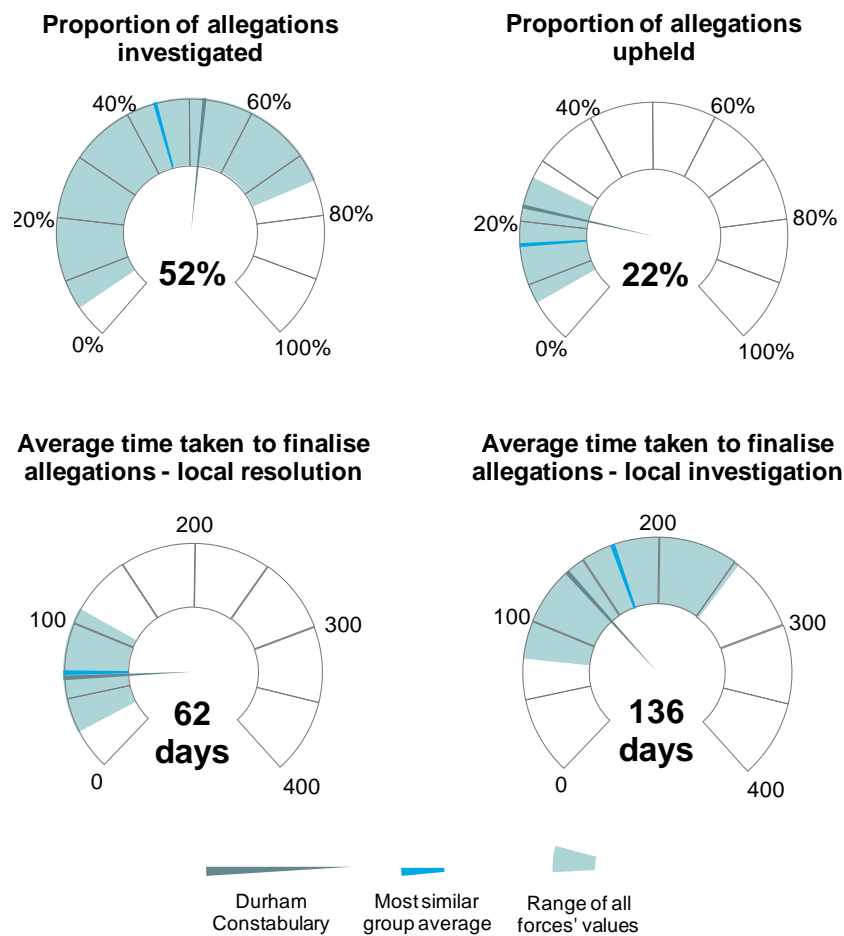
After local investigation, Durham Constabulary closed 304 allegations in the 12 months to 31 March 2015. Of these, 22 percent were upheld, where it was concluded that the service provided by the police officer or police staff or the service as a whole did not reach the standard a reasonable person could expect. This was greater than the average of Durham's most similar group of forces of 16 percent. The following figure shows how these values compare.

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

<sup>10</sup> Most similar groups are groups of local areas that have been found to be most similar to each other using statistical methods, based on demographic, economic and social characteristics which relate to crime. See Annex B.

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



**Source: Independent Police Complaints Commission**

Overall, in the 12 months to 31 March 2015, Durham Constabulary finalised 52 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was greater than the average of its most similar group of forces. Compared to its most similar group of forces, Durham took a similar amount of time to complete local resolutions and less time to complete local investigations.

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

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

Building on the findings of the HMIC Police Integrity and Corruption inspection,<sup>11</sup> this inspection considered if public complaints and misconduct investigations were dealt with in a timely and consistent manner. The inspection also considered whether investigations were conducted fairly and whether officers and staff, particularly those with protected characteristics,<sup>12</sup> felt that they would be treated fairly following a complaint or allegation against them.

Before the fieldwork stage began, HMIC conducted a file review of 60 public complaints and internal misconduct allegations, to assess whether they had been considered fairly and consistently. We examined the outcomes of the review further during our fieldwork.

While not necessarily representative of all cases, in the small number of files we looked at we did not find evidence of any bias in how complaints and internal misconduct allegations were dealt with, in respect of gender, ethnicity or rank.

HMIC found that Durham Constabulary was taking steps to ensure that complaints and cases of misconduct for both officers and staff were dealt with fairly and consistently. The decisions taken about investigatory procedures were audited to ensure consistency and fairness throughout and to record any lessons to be learned. In addition the police and crime commissioner, or his representative, reviewed all misconduct investigations and a number of closed complaint files, to ensure they had been appropriately managed and resolved.

The constabulary had a centralised approach to disciplinary issues, with the professional standards department chief inspector acting as appropriate authority. The constabulary had also adopted a centralised approach to local resolutions to minimise the time taken to resolve matters, and both police officer and police staff cases were investigated by the professional standards department.

However, HMIC did find that some police staff discipline cases were being finalised by human resources staff and not the professional standards department. This could lead to inconsistencies in how cases were resolved, which in turn may cause inequality between how police officers were being dealt with compared to police staff.

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<sup>11</sup> *Integrity Matters - An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing*, HMIC, London, 2015. Available from [www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/](http://www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/)

<sup>12</sup> Under the Equality Act 2010, it is against the law to discriminate against anyone because of: age; being or becoming a transsexual person; being married or in a civil partnership; being pregnant or having a child; disability; race including colour, nationality, ethnic or national origin; religion, belief or lack of religion/belief; sex; or sexual orientation. These are called 'protected characteristics'.

HMIC were told that the constabulary reviewed officers and staff who have been the subject of three complaints. The review looked at the underlying causes of the complaints, with the aim of addressing any issues. This approach helped to ensure a timely intervention, providing the opportunity to address concerns and provide support to staff at the earliest opportunity.

To reinforce the constabulary's aims of fairness, consistency and transparency the professional standards department circulated a publication called the 'Durham standard' to all staff, which included the details of any misconduct findings, resignations or dismissals. This ensured staff were provided with practical examples of behaviour that had been dealt with by the department.

Staff we spoke to confirmed the fair and consistent approach adopted by the constabulary when dealing with complaints and misconduct. Representatives from staff associations also described a good working relationship with the professional standards and human resources departments.

## Summary of findings



**Good**

HMIC found that Durham Constabulary's chief constable and chief officer team actively promoted its vision and values to develop and maintain an ethical culture. Significant efforts were being made to ensure the workforce felt valued and engaged in decisions which affected them. A culture existed where misconduct and unprofessional behaviour was challenged and reported, and where those who did so were supported.

The constabulary sought to understand the views of staff about their wellbeing, and provided various services to meet their needs.

The constabulary has continued to invest in promoting the Code of Ethics. Training was being provided to staff, and the code was being used to influence day-to-day decision-making.

Steps were being taken to ensure complaints and cases of misconduct for both officers and staff were investigated fairly and consistently.

# 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: Authorised Professional Practice on engagement and communication,<sup>13</sup> the inspection asked:

1. How well does the force understand the people it serves and the benefits of engaging with them?
2. How well does the force engage with all the people it serves?
3. To what extent are people treated fairly and with respect when they come into contact with police officers and staff?

Before the fieldwork stage of the inspection, HMIC commissioned Ipsos MORI to survey the public in each force area, specifically seeking their views about their force. While the findings of the survey may not represent the views of everyone living in the force area, they are indicative of what the public in that police force area think.

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



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

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

HMIC is satisfied that Durham Constabulary comprehensively understands the relationship between engagement and legitimacy, at both a strategic and local level. Engagement work with the community is at the heart of the constabulary's approach to policing, and all staff are aware of its importance and the link to legitimacy.

The staff feel empowered and supported in relation to this area of business and are prepared to be innovative in their approach to engagement and take risks to try new initiatives. The best example is the Deneside community engagement project known as 'Mutual Gain' which, in partnership with the local 'Area Action Partnership', has significantly improved police/public relations in what had previously been a locality experiencing high levels of crime and anti-social behaviour (including large scale disorder) in a community with little confidence in the police.

Since January 2014, this area has been transformed by empowering the community to take control of, and make decisions about, their future through a budgeting approach, in which the public participates, led by the police and the Area Action Partnership. This has seen reductions of almost a quarter of both crime and anti-social behaviour, and the gradual building of trust with the police and other partners.

Problem-solving is also fundamental to the success of the constabulary. It is driven by the chief constable who leads personal 'master classes' in problem-solving at which inspectors are invited to bring their most difficult examples of neighbourhood problems, so that the group can develop solutions.

There is very effective engagement work at both strategic and local levels about the issues affecting communities and their concerns. Community profiles and community impact assessments are used when appropriate, leading to a comprehensive understanding by the constabulary of the problems affecting communities.

There are also excellent communication channels between local communities and PCSOs and local inspectors, through a network of forums and other meetings (both formal and informal). These have been established over a number of years. The importance of local contacts, and staff feeling empowered to share data with and discuss problems with partners, is not underestimated by the constabulary.

As well as working closely with local communities, the constabulary runs a series of corporate events. For example, the chief constable undertakes 'webcasts' and hosts a question and answer session on Facebook once a month which has almost 16,000 followers.

There is effective and comprehensive engagement with all partners through long and well-established links and personal contacts.

We also found there are good lines of communication and levels of engagement with various 'protected groups', locally called 'the 700', which includes blind people, lesbian, gay, bisexual and transgender people, black, Asian and minority ethnic people, and non-English speaking groups such as the Polish community.

Communication with partners in these groups is undertaken primarily through local community cohesion officers and PCSOs, and enables the police to effectively monitor community concerns and provide tailored feedback.

Of the 406 survey responses from the area covered by Durham Constabulary, 55 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 11 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. Our inspection looked at the different ways that forces engage their communities.

We found that in Durham Constabulary there is a balance between conventional engagement, including meetings and surveys, and digital methods, such as the use of social media like Facebook and Twitter.

'Police and Community Together' (PACT) meetings are at the heart of engagement at a local level, especially for those members of the community not familiar with digital media. Officers and staff, wherever possible, continue to use existing meeting structures, such as councillor meetings or parish meetings, and also attend local events and shopping areas to meet the community and provide updates on police activity. However, this approach is being re-evaluated, as some public meetings held by the constabulary are not well attended.

We found an innovative use of social media in the form of digital PACT meetings. Local inspectors, following the lead of the chief constable, are using their local Facebook pages to undertake question and answer sessions with the community and provide feedback on specific issues. Using this approach they are attracting between 2,000 and 6,000 followers in each local area. This is an effective use of police time and resources, and captures a greater number of people than those who attend PACT meetings.

There is a vibrant 'Homewatch' and 'Farmwatch' with over 60,000 members, and the constabulary is introducing a community messaging system called 'Neighbourhood Alert'. This enables the police to quickly put out appeals for assistance with enquiries or general information.

The constabulary has undertaken detailed work through a monthly survey to identify the factors that influence public confidence. This type of survey is important to ensure the constabulary understands how public perceptions may be affected by what it does.

The constabulary uses a range of techniques to communicate with the public. This includes a corporate Facebook page (40,000 followers), and a corporate Twitter account (26,000 followers) used for 'live time' issues, such as appeals for information or to raise public awareness of flood warnings. There is an informative website, and the constabulary regularly use more traditional local media, including newspapers, television or radio to promote the effectiveness of the constabulary and keep the public informed.

Neighbourhood teams are encouraged and empowered to make use of available media outlets to provide both information and feedback to communities. The chief constable has a regular monthly column in the Northern Echo.

We found that the constabulary uses volunteers effectively. There are 170 members of the public supporting the constabulary in a voluntary capacity. Some are working in police stations, while others support initiatives like 'speedwatch'. Volunteers also support problem-solving and diversionary activity such as the 'Cinnamon network,' whose members work as part of a church-based support group to help former offenders rehabilitate to rejoin society.

HMIC is satisfied that the engagement between Durham Constabulary and the people it serves is innovative, effective and sustainable.

From the survey, 34 percent of the respondents from the area covered by Durham 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.

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.

## **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 and other public authorities), 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 be able to show evidence of this in their decision-making.

This inspection looked at whether all members of the public (including those with protected characteristics) were treated (and perceived that they were treated) fairly and with respect by the police. We also assessed the extent to which officers understood the National Decision Model,<sup>14</sup> the framework by which all policing decisions should be made, examined and challenged. The Code of Ethics is a central component of the National Decision Model.

The police have thousands of interactions with the public on a daily basis. Research indicates that the quality of the treatment received during encounters with the police is more important to individuals than the objective outcome of the interaction. Before we began our fieldwork activity, we listened to around 40 calls made from members of the public to the 101 (non-emergency) and 999 (emergency) numbers to assess the quality of the treatment received. In order to determine the overall quality of the call, we considered a number of criteria including 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 very satisfied that the call-handlers were polite, respectful, professional and effective at all times.

During our fieldwork we also observed front-counter staff in their interaction with visitors at three separate police stations, and we were impressed by their professionalism, courtesy and respect.

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<sup>14</sup> *College of Policing - Authorised Professional Practice on National Decision Model*, College of Policing, December 2014. Available from: [www.app.college.police.uk/app-content/national-decision-model/?s](http://www.app.college.police.uk/app-content/national-decision-model/?s)

We are impressed with the commitment of the constabulary to ensure the National Decision Model (NDM) is made part of day-to-day practice in the organisation. It is at the core of many training courses and reinforced in refresher training for personal protection, Taser and firearms.

We found a good understanding and use of the NDM among specialist units although this is less evident among those staff undertaking traditional frontline roles. It was apparent, when we spoke to officers, that their approach to tackling problems includes applying the model, even if they didn't realise it themselves.

The Code of Ethics is understood within the constabulary, and all staff are aware that they are expected to 'live the values' of the organisation as promoted by chief officers, namely to 'be positive, fair and courageous with integrity'. Legitimacy, leadership and integrity are seen by chief officers as being fundamental to the policing approach in Durham Constabulary.

At the time of the inspection, the head of professional standards was providing a half-day of training to all officers and staff on ethics and the importance of treating people with fairness and respect. To date, over 680 staff have received the training. We were told that, since the training had started, only one person trained had received a complaint from a member of the public. We found that all the staff we interviewed know they are personally responsible for treating the public with fairness and respect.

The way staff deal with the public is regularly monitored and is seen as important to maintaining public confidence by all supervisors. Local inspectors have regular contact with the public and receive feedback. In the course of these contacts they look for evidence that their staff are treating the public with the necessary courtesy. Community cohesion officers dealing with 'protected groups' are also expected to canvas the views of the public, to ascertain how they may have been treated by members of the constabulary in the course of their duties.

Regular contact with victims is also important to the style of policing in Durham Constabulary, and they regularly receive very high victim satisfaction levels.

We are pleased to note that the partner organisations that we spoke to consistently reflected their positive experience of the quality and content of the engagement undertaken by the constabulary.

From the survey, 58 percent of respondents from the area covered by Durham Constabulary agree that the police in their local area treat people fairly and with respect versus 5 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

## Summary of findings



**Outstanding**

Durham Constabulary fully understands the relationship between engagement and legitimacy at strategic and local levels. Engagement is at the heart of the constabulary approach to policing and staff understand its importance and the link to legitimacy.

We found staff feel empowered and supported, and they are prepared to be innovative in their approach to engaging and working closely with local people. They try new methods to reach more people in the community, to successfully explain their approach to policing, and to seek information from the public in order to reduce crime and protect people. There is a comprehensive understanding of the issues and concerns affecting people.

The constabulary uses a range of both conventional engagement, in the form of surveys and meetings, as well as digital engagement through Facebook and Twitter, which is innovative and effective. The chief constable provides personal leadership in all aspects of public engagement, and is considered to be a role model for others in the organisation.

All staff spoken to know they are expected to treat people 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.<sup>15</sup>

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme<sup>16</sup> and how well reasonable grounds were recorded) to determine whether officers were using their powers fairly and in accordance with legal requirements and Authorised Professional Practice.

The inspection asked:

1. To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?
2. To what extent does the force ensure that Tasers are used fairly and appropriately?

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

### Background

The primary role of the police is to uphold the law and maintain the peace. Unfair, unlawful or unnecessary stops and searches 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 is to enable officers to dismiss or confirm suspicions about individuals carrying unlawful items without exercising their power of arrest. The officer must have reasonable grounds for carrying out a search.

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<sup>15</sup> *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: [www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/](http://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/)

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

In our 2013 inspection on stop and search<sup>17</sup>, HMIC concluded that few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

The report was clear that, for a stop and search encounter to be effective and lawful, a police officer must have reasonable grounds for suspicion (based on specific and objective information) that a person is in possession of a stolen or prohibited item. Those grounds should be fully explained to the person being stopped and searched, and the person should be treated with fairness, courtesy and respect. In such circumstances, finding the item and arresting the offender or, alternatively, eliminating the suspicion and avoiding an unnecessary arrest are both valid and successful outcomes.

Following HMIC's 2013 inspection, on 26 August 2014 the Home Office published guidance to police forces on implementing the Best Use of Stop and Search scheme.

The principal aims of the scheme are for the police: to establish greater transparency and community involvement in the use of stop and search powers; and to 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 Durham Constabulary – Stop and search by volume**

In the 12 months to 31 March 2015, Durham Constabulary carried out 8,377 stops and searches. The table below shows this number per 1,000 population for Durham Constabulary and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the constabulary's use of stop and search powers is currently greater than the average of its most similar group of forces.

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



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

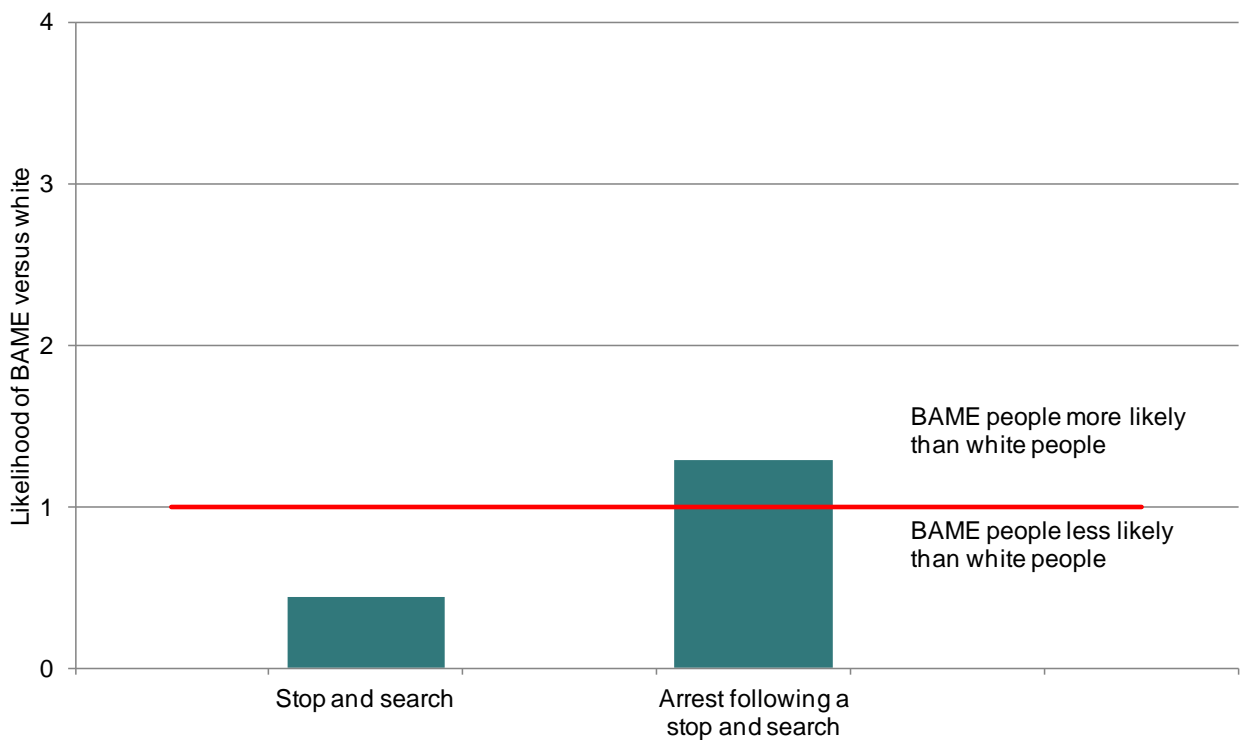
	<b>Stops and searches per 1,000</b>	<b>Change from previous year</b>
Durham	13.4	-32%
Durham's MSG average	7.3	-39%

**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 Durham 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 less likely to be stopped and searched by Durham 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 Durham 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 Durham Constabulary, the 2013 inspection showed that 33 of 200 records reviewed (17 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. Of the records we reviewed, 70 had been endorsed by a supervisor. We found that 33 of the 100 records (33 percent) did not have reasonable grounds recorded. Of those, 27 had been endorsed by a supervisor.

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

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

We were disappointed to find that the item searched for was not recorded in 28 of the records reviewed, and only eight of the records showed that the item searched for had been found.

### **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.

Durham Constabulary is introducing a new system called 'Red Sigma'. We were told that this will allow for the collection of improved data, on the use of stop and search powers. At present, recording relies on paper forms completed at the time of the search. Officers are required to transfer information from each form on to a database to allow analysis, but this is time-consuming. We also found that not all information in relation to reasonable grounds was being transferred consistently from the paper record to the database. We were told that this was the reason why so many of the forms we considered did not have reasonable grounds recorded. As the recording of

reasonable grounds is a legal requirement, we consider this explanation to be wholly inadequate.

As further evidence that the constabulary’s arrangements are unsatisfactory, we looked at a further 35 stop and search records at two separate locations during our inspection. We found that 19 of these did not have sufficient reasonable grounds recorded. In addition, all these forms had been signed by a sergeant. It is clear from conversations with supervisors, that some sergeants are reluctant to return forms to officers to require clearer explanations of the circumstances which justified the use of stop and search powers. Again, this is unacceptable.

We also found the need for a more intelligence-led approach to the use of stop and search powers, in accordance with the Best Use of Stop and Search scheme, was lacking. Unsurprisingly, we found no evidence of training in relation to the Best Use of Stop and Search scheme.

We were told the independent advisory group does not consider that the use of stop and search powers by Durham Constabulary to be an area of concern, and that there is currently no independent scrutiny panel to oversee the use of the powers.

<b>Feature of Best Use of Stop and Search scheme</b>	<b>HMIC assessment of compliance</b>
Recording and publishing the outcomes following a stop and search	<p>The constabulary does not comply with this feature of the scheme.</p> <p>Durham Constabulary does not record the full range of outcomes; it does not record khat warnings, cautions, summons, or community resolutions. However, the constabulary does record whether or not an item is found and its description, which allows it to determine how many times the item searched for was found, and whether or not it is linked to the outcome. The constabulary publishes some stop and search related data as part of its performance page but members of the public wishing to access such data are unlikely to find it. The data published relates only to arrest, ethnicity and reason. There are no data published in respect of outcomes or any connections between items searched for and outcomes, and no data are published on the police.uk website.</p>

Providing opportunities for the public to observe officers using the power	The constabulary complies with this feature of the scheme.
Explaining to communities how the powers are being used following a “community complaint”	The constabulary does not comply with this feature of the scheme. Durham Constabulary has not introduced a community trigger as required by the scheme.
Reducing the number of people stopped and searched without suspicion under Section 60 <sup>18</sup> of the Criminal Justice and Public Order Act 1994	The constabulary complies with this feature of the scheme.
Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The constabulary complies with this feature of the scheme.

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

### **Background**

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

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

It 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.

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<sup>18</sup> ‘No suspicion’ searches are provided for under section 60 of the Criminal Justice and Public Order Act 1994. Available from: [www.legislation.gov.uk/ukpga/1994/33/section/60](http://www.legislation.gov.uk/ukpga/1994/33/section/60)

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

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

HMIC has not previously inspected how Taser is used either in, or between, forces. This inspection considered whether chief officers understand how Taser is being used across the force area, to satisfy themselves that it is being used fairly and appropriately, and whether Taser-trained officers are acting in accordance with the College of Policing's Authorised Professional Practice and the legal framework each time it is used.<sup>19</sup>

### **Use of Taser in Durham 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.

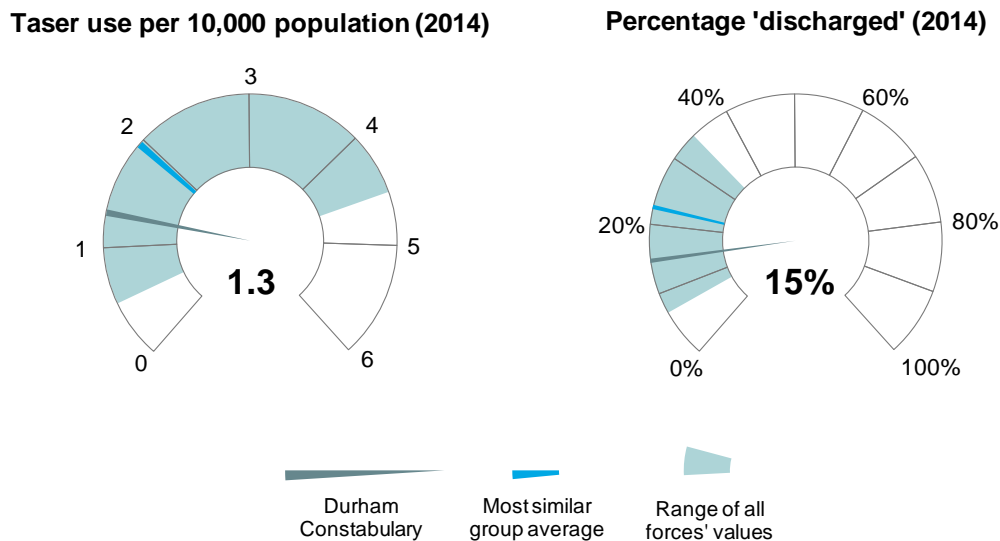
Between 1 January and 31 December 2014, Taser was used in some capacity 81 times by Durham Constabulary, representing 1.3 times for every 10,000 people in the force's area. This was less than the average for Durham Constabulary's most similar group of forces, which was 2.0 times per 10,000 population.

During the same time period, Taser was 'discharged' on 12 occasions (out of the 81 times it was used in some capacity). This equated to 15 percent of overall use, less than the force's most similar group average of 22 percent. However, because of the low number of times Taser was used in Durham Constabulary, comparisons with other forces should be treated with caution. The following figure shows these comparisons.

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<sup>19</sup> *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: [www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/](http://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/)

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



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

The Taser deployment form is a national document for gathering research information about the operational effectiveness of the Taser device, and any medical implications of its use. If officers fire the Taser, or if they use it in drive-stun or angled drive-stun mode, they are required to complete the full form, including a detailed description of the incident from commencement to resolution. The National Decision Model (NDM) 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 Durham 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 twice, angled drive-stunned once, red-dotted 12 times, and drawn three times. Overall officers used Taser to protect themselves or others from a range of weapons, including several kitchen knives, and a pick-axe handle

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 cases reviewed except one.

<sup>20</sup> City of London Police data was removed from figure 8 because of the very low number of times Taser was used by the City of London Police in 2014.

On that occasion the form and the control room incident log showed that Taser had been red-dotted, but the officer had then completed the NDM section to show that the Taser had been fired, and this appeared to relate to a different incident.

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.

We found the NDM is understood and applied by all Taser-trained officers. At the heart of the model is the Code of Ethics, and we are satisfied that consideration of all Taser activity is based on the principles outlined in the code.

We found the constabulary has an effective review process. All Taser use forms and any incidents involving the use of Taser are examined by a nominated person to determine whether procedures have been correctly followed. Any forms incorrectly completed are returned to the officer for clarification. All Taser forms are compared with the relevant incident log to ensure fair and appropriate use. If necessary, a further scrutiny is carried out by the head of professional standards, who also reviews the 'use of force' forms completed by the officer. Senior officers are made aware of each deployment through a daily update and have the opportunity to call for more information if necessary. All deployments of Taser form part of the constabulary's threat and risk assessment which is considered jointly with Cleveland Police, every three months, at the 'joint operations group'.

HMIC reviewed documentation completed by Taser officers into the use of Taser and found they are well completed.

Durham Constabulary provides Taser-trained officers on each shift across the constabulary area, supplemented by armed response officers, who also carry Taser. This enables a flexible response in tackling dangerous individuals who present a risk to the public and to officers. The numbers and distribution of Taser officers is calculated using the firearms strategic threat and risk assessment. There are 129 Taser-trained officers, and this is considered sufficient for the needs of the constabulary. Officers we spoke to feel supported, albeit the number of officers varies across the constabulary according to the location.

Selection for Taser training requires candidates to be supported by their local supervisors and commander. Checks are also carried out by the professional standards department in relation to complaints history. We were satisfied that initial and refresher Taser training complies with national guidelines. Any learning derived from incidents around the country or elsewhere is disseminated at the refresher training or direct by email to officers.



We found officers have a good understanding of relevant legislation and Authorised Professional Practice and they are aware of the special considerations regarding the use of Taser on certain groups such as the young or the elderly.

We found that the standard operating procedures for the use of Taser are comprehensive and that authorisation for the use of Taser in Durham Constabulary for a spontaneous incident rests with the inspector in the control room.

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

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 Durham Constabulary.

## Summary of findings



**Requires improvement**

HMIC was concerned to see that a large proportion of the stop and search records we reviewed did not contain sufficient reasonable grounds for carrying out the search. The majority of these forms had been endorsed by a supervisor, suggesting that both the officers carrying out the search, and those supervising them, do not understand what constitutes a legal use of the power.

However, the constabulary is complying with almost all the requirements of the Best Use of Stop and Search scheme. It still has more to do in recording and publishing outcomes, and explaining to communities how the powers are being used following a “community complaint”.

We are satisfied that Taser is used fairly and appropriately.

### Areas for improvement

- The constabulary should ensure that stop and search records include sufficient reasonable grounds to justify the lawful use of the power, and that officers fully understand the grounds required to stop and search.
- The constabulary should ensure that adequate supervision takes place to ensure that stop and search is conducted lawfully and fairly, and that reasonable grounds are recorded properly.
- The constabulary should ensure that it complies with the Best Use of Stop and Search scheme, in respect of recording and publishing outcomes and explaining to communities how the powers are being used following a “community complaint”.

## 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 Durham Constabulary's MSG: Gwent, Humberside, South Wales and Northamptonshire.
- Comparisons with averages – For some data sets, we state whether the force's value is 'below', 'above' or 'broadly in line with' the average. To calculate this, the difference to the mean average, as a proportion, is calculated for all forces. After standardising this distribution, forces that are more than half a standard deviation from the mean average are determined to be above or below the average, with all other forces being broadly in line.

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

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

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

## **Ipsos MORI survey**

The national survey was conducted with a sample of 26,057 people aged 16 plus across England and Wales, between 15 July and 6 August 2015. All interviews were conducted online through Ipsos MORI's online panel.

The Ipsos MORI online panel consists of a pre-recruited group of individuals or multiple individuals within households who have agreed to take part in online market and social research surveys. The panel is refreshed continually using a variety of sources and methods.

Respondents to this survey were recruited using an email invitation including a link to the online questionnaire. The survey invitations were managed to achieve robust numbers of interviews in each force area in order to provide indicative results at a force level. Final numbers of responses per force area ranged from 353 to 1,278.

Responses are based on all participants completing the relevant survey question. Results are weighted within the force area to the local age, gender and work status profile of the area, and an additional weight has been applied to the overall total to reflect the population breakdown by force area.

## **Annex C – The Best Use of Stop and Search scheme**

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

### **Recording and publishing outcomes**

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

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

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

### **Providing opportunities for the public to observe stop and search encounters**

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

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

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

## **Implementing a community trigger for complaints**

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

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

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

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

## **Monitoring the use of stop and search powers**

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

## Annex D – Types of use of Taser

### Type of use Definition<sup>21</sup>

Fired	The Taser is fired with a live cartridge installed. When the trigger is pulled, the probes are fired towards the subject with the intention of completing an electrical circuit and delivering an incapacitating effect.
Angled drive-stun	The officer fires the weapon with a live cartridge installed. One or both probes may attach to the subject. The officer then holds the Taser against the subject's body in a different area to the probe(s), in order to complete the electrical circuit and deliver an incapacitating effect.
Drive-stun	The Taser is held against the subject's body without a live cartridge installed, and the trigger is pulled with no probes being fired. Contact with the subject completes the electrical circuit which causes pain but does not deliver an incapacitating effect.
Red dot	The weapon is not fired. Instead, the Taser is deliberately aimed and then partially activated so that a laser red dot is placed onto the subject.
Arcing	Sparking of the Taser as a visible deterrent without aiming it or firing it.
Aimed	Deliberate aiming of the Taser at a targeted subject.
Drawn	Drawing of Taser in circumstances where any person could reasonably perceive the action as a use of force.

Tasers that have been 'discharged' are those that have been fired, angled drive-stunned or drive-stunned.

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<sup>21</sup> *Police use of Taser statistics, England and Wales: 1 January to 31 December 2014*, Home Office, 2015. Available from [www.gov.uk/government/statistics/police-use-of-taser-statistics-england-and-wales-1-january-to-31-december-2014](http://www.gov.uk/government/statistics/police-use-of-taser-statistics-england-and-wales-1-january-to-31-december-2014).