

PEEL: Police legitimacy 2015

An inspection of Lancashire Constabulary



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

Overall judgment¹



Good

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

HMIC found a positive and supportive culture within Lancashire Constabulary and the wellbeing of officers and staff was considered very important. The constabulary is outstanding in the way in which it engages with its communities to understand their concerns.

The constabulary is not compliant with the Best Use of Stop and Search scheme, and while Taser is used fairly and appropriately, it is not always recorded accurately.

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

Summary

HMIC found a positive and supportive culture within Lancashire Constabulary. Senior leaders were clear on the expected standards of behaviour required from all staff and the workforce had a good understanding of these standards. Wellbeing of officers and staff was considered very important and there was a strong network of support for all staff using trained, 'wellbeing ambassadors' within the constabulary and external support services.

Complaint and misconduct cases were seen to be dealt with fairly and consistently by the professional standards department and this was confirmed by our independent review of case files.

When HMIC looked at how well the force understands and successfully engages with all the people it serves, we found that officers and police staff of the constabulary are committed to understanding and serving the communities of Lancashire. They use an extensive and effective range of online and face-to-face methods to engage with the people they serve and to monitor their needs and report

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

back results. The constabulary seeks and identifies improved practice from elsewhere and in conjunction with its partners it is using new methods to predict, understand and prevent problems of local public concern. The constabulary's officers and staff treat the public fairly and with respect.

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. The constabulary is not compliant with the Best Use of Stop and Search scheme and a considerable proportion of the search records we checked did not include sufficient explanation of the legal grounds to use this power.

Taser officers understand and apply the National Decision Model and Authorised Professional Practice in their use of Taser, but how they record these incidents requires improvement.

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



Good

There was a positive and supportive culture within Lancashire Constabulary. Senior leaders were clear on the expected standards of behaviour required from all staff and the workforce had a good understanding of these standards. The chief constable spoke to new joiners and employees on promotion to remind them of their responsibilities under the 'know yourself, know your stuff and know your staff' approach.

There was an online internal discussion forum for all staff to discuss matters affecting them and the constabulary.

The constabulary considered the wellbeing of its officers and staff as very important and there was a strong network of support for all staff using

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



Outstanding

Lancashire Constabulary officers and police staff are committed to understanding and serving their communities. They use an extensive and effective range of online and face-to-face methods to engage with the people they serve and to monitor their needs and report back results. The constabulary seeks and identifies improved practice from elsewhere and works with its partners to use new methods to predict, understand and prevent problems of local public concern.

The constabulary has trained its officers and staff well and there is strong evidence that they operate ethically and professionally using the National Decision Model. It has invested in skilled staff

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



Requires improvement

Lancashire Constabulary is not compliant with the Best Use of Stop and Search scheme. The information it publishes does not include details of current data explaining stops and searches being conducted, including the outcome of searches or information about proportionate use of the powers. The constabulary has not yet implemented an effective policy providing a 'community trigger' and there is no published method through which the public might have opportunity to observe searches.

A considerable proportion of the search records we checked did not include sufficient explanation of legal grounds and, although the constabulary has introduced recent

trained, 'wellbeing ambassadors' within the constabulary and external support services. There were 48 wellbeing ambassadors trained by the constabulary to refer colleagues in need of advice and guidance to appropriate support networks.

The constabulary had not used the College of Policing's Code of Ethics to inform policy and practice. While the code had been circulated on the intranet, the constabulary purposely avoided conducting an explicit campaign to promote it. Instead, the emphasis was on the constabulary values of fairness, integrity and respect. If the constabulary had given greater focus to all nine principles of the Code of Ethics they would have been graded as outstanding.

Complaint and misconduct cases were seen to be dealt with fairly and consistently by the professional standards department and this was confirmed by our independent review of case files.

supporting local areas and has successfully recruited volunteers from the community who are improving the policing service provided. We found staff within the call centre and enquiry counter staff are polite and professional in dealing with people. The constabulary trusts its staff and invests in them to improve and extend their skills. It checks views and perceptions among the people it serves routinely. It is dedicated and effective in its engagement with the public. The constabulary's officers and staff treat the public fairly and with respect.

changes, there are also gaps in the requirements for supervisor oversight of such searches.

The constabulary uses appropriate methods to select and train officers in the use of Taser, and has procedures in place which ensure each use is recorded and then scrutinised by operational supervisors, as well as senior officers. Taser officers understand and apply the National Decision Model and authorised professional practice in their use of Taser, but how they report these incidents requires improvement.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

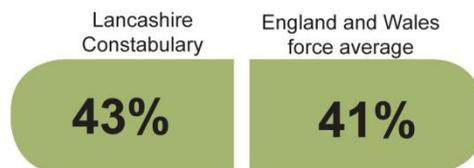


Percentage of BAME in local population, 2011 Census



Gender diversity

Percentage of females in overall workforce 31 March 2015



Percentage of females by role, Lancashire Constabulary



Percentage of females by role, England and Wales force average

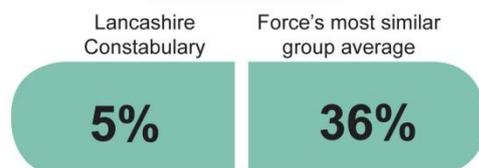


Public complaints

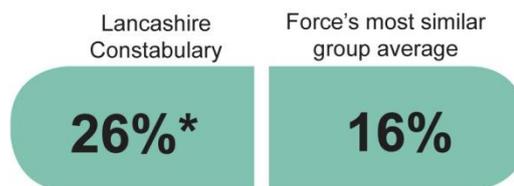
Number of allegations made by the public that have been finalised 12 months to 31 March 2015



Proportion of finalised allegations investigated 12 months to 31 March 2015



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

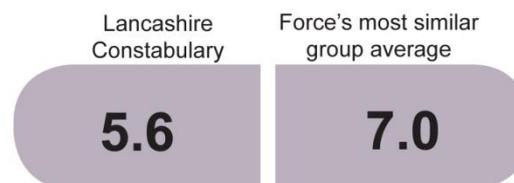


Stop and search

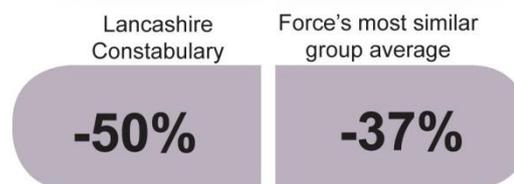
Number of stops and searches carried out 12 months to 31 March 2015



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

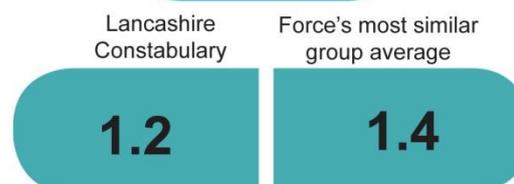


Tasers

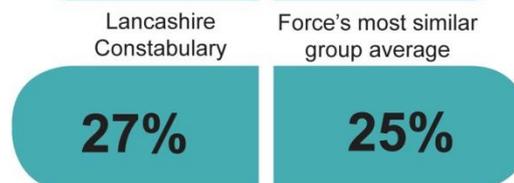
Number of times a Taser was used 12 months to 31 December 2014



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 Lancashire 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 justice²

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

Research³ 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.

² *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: www.college.police.uk

³ *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 2015,⁴ 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 Lancashire Constabulary

A breakdown of the full-time equivalent (FTE) workforce⁵ in Lancashire Constabulary as at 31 March 2015 is shown below.

⁴ The inspection took place between March and June 2015.

⁵ Workforce comprises officers, staff and police community support officers (PCSOs).

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	4,853	2,096 (43%)	181 (4%)
Total officers	2,919	857 (29%)	107 (4%)
Constables	2,232	717 (32%)	85 (4%)
Sergeants	468	94 (20%)	13 (3%)
Inspecting ranks	186	40 (22%)	9 (5%)
Superintendents and above	32	6 **	0 **
Staff	1,603	1,077 (67%)	61 (4%)
PCSOs	331	162 (49%)	14 (4%)

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

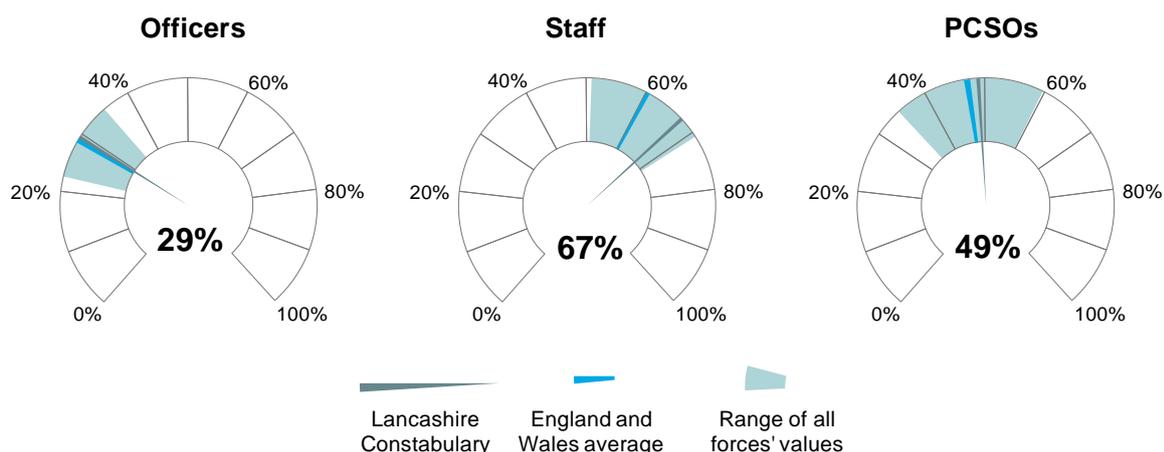
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

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

Source: Home Office Police Workforce statistics

The figure below shows how the percentages of female officers, staff and PCSOs in Lancashire 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 Lancashire Constabulary compared with the force average for England and Wales, 31 March 2015

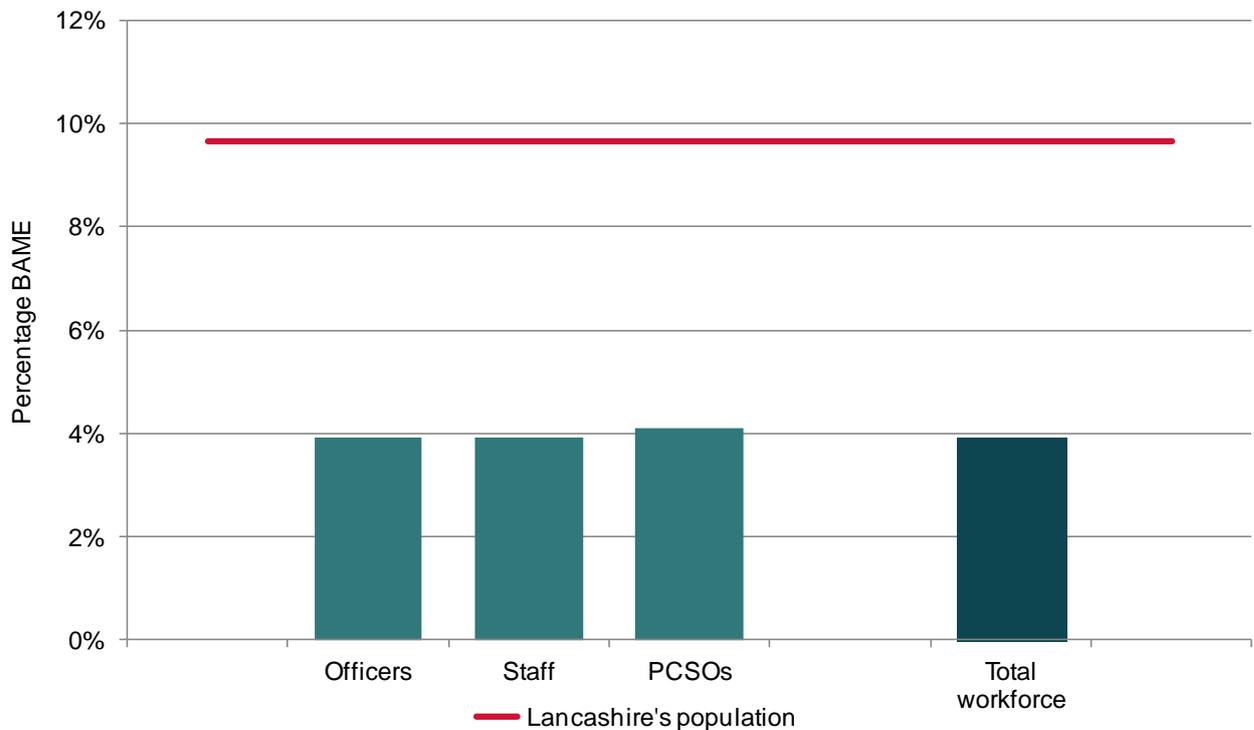


Source: Home Office Police Workforce statistics

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's area. In Lancashire, around 10 percent of the local population were BAME. The figure below shows these comparisons.

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

Figure 3: Percentage of BAME people within Lancashire 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.⁶ HMIC also examined how the percentages of BAME officers and staff, and females within the workforce had changed over this period.

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

⁶ Spending Review 2010, HM Government, October 2013. Available from: www.gov.uk/government/publications/spending-review-2010

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

Figure 4: Change in Lancashire 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	-1,181	(-20%)	+2 ●	+1 ●
Officers	-730	(-20%)	+2 ●	0
Staff	-354	(-18%)	+1	+1
PCSOs	-96	(-23%)	+3	+2 ●

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

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

Source: Home Office Police Workforce statistics

There were statistically significant increases in the proportions of BAME people and females in Lancashire Constabulary's overall workforce between 31 March 2010 and 31 March 2015. There were also statistically significant changes in the percentages of BAME PCSOs and female officers, both of which increased by around 2 percentage points during the five years.

Overall, compared with other forces, as at 31 March 2015, the percentage of females within Lancashire Constabulary's workforce was broadly similar for both officers and PCSOs yet higher for staff. By ethnicity, there was an under-representation in BAME officers, staff and PCSOs; however, for PCSOs at least (as well as the overall workforce), the proportion had seen a statistically significant increase 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.

HMIC found a positive and supportive culture within the constabulary, which encourages ethical behaviour. This had been built on consistent messages communicated to the workforce from senior officers, who frequently reiterated the expected standards of behaviour for all staff both on duty and off duty.

We found that staff were aware of the required high standards of conduct expected of them and of their role in understanding, guiding and supporting their colleagues. The constabulary had an ethos that everyone should 'know yourself, know your stuff, know your staff'. This required that members of the constabulary took pride in their own personal and professional development and, more importantly, took a keen interest in the performance and wellbeing of their colleagues. Staff told us that the constabulary was ethical both in the way it dealt with members of the public and in the way it dealt with its employees.

The constabulary intended to introduce an independent ethics committee and recruited a recognised expert on ethics as the chairperson. Other members of the committee were being selected. The committee will provide the constabulary with feedback on ethical dilemmas faced by the constabulary and provide guidance on how difficult decisions may be worked through to an appropriate solution.

To complement and support the work of the independent ethics committee, the constabulary also intended to introduce an internal ethics group. Over 40 staff members had expressed an interest in taking part. The applicants who were not selected to take part in the internal ethics group will be invited to be part of an ethics network that can consider specific issues as part of a wider consultative group.

The constabulary introduced a communications platform, called 'buzz', which provided a forum for discussion on issues of interest or concern across the constabulary. Online discussions about most issues affecting the workforce could be accessed by all staff and substantial numbers of staff took part. There was considerable evidence to show that staff were contributing to discussion topics on 'buzz' and making positive suggestions on how the constabulary may become more effective.

Chief officer team members were regular contributors to 'buzz' and responded directly to discussion points raised by members of staff. In this way, the constabulary had a direct method of discussing topical matters of concern and reinforcing standards of behaviour. There were also 80 'buzz ambassadors' who represented colleagues reluctant to use the 'buzz' network.

The majority of staff we spoke to were confident that recruitment and selection processes were fair and were perceived as such across the organisation. It was felt this was as a result of the introduction of a new and more transparent application process. The new promotion and selection arrangement placed a greater emphasis on leadership qualities and the personal values of each applicant. As a consequence, there was renewed confidence in the honesty and integrity of selection boards across the 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.

Wellbeing existed as a brand in its own right in Lancashire Constabulary. We found that wellbeing was seen as important in how managers across the constabulary led their staff and supported colleagues. The deputy chief constable took a personal lead role in presenting the wellbeing message to staff, as he believed that it is the right thing to do and that employees who felt valued, supported and cared for would be more productive within the organisation.

There were substantial support systems in place, with 48 wellbeing ambassadors trained by the constabulary to refer colleagues in need of advice and guidance to appropriate support networks. Several of the staff we spoke to told us that wellbeing was a high priority for the constabulary and they considered the constabulary, and managers, were very supportive. Those staff that had experienced support from wellbeing ambassadors, staff associations and the constabulary spoke favourably of the assistance they had received.

At a local level, each local policing area, known as a basic command unit (BCU), had introduced a wellbeing board. The constabulary held wellbeing days in which external advisors, such as nutritionists and financial advisors offered confidential advice to staff. Furthermore, the constabulary commissioned the service of an independent external support network to offer counselling and emotional support to staff. There was an expectation that, by making a wide range of support available for the workforce, employees would receive the support they needed at an early stage to enable them to feel valued, supported and confident in the work they did for the constabulary. However, we found that some staff members were not fully aware of the range of wellbeing support available to them.

The constabulary was sensitive to the needs of its employees. In addition to a board meeting that considered wellbeing issues, the force had produced specific plan to develop and maintain the ethos of wellbeing across the constabulary.

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.⁷ 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.

The constabulary had not used the College of Policing's Code of Ethics to inform policy and practice. While the code had been circulated on the intranet, the constabulary purposely avoided conducting an explicit campaign to promote it. Instead, the emphasis was on the constabulary values of fairness, integrity and respect. The constabulary considered that the underlying principles of the code already pre-existed within the constabulary and were woven into current briefings and promotional material. Chief officers decided that overlaying the Code of Ethics across these three distinct themes risked confusing staff in respect of the constabulary messages.

A result of this approach was that the Code of Ethics was not widely known or understood across the constabulary. There is more work to be done to ensure that all staff become more familiar with the code as it is at the heart of the National Decision Model, used by all forces, and is part of the common behavioural values of the police service.

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

⁷ 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, 2014. Available from: www.college.police.uk

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.⁸

In the 12 months to 31 March 2015, Lancashire Constabulary finalised 1,782 allegations from public complaints that were made against its officers and staff. Of these, 5 percent had been investigated and 74 percent had been locally resolved. A smaller proportion of allegations were investigated and a greater proportion were locally resolved in Lancashire compared with the average of its most similar group of forces.⁹

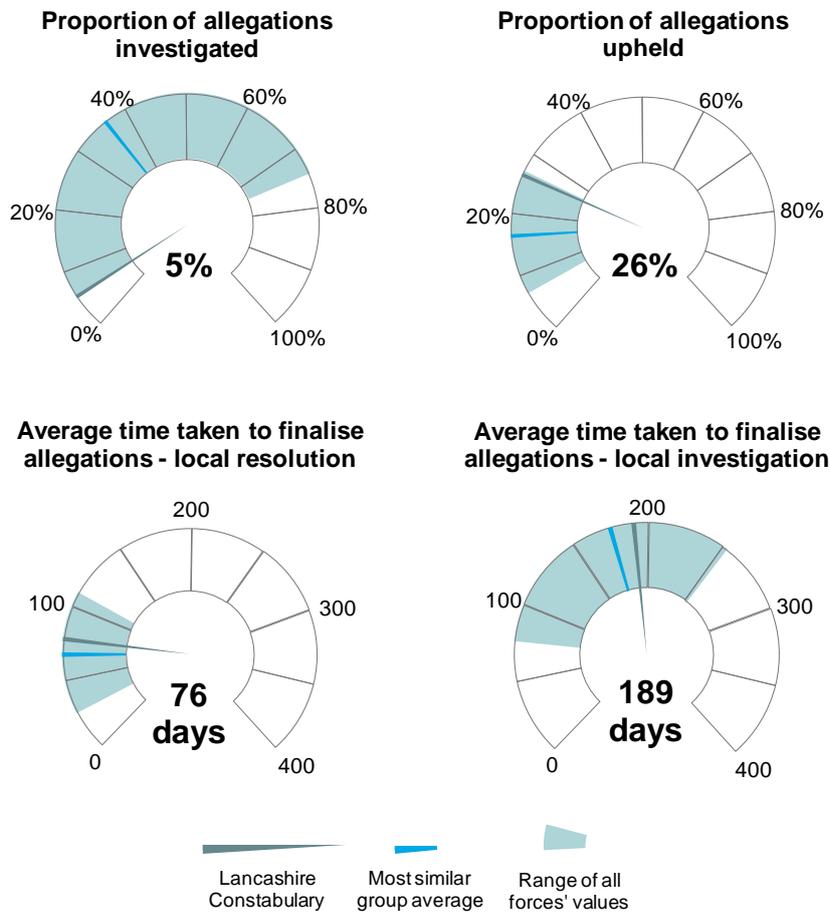
In the 12 months to 31 March 2015, the average time Lancashire Constabulary took to complete a local resolution was 76 days, greater than the average of its most similar group of forces (66 days). Over the same period, the average time a local investigation took to complete was 189 days, broadly in line with the average of its most similar group of forces (174 days).

After local investigation, Lancashire Constabulary closed 96 allegations in the 12 months to 31 March 2015. Of these, 26 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 Lancashire's most similar group of forces of 16 percent. However, because of the low number of outcomes locally investigated by Lancashire Constabulary, comparisons with other forces should be treated with caution. The following figure shows how all of these values compare.

⁸ 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.

⁹ 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 Lancashire Constabulary, 12 months to 31 March 2015



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Lancashire Constabulary finalised 5 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, Lancashire took longer 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 the HMIC Police Integrity and Corruption inspection,¹⁰ 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,¹¹ 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 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.

In this case file review HMIC also assessed how complaints and misconduct allegations were recorded, investigated and resolved. The files reviewed were found to be of high standard. Each case had been assessed by a sufficiently senior manager within the professional standards department. The assessments were found to be of an exceptionally high standard, having been individually tailored to the specific allegation and, where appropriate, included direction on how the officer subject to the complaint should be supported.

The constabulary dealt fairly and consistently with complaints and misconduct. The complaints and disciplinary process across the constabulary was seen as balanced, equitable and fair by staff members and the staff associations who represented them.

The constabulary had strong governance of complaints and misconduct investigations. The professional standards department had been subject to review and staffing was reduced as a result. This meant that only more serious investigations were conducted by professional standards department staff.

We were pleased to find that there had been an increase in the number of cases that were referred back to local supervisors for complaints to be resolved. This meant time and resources were not wasted carrying out unnecessary and often lengthy investigations.

¹⁰ 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.justiceinspectors.gov.uk/hmic

¹¹ 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'.

Managers in basic command units and departments had received training on managing complaints and there were regular meetings across the constabulary to discuss how disciplinary cases should be managed.

We were encouraged to find that the constabulary published outcomes of misconduct hearings on the intranet, together with any sanctions that were applied, to allow staff to understand the boundaries of unprofessional behaviour. To ensure a greater degree of transparency, fairness and consistency in dealing with disciplinary cases, all future misconduct meetings are to be centralised under one department.

Summary of findings



Good

There was a positive and supportive culture within Lancashire Constabulary. Senior leaders were clear on the expected standards of behaviour required from all staff and the workforce had a good understanding of these standards. The chief constable spoke to new joiners and employees on promotion to remind them of their responsibilities under the 'know yourself, know your stuff and know your staff' approach.

There was an online internal discussion forum for all staff to discuss matters affecting them and the constabulary.

The constabulary considered the wellbeing of its officers and staff as very important and there was a strong network of support for all staff using trained, 'wellbeing ambassadors' within the constabulary and external support services. There were 48 wellbeing ambassadors trained by the constabulary to refer colleagues in need of advice and guidance to appropriate support networks.

The constabulary had not used the College of Policing's Code of Ethics to inform policy and practice. While the code had been circulated on the intranet, the constabulary purposely avoided conducting an explicit campaign to promote it. Instead, the emphasis was on the constabulary values of fairness, integrity and respect. If the constabulary had given greater focus to all nine principles of the Code of Ethics they would have been graded as outstanding.

Complaint and misconduct cases were seen to be dealt with fairly and consistently by the professional standards department and this was confirmed by our independent review of case files.

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,¹² 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.

¹² *College of Policing: Authorised Professional Practice on engagement and communication*. Available from www.app.college.police.uk/app-content/

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.

Lancashire Constabulary fully understands the relationship between engagement and legitimacy. It works hard to engage with the communities it serves and uses effective methods to seek and then respond to peoples' concerns and needs. We were pleased to find that senior officers systematically reinforce a culture which emphasises trust and personal responsibility among their staff. We were also encouraged to find officers and staff are committed and positive about the work they do, and there is consistent evidence of staff providing a professional service throughout the constabulary.

The constabulary has a good understanding of public issues and concerns. It gathers information about community issues and priorities from neighbourhood staff, partners, and through digital engagement. Each local area has a media engagement officer whose role is to understand the perceptions of their local communities. They work with neighbourhood teams to build relationships with the community and support the use of engagement through digital media, face-to-face and meetings. Each neighbourhood has its own Facebook and Twitter account and there is also use of Instagram which appeals to younger people. The constabulary works with partners through 'early action' which involves intensive engagement activity to understand communities' issues.

There is good engagement with a range of communities. For example, the neighbourhood team holds specific meetings with the Polish community to get to know them better and address any concerns or issues they may have. This is supported by a third-sector organisation 'Polish Christian Faith'. A special constable (who is Polish) is an interpreter and point of contact with the community for them to raise issues. Neighbourhood staff are also engaging with shopkeepers in the area to identify local issues.

The importance of engagement is reflected in the investment and redesign of the constabulary's media engagement department and a comprehensive strategy developed with support from local universities. A chief inspector in each local area is responsible for oversight of all the engagement activity to ensure the approach is balanced and effectively captures the concerns across all communities. We were also encouraged to note that a new engagement board is being introduced to oversee and guide these activities across the constabulary.

We found good examples of neighbourhood profiles which document useful information and contacts within local communities, but more importantly there is clear and consistent evidence that local teams work hard to understand the communities they serve, and identify and deal with local problems.

Where necessary the constabulary prepares community impact assessments, which are used to assess areas of potential or actual tension within the community. For example, an assessment was completed following the arrest of a man for murder in St Annes. Although not all staff knew of these assessments we were satisfied they are used to guide a more effective response in such circumstances.

Of the 731 survey responses from the area covered by Lancashire Constabulary, 48 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 15 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.

Lancashire Constabulary uses a wide range of appropriately tailored methods to seek the views of the people it serves and provide them with relevant information. Working with a local university, the constabulary clearly recognises the need to tailor engagement to local communities and accommodate both a wish for more digital as well as traditional methods of engagement.

The constabulary's information messaging service, 'In the Know', is used effectively to provide updates to its communities by email, text and voice messaging. Partners told us that this is good from a resident's perspective because the registration is easy and residents receive information about a crime or problems, and what the police have done to resolve it.

In addition to Facebook, Twitter, and Instagram the constabulary makes use of a corporate 'YouTube' account and other online applications are used for the live streaming of meetings, web chats and sharing of information. Neighbourhood officers receive bespoke training to support their use of digital engagement and we

found they are able to do so effectively. Regular updates on local action are provided via the constabulary website and responses, comments and requests from the public then receive a tailored response.

We found strong evidence that neighbourhood teams are active in attending a wide range of local meetings and watch schemes, some of which are streamed online and are very well supported by the local community.

We are pleased to find that the constabulary has a successful dedicated contact line serving the Chinese community, staffed by volunteers who are fluent in Mandarin. The constabulary has plans to set up a similar volunteer service in Polish.

We were encouraged to find a system called 'deliberate visible engagement' (DeIVE), introduced in Preston. This identifies, monitors and records different kinds of face-to-face activity within a local area, for example, with local councillors, watch co-ordinators, churches, mosques, temples and schools. The information is used to inform further analysis of problems and policing activity by neighbourhood teams.

The constabulary has an effective and successful approach to encourage public participation in policing. It currently has 259 accredited volunteers, and 151 in the process of recruitment. There is an established cadet scheme 'Citizens in Policing' which has recruited 450 young people (with plans to increase to 650 in 2016) between the ages of 13 and 18. The cadet scheme provides them with an understanding of the police service and gives them life skills. There is active participation of volunteers in roles including community road watch, restorative justice work, and there are resolution facilitators working with the professional standards department, and a range of other administrative and engagement roles which support the constabulary.

Lancashire Constabulary has 463 special constables who are mainly aligned to response teams. However, there is now a recruitment process for rural special constables and nine special constables are working in specialist roles in the dangerous and sexual offenders' team.

The constabulary and partner organisations are taking steps towards a multi-agency volunteer hub to support early action work with partners. A pilot scheme has commenced in Preston where 12 volunteers have been trained, all from diverse backgrounds such as retirees and graduates. Comprehensive training has been given on recognising vulnerability and dealing with people with complex needs. Volunteers will work alongside lead-professionals from both police and partners who will then hand over to them when the need for professional support has ended. The hub is located within a community centre for ease of access for those who are on the programme. The longer term plan is to have a pan-Lancashire multi-agency volunteer hub starting with the county council, police and University of Central Lancashire, which will combine around 6,000 volunteers.

The constabulary's very effective range of engagement methods and extensive use of volunteers mean that the communities of Lancashire are widely engaged for their views and participate well in policing activities.

From the survey, 34 percent of the respondents from the area covered by Lancashire Constabulary speak highly of the police in their local area while 16 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,¹³ 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 the fieldwork activity commenced, 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

¹³ *College of Policing: Authorised Professional Practice on National Decision Model*. Available from: www.app.college.police.uk/app-content/

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 Lancashire Constabulary, from the 40 calls assessed, HMIC was generally satisfied that the customer care assistants were polite, respectful and effective.

During our fieldwork we also observed front-counter staff interact with visitors at three police stations; we found staff at all these locations were well presented, polite and professional in their dealing with members of the public.

We found consistently strong evidence that officers and staff understand and apply routinely the National Decision Model (NDM) in their work. The constabulary has used effective methods to instil and develop understanding of the NDM. Training is provided for all officers and staff at recruitment. It is incorporated into officer safety training and particularly emphasised by testing within promotion and other types of selection processes.

The use of NDM was particularly evident in the constabulary's call centre, with training provided to customer service advisors (those who take the calls) and their performance subsequently monitored. This includes the identification of risk and harm to ensure the appropriate grading of incidents that officers will attend. This training emphasises and tests the need for call-handlers to represent the constabulary positively, by dealing empathetically and professionally with callers.

Similarly, we found that the constabulary emphasises the need for its officers and staff to treat people fairly and with respect through leadership training, and all training courses reflect underlying principles of a positive and professional approach. For example, the corporate communications department provides technical training and guidance in the use of social media, which includes online etiquette. When we interviewed officers, we found they consistently drew attention to the importance of skills in dealing with people and they were clearly proud to represent the values of the constabulary.

The constabulary works closely with partner organisations across Lancashire. The partners we contacted were all positive about working with staff from the constabulary and they also commented on their professionalism. The constabulary seeks the views of the public through a survey of 11,000 people who have called the force each year. The survey is run independently by an external company. The results of the surveys are fed back to the constabulary and the findings presented to their strategic management board.

We found that the officers and staff of Lancashire Constabulary clearly understand the importance of engagement and legitimacy and we are satisfied they treat the public fairly and with respect.

From the survey, 53 percent of respondents from the area covered by Lancashire Constabulary agree that the police in their local area treat people fairly and with respect versus 8 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Summary of findings



Outstanding

Lancashire Constabulary officers and police staff are committed to understanding and serving their communities. They use an extensive and effective range of online and face-to-face methods to engage with the people they serve and to monitor their needs and report back results. The constabulary seeks and identifies improved practice from elsewhere and works with its partners to use new methods to predict, understand and prevent problems of local public concern.

The constabulary has trained its officers and staff well and there is strong evidence that they operate ethically and professionally using the National Decision Model. It has invested in skilled staff supporting local areas and has successfully recruited volunteers from the community who are improving the policing service provided. We found staff within the call centre and enquiry counter staff are polite and professional in dealing with people. The constabulary trusts its staff and invests in them to improve and extend their skills. It checks views and perceptions among the people it serves routinely. It is dedicated and effective in its engagement with the public. The constabulary's officers and staff treat the public fairly and with respect.

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

Introduction

Fairness, and the perception of fairness, is crucial to police legitimacy. It is therefore important that fairness is demonstrated in all aspects of policing, including the use of police powers. Some of the most intrusive powers available to the police are those involving stopping and searching people and the use of Taser.¹⁴

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁵ 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 makes 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.

¹⁴ *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/

¹⁵ *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,¹⁶ 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 Lancashire Constabulary – Stop and search by volume

In the 12 months to 31 March 2015, Lancashire Constabulary carried out 8,217 stops and searches. The table below shows this number per 1,000 population for Lancashire 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 force's use of stop and search powers is currently less than the average of its most similar group of forces.

¹⁶ *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 Lancashire 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

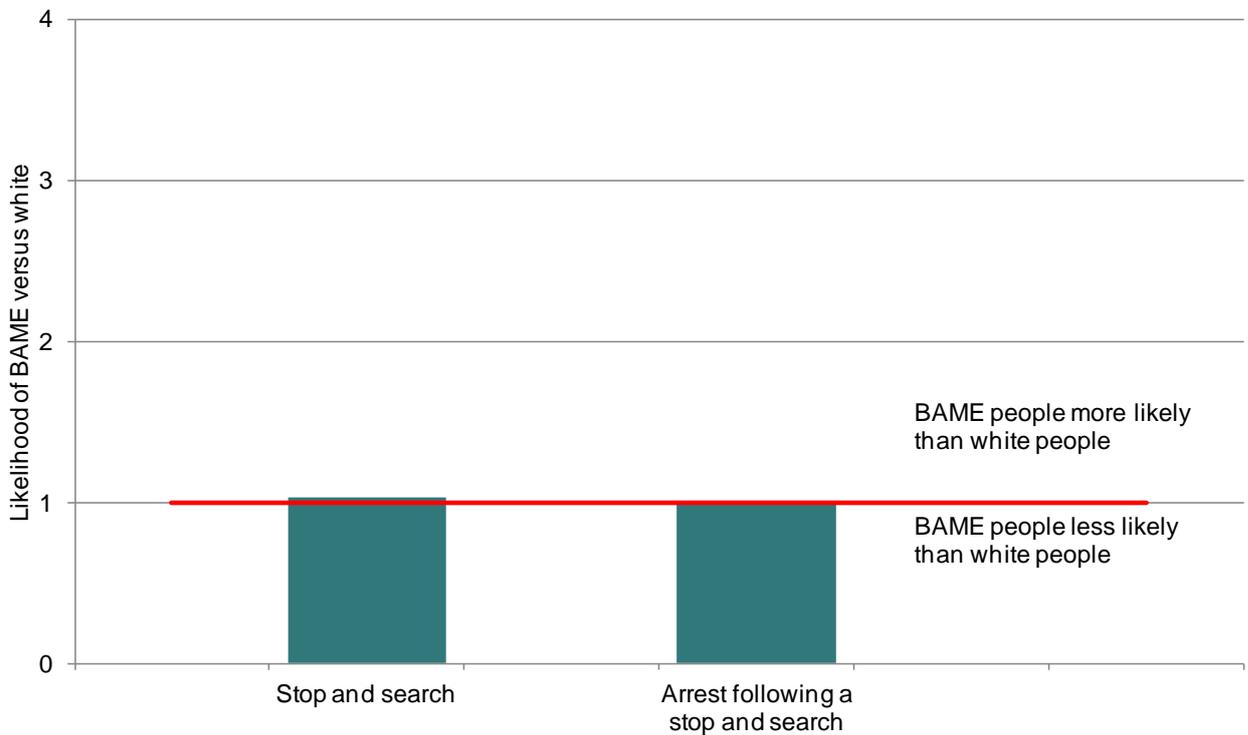
	Stops and searches per 1,000	Change from previous year
Lancashire	5.6	-50%
Lancashire's MSG average	7.0	-37%

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 Lancashire 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 there was no statistical difference in the likelihood of BAME people being stopped and searched by Lancashire Constabulary than white people. Also, of the individuals who had been stopped and searched, there was no statistical difference in the likelihood of arrest by the force between BAME people and white people.

Figure 7: A comparison between the likelihood of BAME and white people being stopped and searched and, separately, arrested following stop and search by Lancashire 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 Lancashire Constabulary, the 2013 inspection showed that 88 of 200 records reviewed (44 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 100 stop and search records provided by the force. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. None of the 100 records we reviewed had been endorsed by a supervisor. We found that 20 of the 100 records (20 percent) did not have reasonable grounds recorded.

This suggests that some officers 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 force, the results indicate that still far too many records do not have reasonable grounds recorded.

The item searched for was recorded to have been found in 23 of the 100 records we reviewed.

Compliance with the Best Use of Stop and Search scheme

There are several aspects to the Best Use of Stop and Search scheme. As part of this inspection, HMIC considered the extent to which the force complied with each aspect of the scheme. Our analysis is set out in the table below.

We found that Lancashire Constabulary is not compliant with all aspects of the scheme.

The constabulary collects data about the use of stops and searches to examine and compare proportionality in the use of stop and search powers across the constabulary. These figures go to a stop and search working group, chaired by a chief superintendent and including independent members, which considers emerging trends. The constabulary also works with a scrutiny panel of independent members including black, Asian and minority ethnic (BAME) representatives.

The scrutiny panel meets quarterly and receives a random sample of 30 search records, from which it picks five to scrutinise in depth. The panel provides detailed feedback to the constabulary about the grounds being recorded by officers.

Changes in the authorisation of Section 60 searches have been introduced, and have reduced compared with previous years.

The constabulary has considered a 'community trigger'¹⁷ in line with the scheme. However we found no published policy identifying a threshold of complaints or the response that will follow if community concerns are raised in relation to use of stop search powers. Similarly, we found that although there is provision for members of the independent advisory group to examine stop and search procedures there is no effective scheme in place to promote opportunity for members of the public to accompany officers on patrol and observe stops and searches.

The constabulary recently circulated a briefing to officers emphasising the importance of accurately recording the grounds for stops and searches. When we interviewed officers they gave examples of stop and search encounters which evidenced building intelligence from reports by members of the public, combined with other information, and clearly demonstrated application of the National Decision Model (NDM).

Stop and search encounters are sometimes recorded using body-worn video (BWV) for review by a supervisor, which provides for learning and improved practice. However not all officers are yet equipped with BWV and stop and search footage is not shown to the scrutiny panel.

The constabulary is distributing improved hand-held mobile devices to frontline officers. These devices enable the search record to be completed and a printed receipt offered to the person searched. The new devices also enable the recording of more detailed information about the reasons for the search compared to the paper forms, which are still in frequent use.

We found that prior to the on-site inspection the constabulary had improved its information systems and supervisors now receive an electronic record to check and endorse searches carried out by their officers. This happens automatically where the record is on a tablet device, or when copied where the record is on a paper form.

¹⁷ 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.

Aspect of Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	<p>The force does not comply with this feature of the scheme</p> <p>Lancashire 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 the scheme. The constabulary does not publish data about outcomes or any link between the outcomes and the items searched for on its website.</p> <p>However, the Home Office’s ‘police.uk’ website includes data about the constabulary’s outcomes and also shows the link between the outcomes and the items searched for. Members of the public wishing to find information about the use of stop and search powers in Lancashire are highly likely to refer to the constabulary’s website, and are less likely to know about the ‘police.uk’ website. Disappointingly, the constabulary’s website does not point the public toward the police.uk website with a helpful link. As the constabulary does not publish the data and does not provide a link to show the public where it is published, it is not compliant with the scheme.</p>
Providing opportunities for the public to observe officers using the power	<p>The force does not comply with this feature of the scheme</p> <p>We found that although there is provision for members of the independent advisory group to examine stop and search procedures, there is no effective scheme in place to promote opportunity for members of the public to accompany officers on patrol and observe stops and searches.</p>
Explaining to communities how the powers are being used following a “community complaint”	<p>The force does not comply with this feature of the scheme</p> <p>The constabulary has considered a ‘community trigger’ in line with the scheme, but we found no published policy identifying a threshold of complaints or the response that will follow if community concerns are raised about the use of stop and search powers.</p>

Reducing the number of people stopped and searched without suspicion under Section 60 ¹⁸ of the Criminal Justice and Public Order Act 1994	The force complies with this feature of the scheme
Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The force 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.

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.

¹⁸ '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

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 Authorised Professional Practice and the legal framework each time it is used.¹⁹

Use of Taser in Lancashire Constabulary

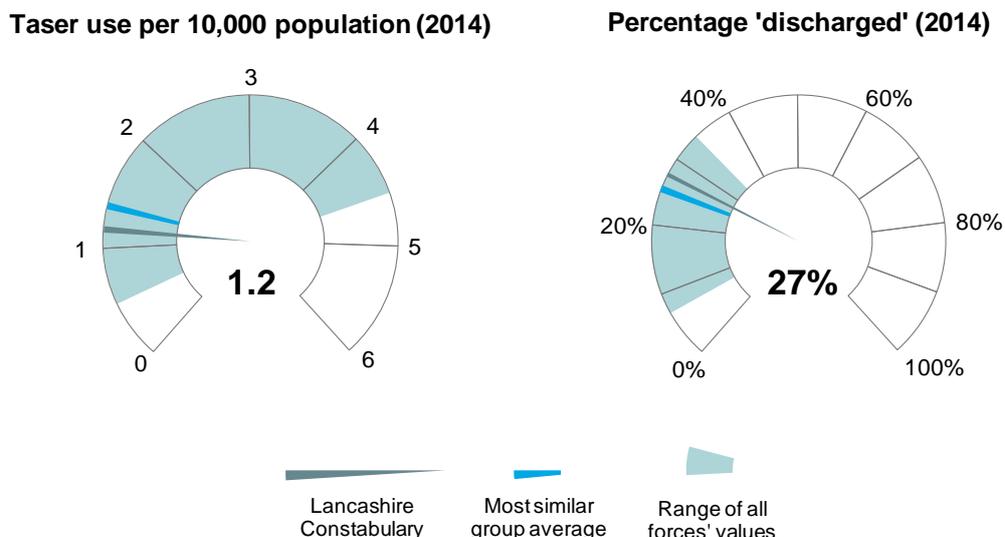
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') the police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 171 times by Lancashire Constabulary, representing 1.2 times for every 10,000 people in the force's area. This was broadly in line with the average for Lancashire Constabulary's most similar group of forces, which was 1.4 times per 10,000 population.

During the same time period, Taser was 'discharged' on 47 occasions (out of the 171 times it was used in some capacity). This equated to 27 percent of overall use, broadly in line with the force's most similar group average of 25 percent. The following figure shows the comparisons.

¹⁹ *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/

Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Lancashire Constabulary, 12 months to 31 December 2014²⁰



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 17 Taser deployment forms provided by Lancashire Constabulary. Of the 17 forms reviewed, Taser had been fired 3 times, red-dotted 11 times, aimed once, and drawn twice. On the 3 occasions that Taser was fired, we found evidence that consideration of other tactics had been recorded.

The Taser deployment forms suggested that the use of Taser was fair, lawful and appropriate in all cases reviewed except one. On this occasion, officers were called to a man in the street who appeared to have mental health problems. Officers decided to approach him and search him for weapons, which caused a reaction that required the use of Taser. We were unable to ascertain why the officers did not spend more time communicating with the man in the hope that they could diffuse the situation without the need for force.

²⁰ 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.

It was encouraging to find that despite not firing the Taser, many officers did record their use of the NDM. However, several failed to correctly record the threat assessment in accordance with the College of Policing training, and some forms also incorrectly recorded the legislation that allows officers to use force to arrest the subject or to defend themselves.

Where officers had been required to complete the NDM section of the form, none of them contained any mention of the national Code of Ethics for the police service which is at the heart of the National Decision Model and should be considered at each stage, particularly under the 'Powers and Policy' section. This appears to be a national issue and is considered in our national Legitimacy report.

The Taser officers we spoke to were clear in their application of NDM when they were deployed to incidents, and we were satisfied that the officers understood authorised professional practice in using the device. The NDM was also used effectively by the inspector in the control room, when deciding whether Taser officers should be deployed. Where such authority is given, the response supervisor on duty then takes responsibility for oversight of the incident and these sergeants and inspectors have received training that enables them to do so effectively.

The constabulary now applies strict criteria in the selection of Taser officers which complies with authorised professional practice. Realistic scenarios are used during training and officers are tested on their understanding in the use of force and handling the device. A proportion of officers do not pass the course, and therefore do not progress to be a Taser officer.

The constabulary has examined the numbers and distribution of Taser-trained officers to avoid delayed responses which may endanger officers or the public. Each incident where Taser is used is reviewed by a local inspector and, where the device is 'discharged', a trained supervisor attends the scene to carry out an investigation. The report by the officer is examined by a specialist trainer, who considers the appropriateness of the deployment and the circumstances in which the device was used. Lessons learned are identified for inclusion in the next quarterly refresher training session.

The recording, monitoring and evaluation of Taser incidents is examined by the use of force group chaired by an assistant chief constable, and regional arrangements are in place for firearms oversight.

The constabulary does not publish any regular information to the public on its use of Taser.

HMIC is satisfied that where Taser is used, it is done so lawfully in Lancashire, and there are ways of selecting, training and ensuring oversight of officers carrying the device.

However; the constabulary should make sure that officers provide more complete information explaining their actions on each occasion a device is drawn and more frequently challenge circumstances to develop learning where that justification is unclear.

Summary of findings



Requires improvement

Lancashire Constabulary is not compliant with the Best Use of Stop and Search scheme. The information it publishes does not include details of current data explaining stops and searches being conducted, including the outcome of searches or information about proportionate use of the powers. The constabulary has not yet implemented an effective policy providing a 'community trigger' and there is no published method through which the public might have opportunity to observe searches.

A considerable proportion of the search records we checked did not include sufficient explanation of legal grounds and, although the constabulary has introduced recent changes, there are also gaps in the requirements for supervisor oversight of such searches.

The constabulary uses appropriate methods to select and train officers in the use of Taser, and has procedures in place which ensure each use is recorded and then scrutinised by operational supervisors, as well as senior officers. Taser officers understand and apply the National Decision Model and authorised professional practice in their use of Taser, but how they report these incidents requires improvement.

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.
- The force must ensure that Taser-trained officers properly understand and record their decisions using the NDM in accordance with the College of Policing training.

Annex A – HMIC judgments

The categories are:

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

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

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

Annex B – Data methodology

Please note the following for the data.

- The sources of the data are provided in each section. For the force in numbers data, please see the relevant section.
- Workforce figures (based on full-time equivalents) were obtained from the Home Office annual data return 502. Most of these are available from the Home Office's published *Police workforce England and Wales statistics*, although figures may have been updated since the publication.
- Police staff includes section 38 designated officers (investigation, detention and escort).
- Data from the Office for National Statistics 2011 Census were used for the number and proportion of 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 Lancashire Constabulary's MSG: South Wales, South Yorkshire, Northumbria, Nottinghamshire, Humberside, Kent and West Yorkshire.
- Comparisons with averages – For some data sets, we state whether the force's value is 'below', 'above' or 'broadly in line with' the average. To calculate this, the difference to the mean average, as a proportion, is calculated for all forces. After standardising this distribution, forces that are more than half a standard deviation from the mean average are determined to be above or below the average, with all other forces being broadly in line.

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

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

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

Ipsos MORI survey

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

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

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

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

Annex C – The Best Use of Stop and Search scheme

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

Recording and publishing outcomes

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

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

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

Providing opportunities for the public to observe stop and search encounters

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

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

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

Implementing a community trigger for complaints

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

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

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

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

Monitoring the use of stop and search powers

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

Annex D – Types of use of Taser

Type of use Definition²¹

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.

²¹ *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.