

PEEL: Police legitimacy 2015

An inspection of West Midlands Police



February 2016

© HMIC 2016

ISBN: 978-1-78655-056-9

www.justiceinspectorates.gov.uk/hmic

Contents

Overview – How legitimate is the force at keeping people safe and reducing crime?	4
Overall judgment.....	4
Summary	4
Force in numbers	8
Introduction	10
Methodology	10
To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?	12
Introduction.....	12
How well does the force develop and maintain an ethical culture?.....	15
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?	18
Summary of findings	22
How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?	23
Introduction.....	23
How well does the force understand the people it serves and the benefits of engaging with them?.....	24
How well does the force engage with all the people it serves?	25
To what extent are people treated fairly and with respect when they come into contact with police officers and staff?	27
Summary of findings	29
To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?	30

Introduction.....	30
To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?.....	30
To what extent does the force ensure that Tasers are used fairly and appropriately?.....	36
Summary of findings.....	40
Annex A – HMIC judgments	41
Annex B – Data methodology	42
Annex C – The Best Use of Stop and Search scheme	44
Annex D – Types of use of Taser	46

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

Overall judgment¹



Good

Throughout 2015, HMIC's PEEL legitimacy inspection programme has assessed the culture within West Midlands Police, and how this is reflected in the force's public engagement, use of Taser and compliance with the Best Use of Stop and Search scheme. West Midlands Police had a strong ethical culture with good support for the wellbeing of staff. The Code of Ethics was made part of day-to-day practice, and we found no bias in any disciplinary investigations.

The force understands the importance of effective engagement and the role it plays in the legitimacy of the organisation. West Midlands Police engages well with the communities it serves, understands their concerns and treats them with fairness and respect. The force complies with most aspects of the Best Use of Stop and Search scheme and the use of Taser is fair and appropriate.

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

Summary

HMIC found that West Midlands Police articulated its values effectively, and staff commented that an ethical culture was something they lived and breathed. There was a comprehensive occupational health service, and the Code of Ethics had been incorporated into relevant training. Practical understanding of the code was enhanced using an online debate about real-life dilemmas.

HMIC considered that West Midlands Police was taking positive steps to ensure that complaints and misconduct matters for officers and staff were being dealt with fairly and consistently.

When HMIC looked at how well the force understands and engages with all the people it serves, we found that there is a good understanding of the communities it serves; the force engages effectively and staff at all levels of the organisation understand the importance of effective engagement in police legitimacy. The force uses a range of tailored methods, from social media to conventional face-to-face meetings to seek the views of the community and provide feedback and

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

reassurance. It actively consults with the people it serves to identify their preferred method of engagement. As a result, the people of West Midlands can be reassured that the force understands the importance of treating people with fairness and respect and tailors its engagement to suit diverse communities.

Stop and search and Taser are two ways that the police can prevent crime and protect the public. However, they can be intrusive and forceful methods, and it is therefore vital that the police use them fairly and appropriately. HMIC found that there is effective strategic oversight and governance of the use of stop and search powers in West Midlands Police, but that the force needs to publish the full range of data required by the Best Use of Stop and Search scheme. There is a comprehensive understanding, oversight and scrutiny of the use of Taser and a willingness and ability to share data with the public. HMIC concluded that West Midlands Police complies with most aspects of the Best Use of Stop and Search scheme and the use of Taser is fair and appropriate.

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



Good

HMIC found that West Midlands Police had articulated its values effectively, and staff commented that an ethical culture was something they lived and breathed. We found that messages from chief officers were not always applied consistently across the force and there was a perception of inconsistency in decision-making.

The force ensured promotion and selection processes were free from bias and it was trying to increase recruitment from black, Asian and minority ethnic (BAME) communities to become more representative of the population of the West Midlands.

We found a comprehensive

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



Good

In West Midlands Police HMIC found that officers and staff at all levels in the organisation understand their communities and know that providing a quality service and effective engagement has a positive effect on public confidence and police legitimacy.

Staff demonstrated a good awareness of the communities they serve and each neighbourhood has a neighbourhood profile, although we found that in some areas of the force the neighbourhood information needs to be refreshed. Community tension summaries and impact assessments are used effectively.

The force engages well with the numerous communities it serves and there is a range of tailored

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



Good

HMIC found that West Midlands Police is not complying with some aspects of the Best Use of Stop and Search scheme.

There is a good internal structure that allows robust scrutiny of stop and search and effective external overview through a series of local scrutiny panels, who examine a comprehensive array of data. The force also effectively monitors the impact of the use of stop and search powers on young people and members of black, Asian and minority ethnic communities.

HMIC was particularly impressed by the innovative use of technology in relation to stop and search that enabled the person searched easy access to

occupational health service and action taken to understand the wellbeing of the workforce. The force had undertaken consultation regarding the change programme using an online staff survey to better understand the views and experiences of the workforce.

The force had promoted the Code of Ethics and incorporated its principles into relevant training. Practical understanding of the code was enhanced using an online debate about real-life dilemmas. Further work was required to ensure the application of the code was understood fully at all levels.

HMIC considered that West Midlands Police was taking positive steps to ensure that complaints and misconduct matters for officers and staff were being dealt with fairly and consistently.

methods from social media to conventional face to face meetings that are used to seek the views of the community and provide feedback and reassurance. They actively consult with the people they serve to identify their preferred method of engagement.

The chief constable has been active in delivering a message to the organisation that they should seek to provide: “a service of which our friends and family would be proud”. This message is resonating with staff and we found that members of the public are generally being treated fairly and with respect when they come into contact with the West Midlands Police.

information on police powers, how to make a complaint or give feedback.

There is a comprehensive understanding, oversight and scrutiny of the use of Taser within West Midlands Police and HMIC was particularly impressed with the willingness to share data with the public through the police and crime board meetings which are broadcast on the internet.

Taser-trained officers use the National Decision Model to good effect and have a comprehensive understanding of the model and all the restrictions applicable to the use of Taser. HMIC is satisfied that the use of Taser in West Midlands Police is fair and appropriate.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

10%

officers

9%

staff

12%

PCSOs

12%

Percentage of BAME in local population, 2011 Census

30%



Gender diversity

Percentage of females in overall workforce 31 March 2015

West Midlands
Police

40%

England and Wales
force average

41%

Percentage of females by role,
West Midlands Police

officers

30%

staff

61%

PCSOs

47%

Percentage of females by role,
England and Wales force average

officers

29%

staff

60%

PCSOs

47%



Public complaints

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

West Midlands
Police

2,374

Proportion of finalised allegations investigated 12 months to 31 March 2015

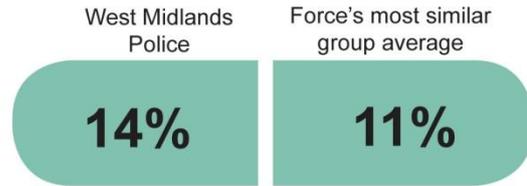
West Midlands
Police

71%

Force's most similar
group average

56%

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

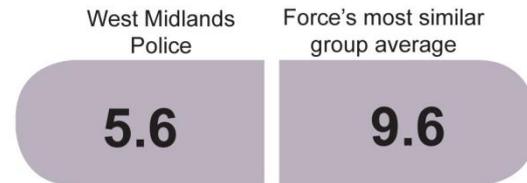


Stop and search

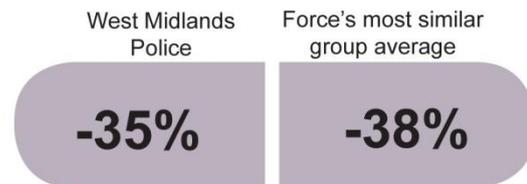
Number of stops and searches carried out 12 months to 31 March 2015



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

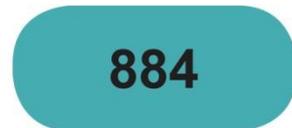


Change in number of stops and searches 12 months to 31 March 2014 to 12 months to 31 March 2015

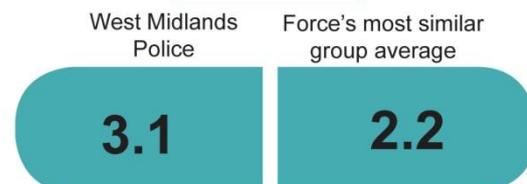


Tasers

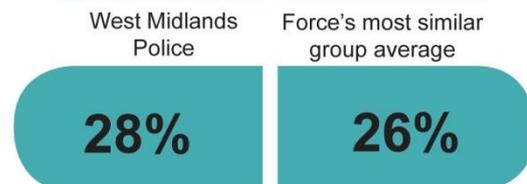
Number of times a Taser was used 12 months to 31 December 2014



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



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



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

Introduction

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

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

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

Spring 2015 inspection

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

Autumn 2015 inspection

- How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?
- To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?

This report provides the main findings for West Midlands Police.

Methodology

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

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

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

Organisational 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 becomes 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: http://whatworks.college.police.uk/Research/Documents/Fair_Cop_Briefing_Note.pdf

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 West Midlands Police

A breakdown of the full-time equivalent (FTE) workforce⁵ in West Midlands Police 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 West Midlands Police, 31 March 2015

FTE	Total	Of which	
		Female	BAME*
Total workforce	10,901	4,348 (40%)	1,068 (10%)
Total officers	7,133	2,134 (30%)	613 (9%)
Constables	5,636	1,757 (31%)	489 (9%)
Sergeants	1,048	259 (25%)	89 (9%)
Inspecting ranks	386	105 (27%)	32 (9%)
Superintendents and above	63	13 (21%)**	3 (5%)**
Staff	3,148	1,921 (61%)	380 (12%)
PCSOs	620	293 (47%)	74 (12%)

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

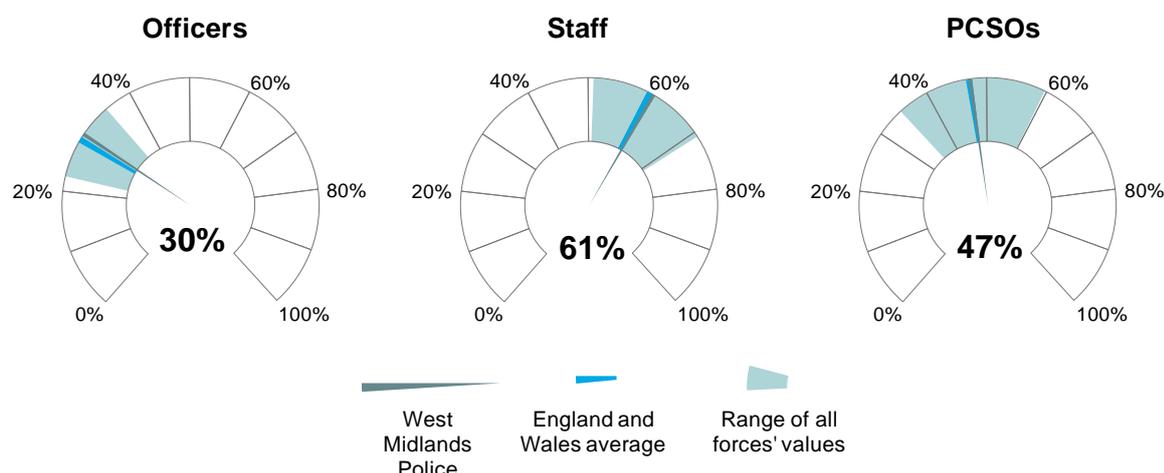
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

** Due to the figures being small, percentages should be treated with caution.

Source: Home Office Police Workforce statistics

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

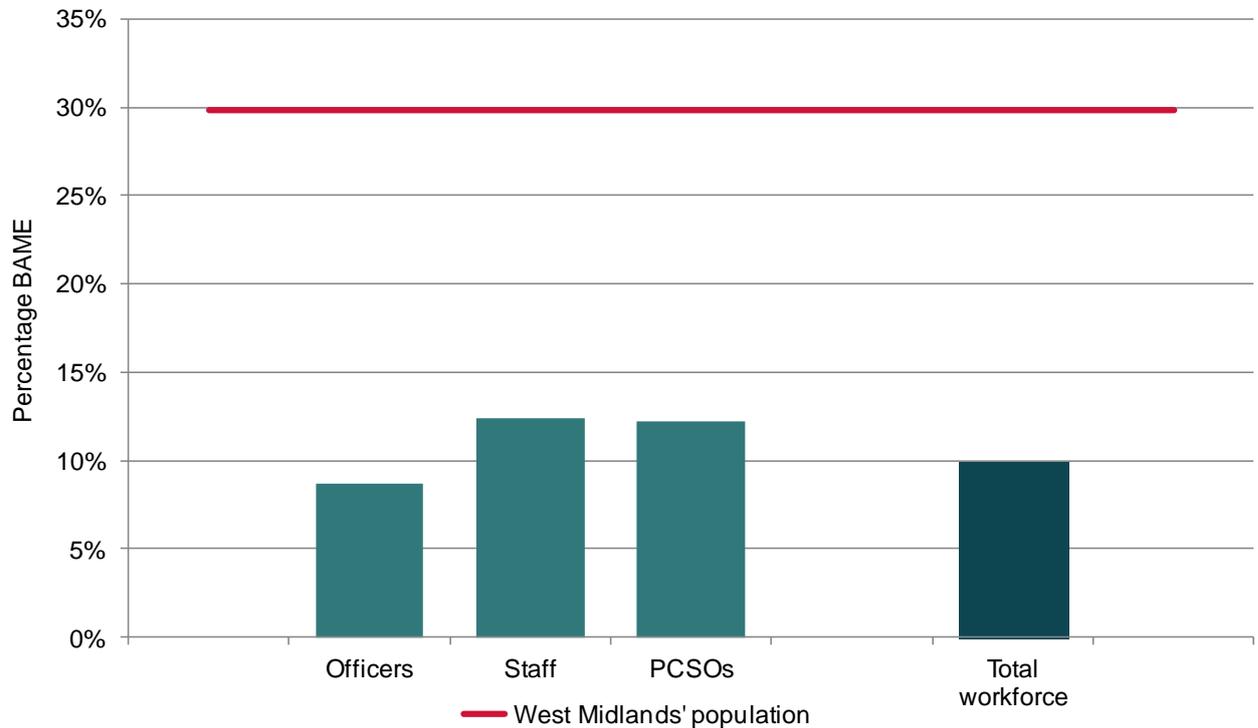
Figure 2: The percentage of female officers, staff and PCSOs in West Midlands Police compared with the force average for England and Wales, 31 March 2015



Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the overall proportion of BAME people in the force's local population. In West Midlands, around 30 percent of the local population were BAME. The figure below shows these comparisons. There was a statistically significant under-representation of BAME people in West Midlands Police's overall police workforce, as well as separately for officers, staff and PCSOs.

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



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

Police forces in England and Wales have experienced large reductions in their total workforce since the government’s October 2010 spending review.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.

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

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

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

	Total change		Percentage point change	
			% female	% BAME
Total workforce	-2,203	(-17%)	+1	+1 ●
Officers	-1,493	(-17%)	+2 ●	+1 ●
Staff	-518	(-14%)	-1	+2 ●
PCSOs	-191	(-24%)	-2	0

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

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

Source: Home Office Police Workforce statistics

There was a statistically significant increase in the proportion of BAME people in West Midlands Police's overall workforce between 31 March 2010 and 31 March 2015. There were also statistically significant changes in the percentages of BAME officers and staff, and of female officers. In particular, the proportion of female officers and BAME staff both 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 West Midlands Police's workforce was broadly similar for all of officers, staff and PCSOs. By ethnicity, there was an under-representation in BAME officers, staff and PCSOs; however, for officers and staff at least (as well as the overall workforce), the proportions had increased 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 that the chief constable had clearly articulated his values to the force through roadshows, regular meetings with middle managers and an online forum called 'ask the boss'. The 'pride in our police' programme was used to communicate messages about ethics and integrity and to seek the views of the workforce. Rather than focusing on the Code of Ethics in isolation, the chief constable asked the

workforce to consider why they joined the police service and to focus on why they should maintain a healthy ethical culture; this message had been widely understood by staff across the whole organisation.

Cultural audits, in which local policing teams met to discuss the ethical health of the organisation, were also undertaken. Staff said that the development of an ethical culture in West Midlands Police was something they lived and breathed.

Clear and consistent messages were provided by chief officers but they were not being applied or disseminated consistently across the whole force. Local leaders influenced the culture that existed in their particular team; consequently, we found a perception of variable treatment among some groups. The force was planning to track how well messages were being received and understood, particularly among operational teams.

The force had a plan for identifying areas for improvement, involving a range of departments, which will systematically record lessons learned from a number of sources including; the Independent Police Complaints Commission, HMIC and the outcomes from employment tribunals, grievances and complaints. Learning will be fed back to staff in a meaningful manner. This demonstrated a clear desire by the force to learn from experience.

West Midlands Police had ensured that promotion and selection processes were fair and free from bias. For example, the force had introduced 'blind' application assessment, in which assessors did not know the identity of the applicant. Staff at various levels across the force expressed confidence that these processes were ethical and transparent.

The force recognised the need for the workforce to be more representative of the community. During a recent recruitment process the force was successful in attracting more female applicants and was actively considering how to increase recruitment from the black, Asian and minority ethnic (BAME) community. We found mentoring, coaching and other positive action being taken to support BAME applicants and evidence that the force was examining what could be done to support the development and retention of existing BAME officers and staff. There was recognition from staff that the organisation had gone to considerable lengths to increase the diversity of the workforce, but disappointment that more BAME officers had not been recruited.

We found that support for staff raising concerns about colleagues was available from the human resources department, first contact advisors, the Police Federation, trade unions and staff associations. The force did not have a 'whistleblowers' policy but investigators from the professional standards department were aware of the need to protect the anonymity of staff who provided information in certain investigations.

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 West Midlands Police took action to understand the wellbeing of the workforce. A staff survey designed to improve understanding of the impact of the change programme received over 3,500 responses. Academic research on the link between stress and working practices had been commissioned.

There was positive engagement between the force and its staff with the provision of practical support to promote wellbeing. The force offered a comprehensive occupational health service and a range of schemes, for example, health checks, fitness testing, access to counselling or physiotherapy and they also delivered training on how to manage stress. Recent users of the wellbeing services provided by the force praised the level of support they had received, although some line managers told us they were unsure of the services available.

The force was careful to consider the impact on day-to-day policing operations when implementing the flexible working policy and it was acknowledged that this should not be a 'one size fits all' approach. If a staff member was not authorised to work flexibly in their current area, the force would consider moving that person to another business area where flexible working may be more suitable. However, staff raised concerns regarding inconsistent application of the policy across different parts of the force with the potential for this to result in unfairness.

The force had engaged in extensive consultation with staff regarding the force's 2020 change programme. Staff generally felt valued and engaged in the consultation process. However, the force was aware of the potential for anxiety and low morale within the workforce as the change programme progresses. In conjunction with their private sector partner, the force used an online staff survey questionnaire to gauge the workforce's experience of change.

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.

HMIC found that West Midlands Police had promoted and publicised the Code of Ethics and made it accessible to the workforce. All staff had received specific training on the code and the principles were being incorporated into other training. Each staff member had been provided with a personal copy of the code by their local commander and this was supplemented with intranet and poster campaigns. Integrating the code into everyday policing activities formed part of the 'Pride in our Police' objectives.

Practical understanding of the principles and values of the Code of Ethics was enhanced using a real-life 'dilemma of the month', which generated online debate. The Code of Ethics was being delivered in a structured manner across the organisation with efforts being made to ensure the real meaning of the code was being presented in a practical way which staff would understand. We found that senior officers believed the code was having a positive influence on standards of behaviour, decision-making and the workforce's interaction with the public. However, further work was required to ensure the Code of Ethics and its application was understood fully at all levels across the organisation.

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.

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, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

Each allegation can be dealt with, or resolved, in a number of ways. Some complaints, such as rudeness or incivility, may be dealt with through the local resolution process. The way these complaints are resolved should be adapted to the needs of the complainant – for example, they may involve an apology or an explanation of the circumstances in writing or in person. If the complaint is more serious, and assessed as not suitable for local resolution, it must be investigated by an appointed investigating officer who will produce a report detailing findings against each allegation. Under certain circumstances, some complaints do not proceed. These use processes known as disapplication or dispensation (for example, if the matter is already the subject of a complaint or if the complaint is repetitive or vexatious), discontinuance (for example, if the complainant refuses to cooperate or it is not reasonably practicable to investigate the complaint) or if they are withdrawn by the complainant.⁸

In the 12 months to 31 March 2015, West Midlands Police finalised 2,374 allegations from public complaints that were made against its officers and staff. Of these, 71 percent had been investigated and 17 percent had been locally resolved. A greater proportion of allegations were investigated and a smaller proportion were locally resolved in West Midlands compared with the average of its most similar group of forces.⁹

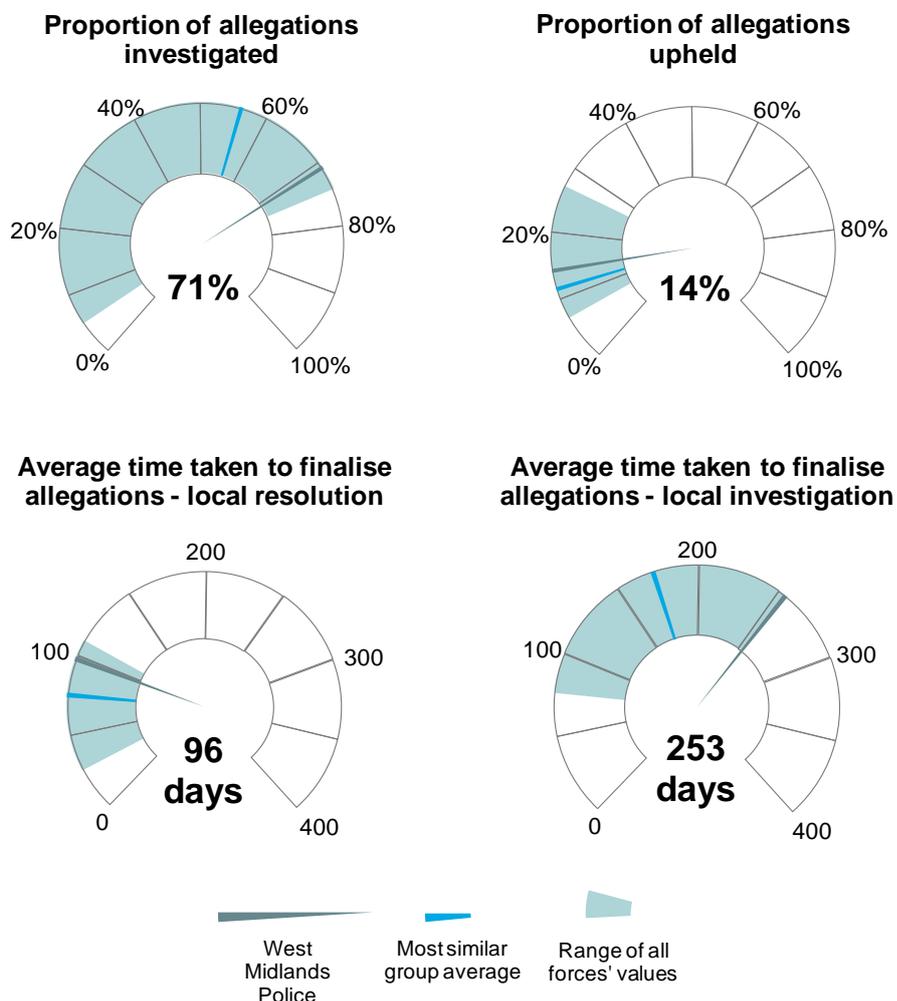
In the 12 months to 31 March 2015, the average time West Midlands Police took to complete a local resolution was 96 days, greater than the average of its most similar group of forces (73 days). Over the same period, the average time a local investigation took to complete was 253 days, greater than the average of its most similar group of forces (171 days).

After local investigation, West Midlands Police closed 1,676 allegations in the 12 months to 31 March 2015. Of these, 14 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 West Midlands' most similar group of forces of 11 percent. The following figure shows how 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 for more information.

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



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, West Midlands Police finalised 71 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, West Midlands took longer to complete both local resolutions and local investigations.

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

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

Building on the findings of HMIC's Police Integrity and Corruption inspection,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 65 public complaints and internal misconduct allegations, to assess whether they had been considered fairly and consistently. We examined further the outcomes of the review during our fieldwork.

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

HMIC found that West Midlands Police was taking steps to ensure that complaints and misconduct matters for officers and staff were being dealt with fairly and consistently. The most serious public complaints and internal misconduct matters were assessed and managed within the professional standards department, as were any decisions relating to the redeployment or suspension of an officer or staff member. Professional standards department investigators had received cultural information from community representatives and training in unconscious bias. Cases that would not have resulted in dismissal were dealt with locally. A chief officer maintained oversight of complaints and misconduct through an integrity board which met monthly.

The force was very aware of the disproportionate number of complaints or misconduct allegations against Asian officers. However, professional standards had conducted a thorough analysis of this and concluded that it was due to the location and role of the officers rather than increased levels of misconduct by Asian officers. To better reflect the local diverse community, the force had deliberately posted a lot of black, Asian and minority ethnic officers to the area of Birmingham Central. Analysis of all the outcomes of complaints and misconduct, both with and without ethnicity data, had provided the force with reassurance that allegations were being dealt with fairly and consistently.

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.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/

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'.

This was consistent with the findings from HMIC's case file review. The force came to a similar conclusion in respect of complaints against female officers and proposed to extend the analysis to assess complaints against police officers compared to those against police staff.

Staff acknowledged the fair approach being adopted by the force and consistently reported that they felt confident that all staff would be treated appropriately in the event of a complaint. However, staff associations did raise concerns about cases being dealt with locally and, as a result, not coming to the attention of the professional standards department. There were seventeen different appropriate authorities in local policing areas making decisions about how complaints and misconduct were investigated and managed. As a result there was a risk of inconsistency in decision-making and staff associations perceived that this was leading, in some cases, to bias and discrimination. The force was aware of these concerns and was making considerable efforts to engage effectively with staff associations to make the process more transparent and demonstrate that complaints and misconduct procedures were carried out fairly and consistently.

Summary of findings



Good

HMIC found that West Midlands Police had articulated its values effectively, and staff commented that an ethical culture was something they lived and breathed. We found that messages from chief officers were not always applied consistently across the force and there was a perception of inconsistency in decision-making.

The force ensured promotion and selection processes were free from bias and it was trying to increase recruitment from black, Asian and minority ethnic communities to become more representative of the population of the West Midlands.

We found a comprehensive occupational health service and action taken to understand the wellbeing of the workforce. The force had undertaken consultation regarding the change programme using an online staff survey to better understand the views and experiences of the workforce.

The force had promoted the Code of Ethics and incorporated its principles into relevant training. Practical understanding of the code was enhanced using an online debate about real-life dilemmas. Further work was required to ensure the application of the code was understood fully at all levels.

HMIC considered that West Midlands Police was taking positive steps to ensure that complaints and misconduct matters for officers and staff were being dealt with 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's 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 a local and force level, the force understands the needs and concerns of the people it serves.

HMIC found that West Midlands Police has a good understanding of the communities it serves and staff at all levels demonstrate an understanding of the benefits of engaging positively with communities to police legitimacy.

At a neighbourhood level, officers and staff clearly understand the relationship between providing a quality service, increased public confidence in the police and the positive effect this has on police legitimacy. Officers demonstrate a good level of awareness of the communities they serve, which assists them to engage positively and to provide a service which meets local needs.

Each neighbourhood has gathered together a range of information about the make-up of its diverse local communities. This information assists the force to understand what issues are of concern to individual neighbourhoods and how local problems can affect the community. Neighbourhood profiles are supplemented with community impact assessments and community tension summaries. These assessments allow the force to understand better any underlying tensions within communities and show how the effectiveness of the police response to incidents is affecting public confidence. However, we found that use of these assessments was not consistent, and in some areas the neighbourhood information was not being regularly refreshed and updated.

During the design of the force's new operating model, 'WMP 2020', the force engaged with different communities to seek their views. This consultation included 1,600 responses to a week-long media campaign, 80 workshops and 11 events with partner agencies across the seven different local authorities. The force rightly describes the re-design of its operating model as a 'collective endeavour' and reflects the force's emphasis on seeking the views of the public and encouraging their involvement in policing activity.

Of the 1,000 survey responses from the area covered by West Midlands Police, 47 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.

From the survey, fewer than 10 percent of respondents report that they have, within the previous 12 months, been asked about their views on crime and anti-social behaviour issues that matter most to them where they live. Similarly, in most forces, fewer than 20 percent of respondents have been told, within the previous 12 months, how their force is tackling these issues.

Our inspection looked at the different ways that forces engage their communities.

HMIC found that West Midlands Police engages well with the numerous diverse communities it serves and we found that the force has a variety of well established methods to promote community engagement and involvement in policing activities.

The force uses the 'Feel the Difference Survey' to gauge the views of 16,800 residents and better understand their concerns. The force supplements this information with other local surveys and forms community reference groups in some areas which helps it build up a comprehensive picture of community concerns and feedback.

The force has also carried out confidence surveys to better understand community issues, devise bespoke ways of solving problems and develop improved communication methods with the public, such as in Tipton and South Yardley. The force is evaluating the initiative in order to better inform its future plans for neighbourhood policing.

West Midlands Police effectively uses social media to provide information to the public and seek their assistance. For example, following a recent widely publicised incident when two officers came across what they thought was a newborn baby locked in a car, 2,000 responses were received from the public on the force Facebook account. Crime prevention messages publicised by the force by means of Thunderclap,¹³ frequently reach in excess of 400,000 people.

¹³ Thunderclap is an on-line crowd speaking platform which enables messages/campaigns to be instantly shared with many users

At a local level, the force is using tailored methods to provide people with relevant information and we found evidence of widespread local participation in policing activities. For example in the Bournbrook area of Birmingham, student 'community wardens' accompany officers and PCSOs when engaging with the student community to provide messages around crime prevention. Increased engagement has led to improved neighbourhood watch coverage and community speed-watch initiatives. In some schools, student groups have been set up to allow children to provide feedback to officers on an ongoing basis, and street wardens work closely with officers to patrol areas of high crime and anti-social behaviour.

While there is evidence of good participation of local people in policing activities, the use of a more formal volunteer scheme is limited.

In some communities the force uses more traditional engagement methods such as leaflet drops, daily surgeries with the public, meetings with business watch schemes, outreach work with other agencies, community meetings and a scheme to encourage the public to have 'a cuppa with a copper'. Although this type of approach can be effective in some neighbourhoods, West Midlands Police recognises that this is not the preferred means of engagement for every community and tailors its approach accordingly. The force consulted with independent advisory groups, when developing a poster and social media campaign for victims of so-called honour-based violence. Following public consultation, as part of its change programme, the force is moving from providing public access to stations and developing a customer self-service portal.

To ensure engagement is more inclusive and its reach is extended, the force makes good use of technology – particularly social media – but recognises that feedback has to be tailored to different communities and they aim to achieve a sensible balance.

From the survey, 31 percent of the respondents from the area covered by West Midlands Police 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.

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

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

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

The police have thousands of interactions with the public on a daily basis. Research indicates that the quality of the treatment received during encounters with the police is more important to individuals than the objective outcome of the interaction. Before we began our fieldwork activity, we listened to around 40 calls made from members of the public to the 101 (non-emergency) and 999 (emergency) numbers to assess the quality of the treatment received. To determine the overall quality of the call, we considered criteria such as whether the call-handler remained polite, professional and respectful throughout the call, whether he or she took the caller's concerns seriously, appropriately assessing the risk and urgency of the call, and how well he or she established the caller's needs, managed the caller's expectations and explained what would happen next.

Although not necessarily representative of all calls responded to by West Midlands Police, from the 40 calls assessed, HMIC was generally satisfied that the call-handlers were polite, respectful and effective. However, in some cases, the call-handler did not routinely offer the caller an incident number, during either 999 or 101 calls.

During our fieldwork we also observed front-counter staff in their interaction with visitors at police stations, and in all cases, although staff were clearly very busy, they remained polite, friendly and helpful.

HMIC found that members of the public are generally being treated fairly and with respect when they come into contact with West Midlands Police.

¹⁴ *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

Through the training the force has delivered relating to the National Decision Model (NDM), coupled with the briefings and guidance provided in relation to the Code of Ethics, the force has ensured that its officers have the required knowledge and skills to ensure a consistently good level of service. Guidance material supplied to officers includes real-life scenarios to ensure learning is based on reality.

The force is serious about making the NDM part of its day-to-day working practices and it has carried out a formal evaluation with the Warwick Business School. A survey was undertaken of 1,000 members of staff; among the questions they were asked was one specifically about their understanding and application of the NDM. This work found that there was good quality training in relation to areas such as firearms and Taser, where the NDM was very well integrated into day-to-day practice, but in other areas it was less well understood and staff were relying on their personal values to make good decisions.

We found widespread understanding and awareness of the principles of the NDM and its link to the Code of Ethics. Officers provided many examples of the model being used in both operational and non-operational situations. However, this was not always a wholly consistent picture, and further work is required to ensure application of the NDM is understood fully at all levels across the force.

While there had been no formal training on treating people with fairness and respect, this approach was incorporated in other training and we found a widespread understanding that this was both desirable and necessary to reinforce legitimacy in the organisation.

From the survey, 51 percent of respondents from the area covered by West Midlands Police agree that the police in their local area treat people fairly and with respect versus 8 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Summary of findings



Good

In West Midlands Police HMIC found that officers and staff at all levels in the organisation understand their communities and know that providing a quality service and effective engagement has a positive effect on public confidence and police legitimacy.

Staff demonstrated a good awareness of the communities they serve and each neighbourhood has a neighbourhood profile, although we found that in some areas of the force the neighbourhood information needs to be refreshed. Community tension summaries and impact assessments are used effectively.

The force engages well with the numerous communities it serves and there is a range of tailored methods from social media to conventional face to face meetings that are used to seek the views of the community and provide feedback and reassurance. They actively consult with the people they serve to identify their preferred method of engagement.

The chief constable has been active in delivering a message to the organisation that they should seek to provide: “a service of which our friends and family would be proud”. This message is resonating with staff and we found that members of the public are generally being treated fairly and with respect when they come into contact with the West Midlands Police.

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.¹⁵

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁶ and how well reasonable grounds were recorded) to determine whether officers were using their powers fairly and in accordance with legal requirements and Authorised Professional Practice.

The inspection asked:

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

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

Background

The primary role of the police is to uphold the law and maintain the peace. Unfair, unlawful or unnecessary use of stop and search powers make this task harder, with one of the direct consequences being a reduction in public trust and police legitimacy, and people being more likely to break the law and less willing to co-operate with the police. The purpose of stop and search powers 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.

¹⁵ *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/

¹⁶ *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,¹⁷ HMIC concluded that few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected, to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

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

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

The principal aims of the scheme are for the police to establish greater transparency and community involvement in the use of stop and search powers and make sure that the powers are used in an intelligence-led way to achieve better outcomes for the public.

All police forces in England and Wales have signed up to the Home Office's Best Use of Stop and Search scheme. This inspection considered the extent to which forces are complying with the scheme.

Use of stop and search in West Midlands Police – Stop and search by volume

In the 12 months to 31 March 2015, West Midlands Police carried out 15,589 stops and searches. The table below shows this number per 1,000 population for West Midlands Police and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the force's use of stop and search powers is currently less than the average of its most similar group of forces.

¹⁷ *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 West Midlands Police compared to the average of its most similar group (MSG) of forces, 12 months to 31 March 2015, and the percentage change from the 12 months to 31 March 2014

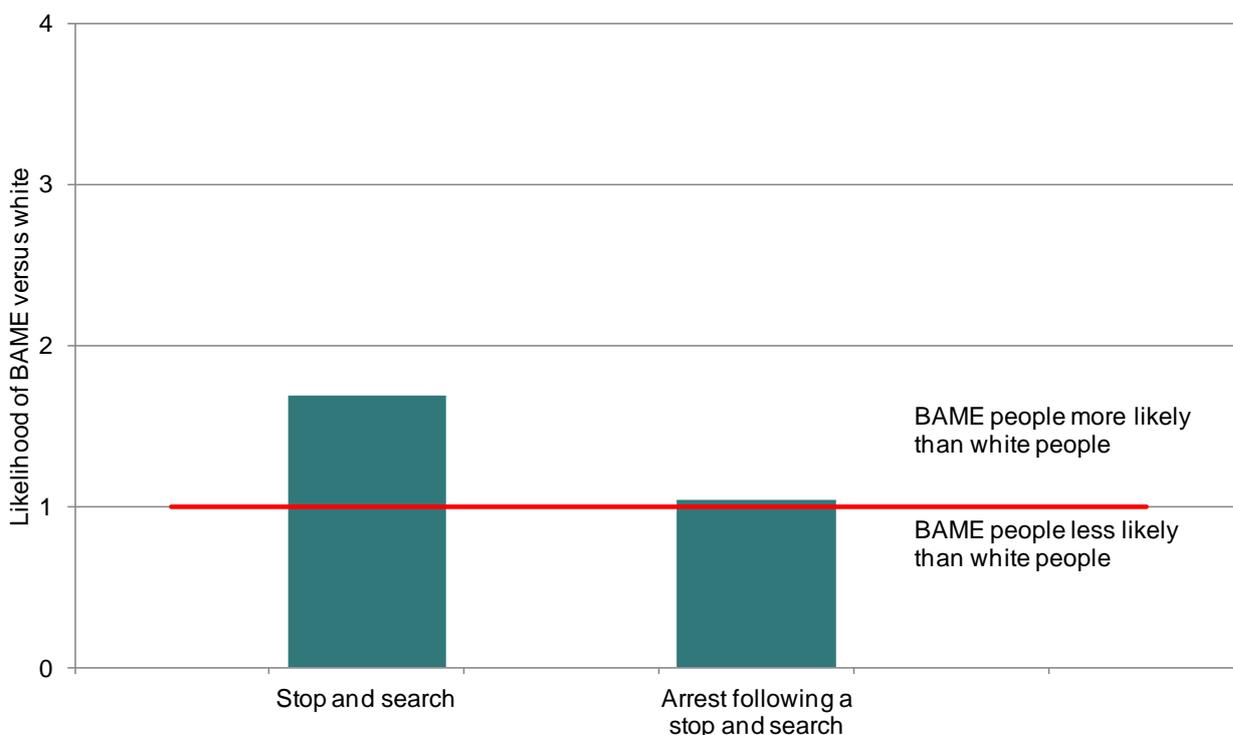
	Stops and searches per 1,000	Change from previous year
West Midlands	5.6	-35%
West Midlands' MSG average	9.6	-38%

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 West Midlands Police – Stop and search by ethnicity

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

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



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

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

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

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

Recording reasonable grounds for suspicion

In our 2013 inspection, we were concerned to see that, of the 8,783 stop and search records we examined across all forces in England and Wales, 27 percent did not include sufficient reasonable grounds to justify the lawful use of the power. For West Midlands Police, the 2013 inspection showed that 97 of 200 records reviewed (49 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. All the records we reviewed had been endorsed by a supervisor. We found that seven of the 100 records did not have reasonable grounds recorded.

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

Of the 100 records we reviewed, only six recorded 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.

HMIC found that West Midlands Police do not comply with all aspects of the Best Use of Stop and Search scheme.

The force has developed an e-search database which allows it to manage stop and search data effectively. Officers pass details of the search via their personal radio and these are recorded directly onto an e-search database. The person searched is then provided with a stop and search form, on which there is a QR code¹⁸ and a website address where they can find more information. This enables people who are subject to the use of stop and search powers to access more information on police powers, how to make a complaint or give feedback regarding the search. HMIC considers this a particularly innovative use of technology. A chief superintendent who has responsibility for overseeing the use of the powers for the force monitors feedback from people searched and provides regular updates to the office of the police and crime commissioner (OPCC).

West Midlands Police works closely with the OPCC and has developed a joint action plan to improve the use of stop and search powers. The force monitors the involvement of supervision, the timeliness of recording stop and search encounters as well as trends or patterns to ensure the power is being used fairly and appropriately. An assistant chief constable holds quarterly meetings with senior officers from the local policing units and operational departments at which stop and search is discussed.

A series of community scrutiny panels meet every two or three months and review a selection of stop and search records. The panels examine the use of stop and search as a tactic, records of the grounds for the search, supervisory overview, information from the e-search database and any complaints or dissatisfaction. Feedback from the scrutiny panels is provided to the officers concerned and their supervisors. This whole process is reviewed twice yearly by a stop and search commission chaired by the deputy police and crime commissioner. Members of the commission include the assistant chief constable, the lead for stop and search, and community scrutiny panel members from across the force. These processes are intended to ensure that senior officers have a comprehensive oversight and understanding of how stop and search is being used across the force.

¹⁸ QR code – Quick response code, which is a two-dimensional barcode giving smartphone users convenient and rapid access to online information.

The force incorporates National Decision Model (NDM) into its stop and search training for frontline officers, and HMIC found good understanding and awareness of the principles of the NDM among staff in the force. However, we found that not all officers consciously apply the NDM to decisions relating to their use of stop and search powers.

Feature of the Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	<p>The force does not comply with this feature of the scheme</p> <p>The force does not record all outcomes required by the scheme because it does not record outcomes involving a caution. It records whether or not the outcome was related to the original grounds, but this is restricted to arrests only and not the remaining outcomes. The force has a dedicated stop and search page on its website but when inspected data published was for the period April 2013 to March 2014 and did not include data about outcomes. However, current stop and search information for West Midlands Police was published on the police.uk website but there was no link from the force website to the police.uk website, which meant that members of the public seeking this information were unlikely to locate it. Furthermore, the full range of outcomes required by the scheme was not published on the police.uk website.</p>
Providing opportunities for the public to observe officers using the power	The force complies with this feature of the scheme.
Explaining to communities how the powers are being used following a “community complaint”	The force complies with this feature of the scheme.

Reducing the number of people stopped and searched without suspicion under section 60 ¹⁹ of the Criminal Justice and Public Order Act 1994	The force complies with this feature of the scheme.
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.

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

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

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

¹⁹ 'No suspicion' searches are provided for under section 60 of the Criminal Justice and Public Order Act 1994. Available from: www.legislation.gov.uk/ukpga/1994/33/section/60

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

Use of Taser in West Midlands Police

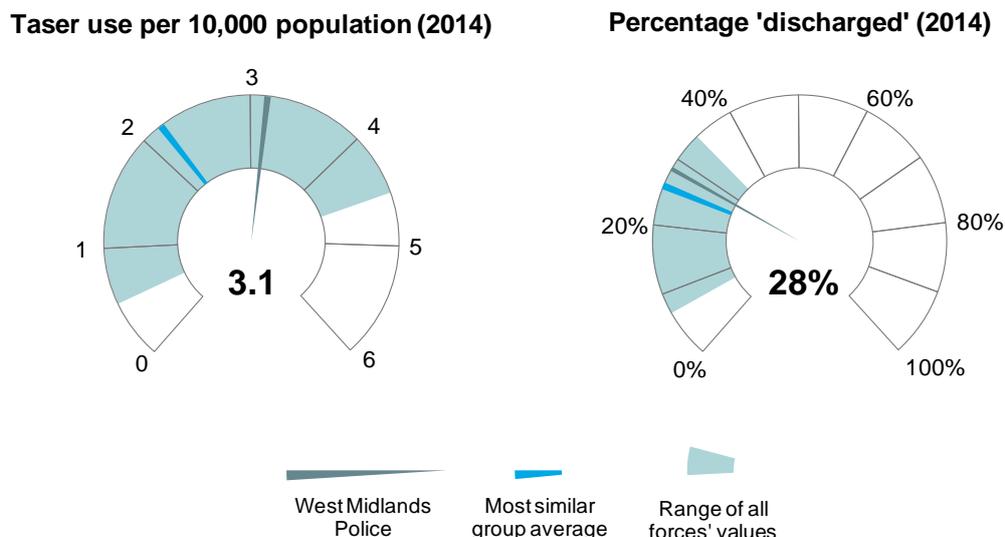
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 884 times by West Midlands Police, representing 3.1 times for every 10,000 people in the force's area. This was greater than the average for West Midlands Police's most similar group of forces, which was 2.2 times per 10,000 population.

During the same time period, Taser was 'discharged' on 251 occasions (out of the 884 times it was used in some capacity). This equated to 28 percent of overall use, broadly in line with the force's most similar group average of 26 percent. The following figure shows the comparisons.

²⁰ *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

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



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

The Taser deployment form is a national document for gathering research information about the operational effectiveness of the Taser device, and any medical implications of its use. If officers fire the Taser, or if they use it in drive-stun or angled drive-stun mode, they are required to complete the full form, including a detailed description of the incident from commencement to resolution. The National Decision Model is used on the form as a structure for officers to record this description. 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 West Midlands Police. Although the findings of this review are not necessarily representative of all Taser forms completed by the force, they do provide an indication of the force's Taser activity. The forms showed that Taser had been fired three times, red-dotted 12 times, angled drive-stunned once, arced once, aimed once, and drawn twice.

Overall officers used Taser to protect themselves or others from a range of weapons, including several knives, a suspected hand gun, a baseball bat, a razor blade being used to self-harm, and a syringe.

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 20 cases reviewed.

²¹ City of London Police data was removed from figure 8 because of the very low number of times Taser was used by the City of London Police in 2014.

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.

HMIC found that West Midlands Police ensures that the National Decision Model (NDM) and Code of Ethics are central principles within initial Taser training and subsequent annual refresher training. Taser-trained officers applied the NDM effectively and showed a good understanding of the relevant legislation and Authorised Professional Practice.

The force reviews and evaluates the number of Taser-trained officers deployed throughout the force on a regular basis. Senior officers consider not only local factors, such as the need for more Taser officers to be available in busier areas but also the strategic risk assessment.

West Midlands Police ensures effective local intrusive supervision of the use of Taser through force policy that requires sergeants to attend any incident involving the use of Taser and duty inspectors to be informed whenever Taser is 'discharged'. In addition, each local policing unit has a nominated supervisor to review all Taser forms completed by officers in that geographical area.

Senior officers have a comprehensive oversight and understanding of Taser use across the force. Taser deployment forms are also centrally examined by trained firearms officers while the head of the force operations department chairs a well established bi-monthly Taser meeting to evaluate data and ensure that the use of Taser is fair and appropriate across the whole force. Data relating to the use of Taser is examined at this meeting including the use at incidents involving people with mental health issues, young persons, elderly people and members of the BAME community. The meeting also examines any patterns that identify a high use of Taser among individuals or teams. The outcome of the meeting and the latest Taser data is reported quarterly to the police and crime board. The meetings are broadcast live, online, allowing the public to view proceedings. Further public engagement regarding Taser is achieved via an independent Taser advisory group, which acts as a community scrutiny panel for the use of Taser.

The force does not publish Taser data on the West Midlands Police website. Taser information is available via the police and crime commissioner's website.

Based on our assessment of the Taser forms and our fieldwork findings, HMIC is satisfied that Taser is being used fairly and appropriately by West Midlands Police.

Summary of findings



Good

HMIC found that West Midlands Police is not complying with some aspects of the Best Use of Stop and Search scheme.

There is a good internal structure that allows robust scrutiny of stop and search and effective external overview through a series of local scrutiny panels, who examine a comprehensive array of data. The force also effectively monitors the impact of the use of stop and search powers on young people and members of black, Asian and minority ethnic (BAME) communities.

HMIC was particularly impressed by the innovative use of technology in relation to stop and search that enabled the person searched easy access to information on police powers, how to make a complaint or give feedback.

There is a comprehensive understanding, oversight and scrutiny of the use of Taser within West Midlands Police and HMIC was particularly impressed with the willingness to share data with the public through the police and crime board meetings which are broadcast on the internet.

Taser-trained officers use the National Decision Model to good effect and have a comprehensive understanding of the model and all the restrictions applicable to the use of Taser. HMIC is satisfied that the use of Taser in West Midlands Police is fair and appropriate.

Areas for improvement

- The force should comply with the Best Use of Stop and Search scheme in relation to recording and publishing outcomes.

Annex A – HMIC judgments

The categories are:

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

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

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

Annex B – Data methodology

Please note the following for the data.

- The sources of the data are provided in each section. For the force in numbers data, please see the relevant section.
- Workforce figures (based on full-time equivalents) were obtained from the Home Office annual data return 502. Most of these are available from the Home Office's published *Police workforce England and Wales statistics*, although figures may have been updated since the publication.
- Police staff includes section 38 designated officers (investigation, detention and escort).
- Data from the Office for National Statistics 2011 Census were used for the number and proportion of BAME people within each force area. While the numbers may have since changed, more recent figures are based only on estimates from surveys or projections.
- HMIC has been made aware of updates from particular forces on their Taser and stop and search data. However, for fairness and consistency, we have presented the data as published by the relevant sources.

Please note the following for the methodology applied to the data.

- Comparisons with most similar group of forces – In most cases, comparisons are made with the average of the force's most similar group (MSG) of forces. These are forces that have been found to be the most similar to the force in question, based on an analysis of demographic, social and economic characteristics which relate to crime. The following forces are in West Midlands Police's MSG: Greater Manchester, Merseyside 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 Definition²²

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

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

²² *Police use of Taser statistics, England and Wales: 1 January to 31 December 2014*, Home Office, 2015. Available from www.gov.uk/government/statistics/police-use-of-taser-statistics-england-and-wales-1-january-to-31-december-2014.