

PEEL: Police legitimacy 2015

An inspection of Cleveland Police



February 2016

© HMIC 2016

ISBN: 978-1-78655-021-7

www.justiceinspectorates.gov.uk/hmic

Contents

Overview – How legitimate is the force at keeping people safe and reducing crime?	4
Overall judgment.....	4
Summary	5
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?.....	16
How well does the force provide for the wellbeing of staff?	17
How well has the Code of Ethics been used to inform policy and practice?	18
How fairly and consistently does the force deal with complaints and misconduct?	19
Summary of findings	24
How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?.....	25
Introduction.....	25
How well does the force understand the people it serves and the benefits of engaging with them?.....	26
How well does the force engage with all the people it serves?	27
To what extent are people treated fairly and with respect when they come into contact with police officers and staff?	29
Summary of findings	30
To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?	31

Introduction.....	31
To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?.....	31
To what extent does the force ensure that Tasers are used fairly and appropriately?.....	37
Summary of findings.....	41
Annex A – HMIC judgments	43
Annex B – Data methodology	44
Annex C – The Best Use of Stop and Search scheme	46
Annex D – Types of use of Taser	48

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

Overall judgment¹



Requires improvement

Throughout 2015, HMIC's PEEL legitimacy inspection programme has assessed the culture within Cleveland Police, and how this is reflected in the force's public engagement, use of Taser and compliance with the Best Use of Stop and Search scheme.

HMIC found that Cleveland had an ethical culture, and staff knew the standard of behaviour that was expected of them. At the time of inspection the force was integrating the Code of Ethics² into policy and practice and our later inspection recognised the improvements made. We found that the force had started to respond to the concerns raised by staff of low morale, not feeling valued, and their overall wellbeing.

Cleveland Police fully understands the relationship between engagement and legitimacy at both a strategic and local level, and we are impressed by the commitment of officers to engaging and working closely with their local communities.

HMIC is concerned that a large percentage of the stop and search forms we assessed did not contain sufficient reasonable grounds to demonstrate the appropriate and lawful use. However, we recognise the force has made considerable improvements to its processes since our inspection.

However, HMIC is satisfied that Cleveland Police is complying with almost all the features of the Best Use of Stop Search scheme, and that Taser is used fairly and appropriately.

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

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

² *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

Summary

HMIC found that Cleveland has an ethical culture, and staff knew the standard of behaviour that was expected of them. The force had governance structures in place to support ethical decision-making, and ensure fairness and consistency.

Recruitment processes were seen as fair, free from bias and discrimination, though concerns were expressed about selection for temporary promotion.

Processes for dealing with complaints and misconduct were fair and free from bias.

When HMIC looked at how well the force understands and engages with all the people it serves, we found Cleveland Police fully understands the relationship between engagement and legitimacy at both a strategic and local level. We are impressed by the commitment of officers in Cleveland to engage and work closely with their communities. Officers and staff understand the importance of treating people with fairness and respect and how this links to improved public confidence.

The force effectively engages with the public through conventional surveys, face-to-face meetings, digital technology and social media, and it is keen to retain this balanced approach. It could improve the participation of local people in policing activities, in particular the use of volunteers, and this is something the force recognises.

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 is concerned that a large proportion of the stop and search forms we assessed do not contain sufficient reasonable grounds to demonstrate the appropriate and lawful use of this power. We recognise that the force has since made considerable improvements to its stop and search processes. HMIC is satisfied that Cleveland Police is complying with the Best Use of Stop Search scheme, apart from the need to publish certain data. We are also satisfied that Taser is used fairly and appropriately.

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



Requires improvement

HMIC found that Cleveland had an ethical culture, and staff knew the standard of behaviour that was expected of them. There were governance structures in place to support ethical decisions, and ensure fairness and consistency of process. Recruitment processes were seen as fair, free from bias and discrimination, although concerns were expressed about selection for temporary promotion.

The force had listened to staff and recently conducted a staff survey. HMIC found that the results from this survey were similar to findings from the inspection fieldwork. There was evidence of low morale and staff not feeling valued by the

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



Good

Cleveland Police fully understands the relationship between engagement and legitimacy at both a strategic and local level. We are impressed by the commitment of officers in Cleveland to their engagement work with their communities. Officers and staff understand the importance of treating people with fairness and respect and how this links to public confidence.

The force effectively engages with the public through conventional surveys, face-to-face meetings, digital technology and social media, and it is keen to retain this balanced approach. Local people could participate more widely in policing activities. In particular the use of

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



Requires improvement

Cleveland Police is compliant with all aspects of the Best Use of Stop and Search scheme except for publishing data. HMIC is concerned that a large proportion of the stop and search forms we assessed do not contain sufficient reasonable grounds to demonstrate the appropriate and lawful use of this power. We are also concerned that all these forms had been assessed by a supervisor. Such a finding is unacceptable. We recognise the force has since made considerable improvements to its stop and search processes.

However, HMIC is satisfied that Cleveland Police is complying with the features of the Best Use of Stop and Search scheme, apart from the

organisation. Work pressures and demand for police services compounded these feelings. The force had responded by putting plans in place to improve wellbeing services, and reduce levels of sickness absence.

The force was working towards integrating the Code of Ethics into day-to-day policy and practice. There had been some training, however below middle management there was little awareness of the detail of the code.

Processes for dealing with complaints and misconduct were fair and free from bias.

volunteers could be improved and this is something the force recognises.

The force effectively uses information from partner organisations, neighbourhoods and the police and crime commissioner, and uses social media and digital technology to good effect.

need to publish certain data. The force could provide the public with a greater understanding of the use of stop and search via its website. During the fieldwork we found that officers have a good understanding of the principles of the Best Use of Stop Search scheme.

We are also satisfied that Taser is used fairly and appropriately.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

2%

officers

2%

staff

2%

PCSOs

1%

Percentage of BAME in local population, 2011 Census

6%



Gender diversity

Percentage of females in overall workforce 31 March 2015

Cleveland Police

31%

England and Wales force average

41%

Percentage of females by role, Cleveland Police

officers

24%

staff

71%

PCSOs

35%

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

Cleveland Police

864

Proportion of finalised allegations investigated 12 months to 31 March 2015

Cleveland Police

44%

Force's most similar group average

44%

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

Cleveland Police Force's most similar group average

19%

13%



Stop and search

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

9,443

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

Cleveland Police

Force's most similar group average

16.8

11.1

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

Cleveland Police

Force's most similar group average

-62%

-45%



Tasers

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

54

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

Cleveland Police

Force's most similar group average

1.0

1.9

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

Cleveland Police

Force's most similar group average

28%*

25%

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 Cleveland 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 justice³

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

Research⁴ 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.

³ *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

⁴ *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 2015,⁵ 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.

⁵ The inspection took place between March and June 2015.

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

A breakdown of the full-time equivalent (FTE) workforce⁶ in Cleveland Police as at 31 March 2015 is shown below.

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	1,646	503 (31%)	29 (2%)
Total officers	1,326	320 (24%)	23 (2%)
Constables	1,005	270 (27%)	15 (2%)
Sergeants	211	34 (16%)	4 (2%)
Inspecting ranks	89	14 (16%)**	4 (5%)**
Superintendents and above	21	2 **	0 **
Staff	197	140 (71%)	4 (2%)
PCSOs	123	43 (35%)	1 (1%)

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

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

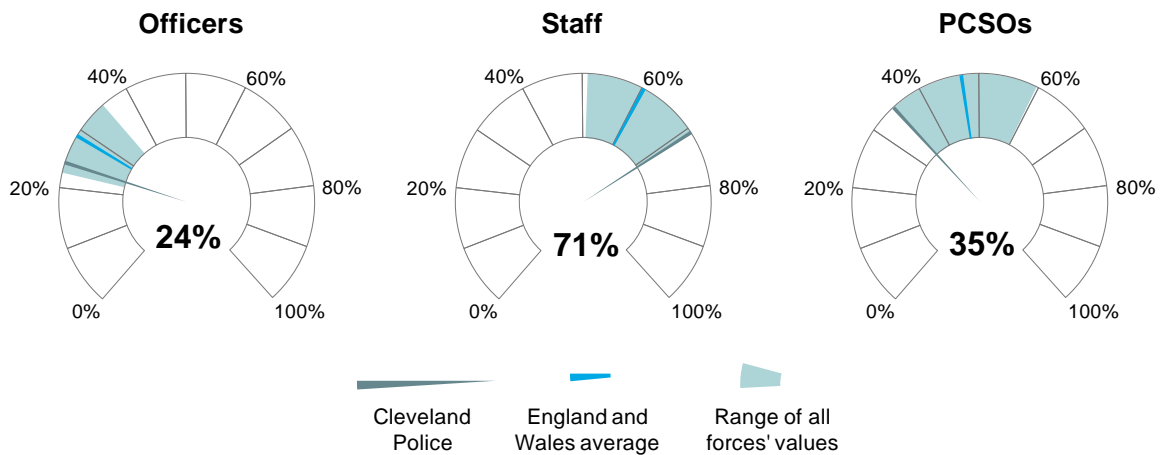
** Due to the figures being small, percentages should be treated with caution. In particular, percentages have not been included where totals are very small.

Source: Home Office Police Workforce statistics

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

⁶ Workforce comprises officers, staff and police community support officers (PCSOs).

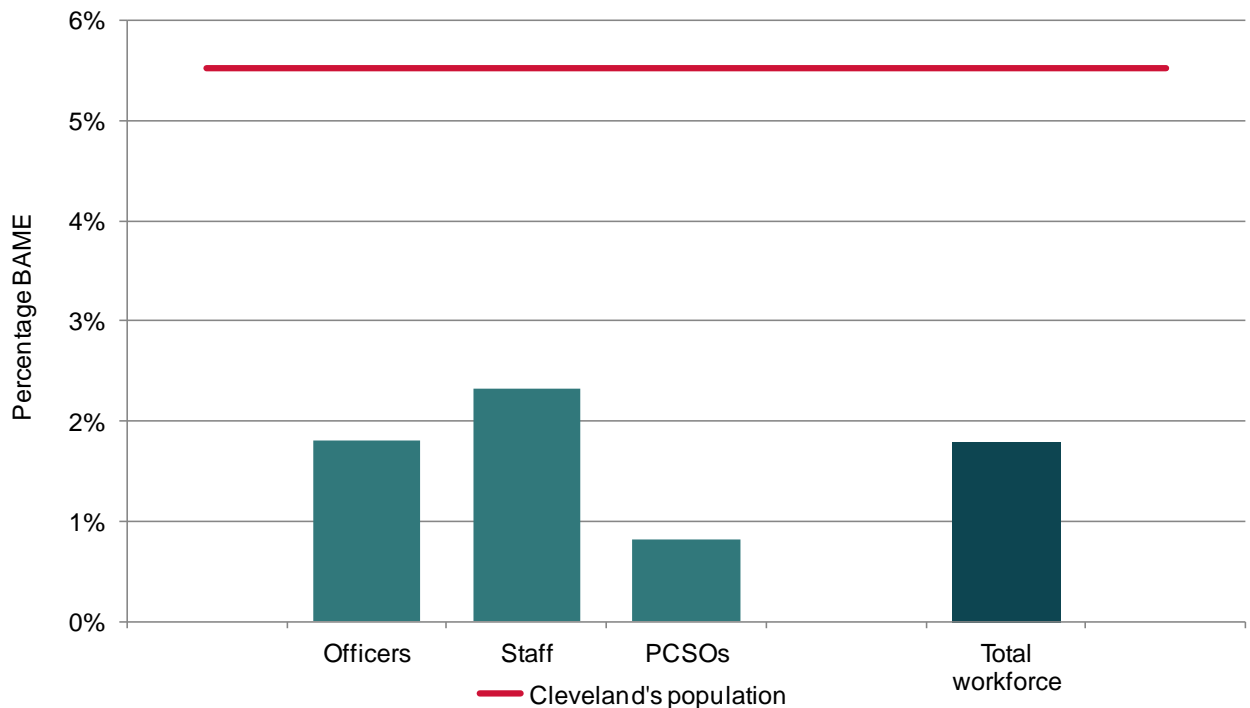
Figure 2: The percentage of female officers, staff and PCSOs in Cleveland Police compared with the force average for England and Wales, 31 March 2015



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 Cleveland, around 6 percent of the local population were BAME. The figure below shows these comparisons. There was a statistically significant under-representation of BAME people in Cleveland Police's overall police workforce, as well as separately for officers and PCSOs.

Figure 3: Percentage of BAME people within Cleveland 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.⁷ 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 Cleveland Police over the spending review period.

Figure 4: Change in Cleveland 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	-983	(-37%)	-5 ●	0
Officers	-399	(-23%)	+3 ●	0
Staff	-514	(-72%)	+3	+1 *
PCSOs	-70	(-36%)	-3	-1 *

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

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

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

Source: Home Office Police Workforce statistics

There was a statistically significant decrease in the proportion of females in Cleveland Police's overall workforce between 31 March 2010 and 31 March 2015. However, there was a statistically significant increase in the proportion of female officers of around 3 percentage points.

Overall, compared with other forces, as at 31 March 2015, the percentage of females within Cleveland Police's workforce was higher for staff yet lower for both officers and PCSOs.

⁷ Spending Review 2010, HM Government, October 2013. Available from:

www.gov.uk/government/publications/spending-review-2010

By ethnicity, there was an under-representation in BAME officers and PCSOs and there was no statistically significant change in this proportion between 31 March 2010 and 31 March 2015 for either group.

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 staff within Cleveland Police felt strongly about the importance of ethics and having an ethical culture in the force. They acknowledged that leaders in the force were creating a strong ethical culture. Staff told HMIC that they were now more comfortable raising concerns and their force was better at this than in previous inspections, and they were now more comfortable raising concerns. The force does provide an 'ask the executive' email box where staff can raise issues directly with senior officers. However, staff reported that they felt encouraged and empowered to raise issues with their own teams, but less so with senior leaders. There was also a perception that issues are not fed to senior leaders; appearing to stop at chief inspector level.

A 'leadership matrix' had been communicated to staff which described and explained the force's values and expectations. This was supported by the 'Proud' campaign with the strapline 'proud to serve, proud to belong, and proud to lead'. The aim of this campaign was intended to create a consistent message, leading to a culture of trusted leadership and to improve the quality of service the public receives from the force. The 2015-18 people strategy, and its supporting plan, set out how the force will continue to apply standards of transparency, integrity, values and ethics, through improvements in its processes, and its communications with staff. The force has outsourced many of its back office and support functions and private sector partner organisations who work with Cleveland Police had adopted the force's values and the national Code of Ethics.

HMIC found that the force was willing to listen to, and seek the views of, staff. Responses to a staff survey, independently undertaken by a local university, had led to actions that were set out in the force's people strategy. The 'ask the executive' facility on the force's intranet is used by staff to ask questions and offer suggestions. The private sector provider took the same 'ask the executive' approach for their staff.

We were told the force had an internal ethics committee made up of volunteers that reflected all ranks and grades. Staff were encouraged to refer ethical issues to the committee and the outcomes are published. The force published a 'Blueprint' newsletter, which provided updates to staff on matters relating to values and behaviours. This had focused on the Code of Ethics, the recently-formed 'people intelligence board' and lessons learned from misconduct findings.

The force was establishing an external ethics committee in collaboration with Durham Constabulary. It was intended that the members of this committee, which will not be chaired by the force, would primarily be people from partner agencies and academia. Terms of reference had been written, and at the time of our inspection were awaiting agreement.

Staff considered that recruitment and promotion processes were fair and transparent. Ethical questions were included in recruitment exercises. The temporary promotion process was seen to be less fair, with no visible rationale for selecting staff. The force's grievance process had been revised to make greater use of mediation, with an aggrieved person being asked to comment on what would be their desired result. We found examples where mediation has worked well.

The force had addressed concerns raised in a previous HMIC inspection about lack of staff confidence in the confidential reporting system. It had developed an agreed process for Crimestoppers to receive anonymous reports on behalf of the force. As a result, staff said they have more confidence in using this system.

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 the Cleveland Police people strategy 2015-18 had addressed areas identified by the force relating to wellbeing. The force recognised wellbeing as a priority and had introduced new initiatives, including development of the occupational health service provision, a staff benefits scheme, and a healthy heart campaign. Staff viewed positively the support that was provided by the occupational health service.

Historically, the force had experienced high levels of long-term sickness, and still had a high number of staff on restricted duties. It had now introduced a more robust and supportive process for managing sickness absence which included attendance management meetings. Frontline supervisors and more senior managers had received training and instruction on managing attendance since the last inspection.

This change in emphasis away from return-to-work interviews, and towards a more supportive meeting, had been well received by staff.

The majority of staff spoken to felt that their wellbeing was not valued by the force, and that workload pressures were exacerbated by a lack of good management. Almost all of the staff we spoke to at all levels in the force described the negative impact that demand on the force's services was having on them. They told us that they felt "run ragged" and "exhausted" and described a feeling of "hitting crisis point". Staff said they were often unable to take leave and frequently had days off cancelled. This was compounded by the high sickness absence levels which further reduced available resources. There was some recognition by middle managers of the pressures on their staff as they used phrases like "I know everyone is busy". However, the morale of staff was being adversely affected by the high pressures of work, and they described a feeling of not being valued.

The new performance development process was aimed at promoting discussions between managers and staff which were intended to monitor and improve how to identify and manage wellbeing issues.

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.⁸ This sets out nine policing principles that should be applied by all officers and staff: Accountability; Integrity; Openness; Fairness; Leadership; Respect; Honesty; Objectivity; and Selflessness. These principles should be used to underpin the decisions and actions taken by officers and staff.

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

HMIC found that senior managers were working to incorporate the Code of Ethics into the organisation. The code and how it relates to the National Decision Model⁹ (NDM) was communicated clearly. However, we found that, below the middle management level, there was limited awareness, and a lack of understanding about how the code should be applied as part of day-to-day decision-making.

⁸ 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

⁹ *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

There was no evidence that the force had checked if staff were aware of the Code of Ethics or whether they understood it.

The code had been published on the force intranet, displayed on posters and communicated at senior leadership forums. The intention of this communication was to reinforce the chief constable's messages on ethics and ensure that staff were aware of their obligations. Messages from the chief constable had briefed staff on the code. Beyond this the force relied on individuals to read the published articles for themselves.

The force's 'leadership matrix' described the values that the force expected of its leaders. These were: putting the public first and striving for excellence; demonstrating compassion and care; and doing the right thing honestly and fairly. It linked these values to the Code of Ethics, and explained what it meant to be a leader within the force. This was a recent communication within the force and, although recognised by staff, they felt that they had not had sufficient time to read and understand it. The information had not filtered down to frontline staff.

HMIC found examples where the Code of Ethics and ethical considerations had been incorporated into general training courses. Middle managers (for example the inspector rank) had received specific Code of Ethics training. This had been provided to them in two sessions during autumn 2014. The training was seen as positive.

However, HMIC found little evidence that frontline staff understood the principles and standards of the Code of Ethics, nor how they should be applied in day-to-day decision-making.

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

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

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

matter is already the subject of a complaint or if the complaint is repetitious or vexatious), discontinuance (for example, if the complainant refuses to cooperate or it is not reasonably practicable to investigate the complaint) or if they are withdrawn by the complainant.¹⁰

In the 12 months to 31 March 2015, Cleveland Police finalised 864 allegations from public complaints that were made against its officers and staff. Of these, 44 percent had been investigated and 42 percent had been locally resolved. These proportions were broadly in line with the average of Cleveland's most similar group of forces.¹¹

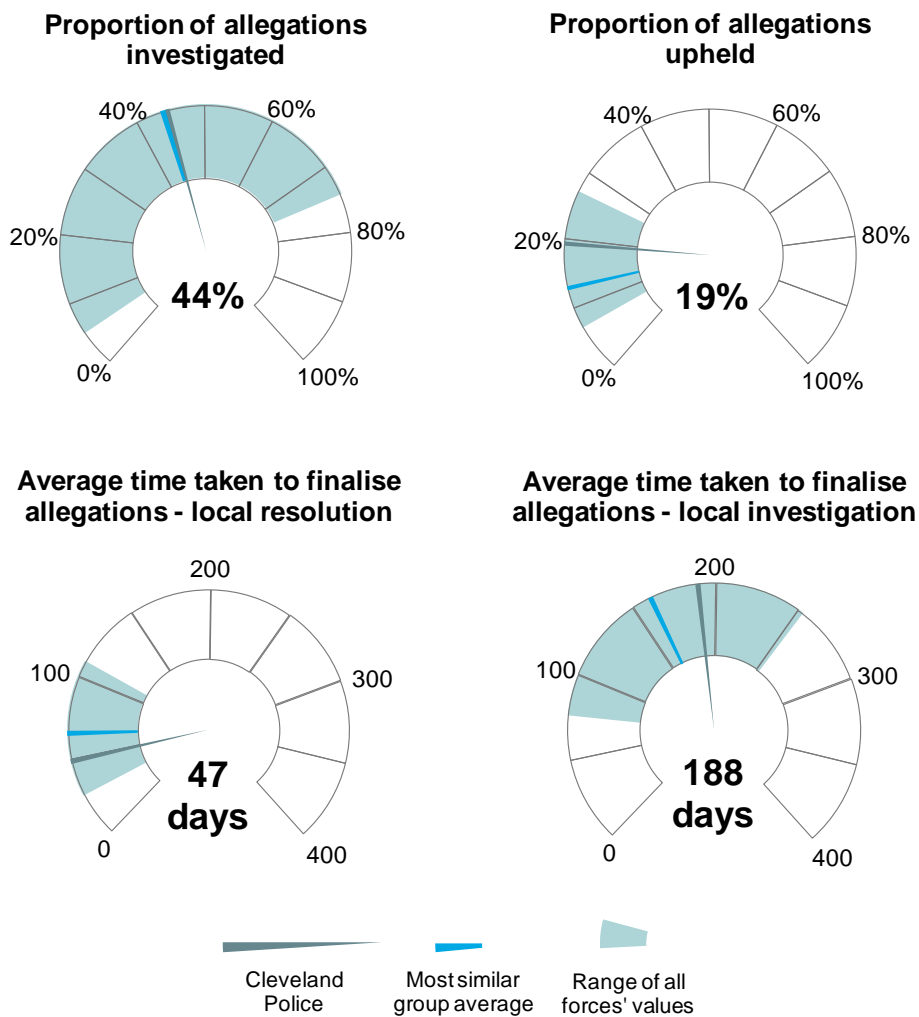
In the 12 months to 31 March 2015, the average time Cleveland Police took to complete a local resolution was 47 days, less than the average of its most similar group of forces (64 days). Over the same period, the average time a local investigation took to complete was 188 days, greater than the average of its most similar group of forces (160 days).

After local investigation, Cleveland Police closed 383 allegations in the 12 months to 31 March 2015. Of these, 19 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 Cleveland's most similar group of forces of 13 percent. The following figure shows how these values compare.

¹⁰ For a more complete outline of the definitions and potential outcomes resulting from public complaints, please see the Independent Police Complaints Commission's website: www.ipcc.gov.uk.

¹¹ Most similar groups are groups of local areas that have been found to be most similar to each other using statistical methods, based on demographic, economic and social characteristics which relate to crime. See Annex B for more information.

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



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Cleveland Police finalised 44 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, Cleveland took less time to complete local resolutions and longer to complete local investigations.

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

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

Building on the findings of HMIC's Police Integrity and Corruption inspection,¹² this inspection considered if public complaints and misconduct investigations were dealt with in a timely and consistent manner. The inspection also considered whether investigations were conducted fairly and whether officers and staff, particularly those with protected characteristics,¹³ felt that they would be treated fairly following a complaint or allegation against them.

Before the fieldwork stage began, HMIC conducted a file review of 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.

The professional standards department dealt with internal misconduct, and all public complaints against police officers. They also investigated police staff misconduct, although a number of the decisions made in these cases were undertaken separately, by staff within the human resources department. The deputy head of the professional standards department had sight of all finalised complaints, and published quarterly performance data.

The head of the professional standards department told us that improvements were being implemented. The office manager, a detective sergeant, received all complaints and allocated them either to a triage team, who processed local resolutions, or to a more senior manager in the department for investigation. However, the detective sergeant who allocated the complaints was not of the appropriate rank or grade to undertake this role.

¹² *Integrity Matters – An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing*, HMIC, London, 2015. Available from: www.justiceinspectorates.gov.uk/hmic/publications/integrity-matters/

¹³ Under the Equality Act 2010, it is against the law to discriminate against anyone because of: age; being or becoming a transsexual person; being married or in a civil partnership; being pregnant or having a child; disability; race including colour, nationality, ethnic or national origin; religion, belief or lack of religion/belief; sex; or sexual orientation. These are called 'protected characteristics'.

Regulations require that the person who makes these assessments is of at least the rank of chief inspector or police staff equivalent. The approach of the force was a breach of regulations.

There had been an increase in the number of complaints, following a decline over previous years. The areas of increase were within the categories of, “other neglect or failure in duty” and “incivility, use of obscene or abusive language or abusive comments”. The head of the professional standards department attributed this to the improvement in the recording of complaints since the triage system had been introduced – as opposed to increased dissatisfaction with the police.

HMIC was told about the force’s ‘people intelligence board’. This was chaired by the deputy chief constable and its membership included the head of the professional standards department, the head of human resources and representatives of staff associations. The purpose of the board was to identify proactively those staff who required further support from the organisation by considering complaints, attendance, performance, and welfare matters.

Summary of findings



Requires improvement

HMIC found that Cleveland had an ethical culture, and staff knew the standard of behaviour that was expected of them. There were governance structures in place to support ethical decisions, and ensure fairness and consistency of process. Recruitment processes were seen as fair, free from bias and discrimination, although concerns were expressed about selection for temporary promotion.

The force had listened to staff and recently conducted a staff survey. HMIC found that the results from this survey were similar to findings from the inspection fieldwork. There was evidence of low morale and staff not feeling valued by the organisation. Work pressures and demand for police services compounded these feelings. The force had responded by putting plans in place to improve wellbeing services, and reduce levels of sickness absence.

The force was working towards integrating the Code of Ethics into day-to-day policy and practice. There had been some training, however below middle management there was little awareness of the detail of the code.

Processes for dealing with complaints and misconduct were fair and free from bias.

Areas for improvement

- The force should put measures in place to better understand and address the wellbeing concerns of its workforce.
- The force should ensure that all staff and officers are aware of and understand the principles of the Code of Ethics.

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

Introduction

The negative effect of poor police and community relations on public perceptions should not be underestimated. People who already have a poor opinion of the police are more likely to perceive their contact with the police as a negative experience. On the other hand, perceptions of fair decision-making and positive public interaction and engagement can improve perceptions and increase trust, leading to improved or enhanced police legitimacy. This, in turn, helps efforts to reduce crime by encouraging greater respect for the law and fostering social responsibility, by making people more likely to help the police and not break the law.

Community engagement should influence every aspect of policing. For engagement to be effective, the organisation should focus on the needs of citizens and be committed to ensuring that the results from engagement work are integrated into service design and provision, and that communities participate in that provision.

In autumn 2015, HMIC made an assessment of the extent to which police forces understand and engage with the people they are there to serve. Based on the College of Policing's Authorised Professional Practice on Engagement and Communication,¹⁴ the inspection asked:

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

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

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

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

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

HMIC is satisfied that Cleveland Police fully understands the relationship between engagement and legitimacy at both a strategic and local level. At a force level, both the police and crime commissioner (PCC) and senior officers stress the importance of engaging with local communities as an essential part of their commitment to neighbourhood policing. A recent review of neighbourhood policing has reiterated the importance of this engagement and a new engagement strategy has been developed. This advocates greater use of social media, linking in to existing meeting structures where the police go to the public instead of expecting the public to come to the police, and an extended use of volunteers.

HMIC is impressed by the commitment of officers in Cleveland to both neighbourhood policing and engagement generally. They understand the importance of the link between how they treat people and the level of confidence that the public has in the organisation. They understand their local areas, and there are good examples of community impact assessments which are used to assess areas of potential or actual tension within the community, for example when the home of a known drugs dealer was fire-bombed.

There is little evidence of the force using up-to-date neighbourhood profiles which are used to gain a better understanding of the demographics, crime and disorder trends and environmental issues. However some of this information is available to officers electronically through handheld devices. It is clear to us that officers and staff are creating and maintaining good relationships with their communities, and they have a good understanding of their needs and concerns.

The force gathers information about community issues and priorities from a number of sources including partner organisations, neighbourhoods and the PCC, who undertakes many face-to-face meetings called 'your force, your priorities', and has given a commitment to visit all 79 wards in Cleveland every year. Any issues of concern identified at these meetings are passed to the local neighbourhood inspectors. The tools used for engagement are primarily conventional police or community meetings, and surveys. Greater use is now being made of social media – each neighbourhood has a Facebook page and some have Twitter accounts. Officers and staff at all levels accept that there needs to be a balance between conventional approaches and more modern techniques to meet the needs across local communities.

All officers are frustrated by their inability to engage more with their communities due to the constant volume of demand in responding to calls for service. The force is aware of this issue and, following a series of major reviews of policing within Cleveland, changes are being introduced from October 2015 for completion by April 2016. The force is confident these changes will restore the balance between neighbourhood policing and responding to calls.

Of the 353 survey responses from the area covered by Cleveland Police, 46 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.

Cleveland Police is committed to effective consultation and has invested in this area. 'Cleveland Connected' is an initiative, funded by the PCC, which allows the force to contact and update over 12,000 members of the public using digital technology.

The force makes good use of social media at both a strategic and local level. This is a developing area of engagement and the force is keen to take full advantage of this technology. Social media is used for appeals, information and feedback. The force also used it to express their thanks to the public for assistance in an urgent missing person enquiry. This post was read by 10,560 individuals.

At a force level, 'web chats' are used as a means of prompting further engagement. A recent example involved a discussion about child sexual exploitation that prompted interest from both local and national media.

Cleveland Police makes good use of statutory surveys on victim satisfaction, supplemented by an independent public confidence survey that is conducted among a random selection of over 2,400 residents every three months. This allows the force to understand better, and act on, causes of dissatisfaction.

Face-to-face engagement is used extensively by both the police and crime commissioner and neighbourhood officers where time allows. There are good examples of individual officers taking it upon themselves to engage with both the elderly and young – PCSOs engage with students at Teesside University and with ‘Ageing better Middlesbrough’ to connect with older people. At a force level a lesbian, gay, bi-sexual and transgender (LGBT) network has been established, with the assistance of the LGBT charity Hart Gables. Officers and staff also make use of both local media and local community radio to discuss issues of concern and provide feedback.

The chief officers have given presentations to all the chief executives and councillors in Cleveland in relation to the proposed future structure of Cleveland Police and sought feedback from them to better inform the debate.

HMIC found limited participation of local people in policing activities. There are isolated examples, such as the scrutiny panel for stop search and the local independent advisory groups. There is some involvement of young people through the cadet programme and a work experience pilot, but we found an absence of volunteers or other forms of community assistance. The force is aware of this and is in the process of re-establishing a volunteer programme.

HMIC is satisfied that Cleveland Police is engaging well with the people it serves at a strategic level, but at a local neighbourhood level the extent of engagement is variable due to the demand on staff to respond to calls for service.

From the survey, 31 percent of the respondents from the area covered by Cleveland Police speak highly of the police in their local area while 18 percent speak critically. The remainder have mixed views or do not know. Although not directly comparable because of the small force sample size, of the responses from across all forces in England and Wales, 32 percent speak highly and 16 percent speak critically.

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

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

This inspection looked at whether all members of the public (including those with protected characteristics) are treated (and perceive that they are treated) fairly and with respect by the police. We also assessed the extent to which officers understand the National Decision Model,¹⁵ the framework by which all policing decisions should be made, examined and challenged. The Code of Ethics is a central component of the National Decision Model.

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

Although not necessarily representative of all calls responded to by Cleveland Police, from the 40 calls assessed, HMIC is generally satisfied that the call-handlers were polite, respectful and effective. However, a crime or incident number was only given out in a small number of the calls we listened to. We are also pleased to note that guidance on terminating the incident or crime report if the caller could not be re-contacted on three separate occasions has now been stopped.

HMIC also observed the way that staff at front counters in police stations deal with the public, and we found that at all three stations visited, staff were polite, professional and helpful.

The National Decision Model is used extensively for a range of incidents and actions, ranging from pre-planned operations at force level to individual officers' use of stop and search powers.

¹⁵ *College of Policing – Authorised Professional Practice on National Decision Model*, College of Policing, December 2014. Available from: www.app.college.police.uk/app-content/national-decision-model/?s

The message that staff should treat people with courtesy and respect is well understood. There has been extensive work with staff on the Code of Ethics following the spring inspection. Recently the 'Proud' initiative has been launched internally which both reinforces the Code of Ethics and lets staff know how they will be treated and what they can expect from the force and its leaders.

From the survey, 54 percent of respondents from the area covered by Cleveland Police agree that the police in their local area treat people fairly and with respect versus 7 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively. HMIC is satisfied that people are treated fairly and with respect in Cleveland but is concerned about the levels of satisfaction that respondents have with the service provided.

Summary of findings



Cleveland Police fully understands the relationship between engagement and legitimacy at both a strategic and local level. We are impressed by the commitment of officers in Cleveland to their engagement work with their communities. Officers and staff understand the importance of treating people with fairness and respect and how this links to public confidence.

The force effectively engages with the public through conventional surveys, face-to-face meetings, digital technology and social media, and it is keen to retain this balanced approach. Local people could participate more widely in policing activities. In particular the use of volunteers could be improved, and this is something the force recognises.

The force effectively uses information from partner organisations, neighbourhoods and the police and crime commissioner, and uses social media and digital technology to good effect.

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

Introduction

Fairness, and the perception of fairness, is crucial to police legitimacy. It is therefore important that fairness is demonstrated in all aspects of policing, including the use of police powers. Some of the most intrusive powers available to the police are those involving stopping and searching people and the use of Taser.¹⁶

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁷ and how well reasonable grounds were recorded) to determine whether officers were using their powers fairly and in accordance with legal requirements and Authorised Professional Practice.

The inspection asked:

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

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

Background

The primary role of the police is to uphold the law and maintain the peace. Unfair, unlawful or unnecessary use of stop and search powers make this task harder, with one of the direct consequences being a reduction in public trust and police legitimacy, and people being more likely to break the law and less willing to co-operate with the police. The purpose of stop and search powers are to enable officers to dismiss or confirm suspicions about individuals carrying unlawful items without exercising their power of arrest. The officer must have reasonable grounds for carrying out a search.

¹⁶ *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

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

In our 2013 inspection on stop and search,¹⁸ HMIC concluded that few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected, to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

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

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

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

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

Use of stop and search in Cleveland Police – Stop and search by volume

In the 12 months to 31 March 2015, Cleveland Police carried out 9,443 stops and searches. The table below shows this number per 1,000 population for Cleveland Police and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the force's use of stop and search powers is currently greater than the average of its most similar group of forces.

¹⁸ *Stop and Search Powers – are the police using them effectively and fairly?*, HMIC, July 2013. Available from: www.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 Cleveland 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

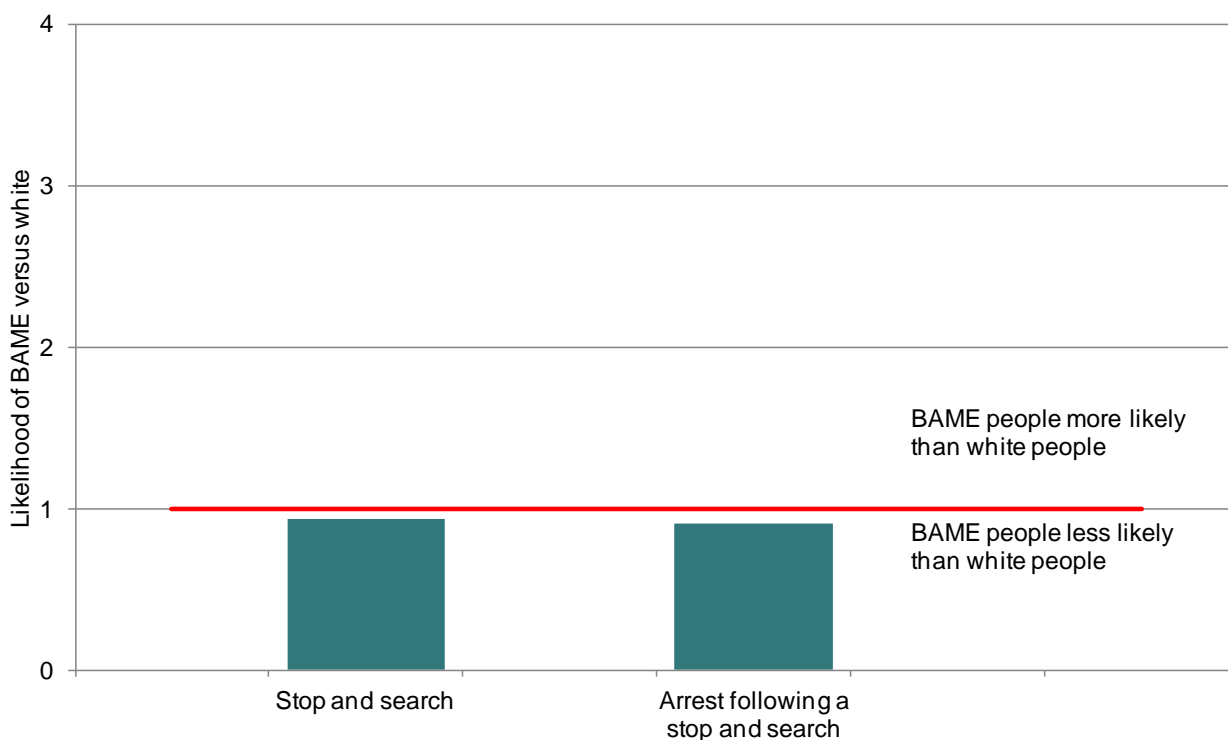
	Stop and searches per 1,000	Change from previous year
Cleveland	16.8	-62%
Cleveland's MSG average	11.1	-45%

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 Cleveland 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 there was no statistical difference in the likelihood of BAME people being stopped and searched by Cleveland Police 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 Cleveland 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 Cleveland Police, the 2013 inspection showed that 188 of 200 records reviewed (94 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 99 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 of the records we reviewed had been endorsed by a supervisor. We are concerned to have found that 63 of the 99 records reviewed (64 percent) did not have reasonable grounds recorded. This is unacceptable and, while the records we reviewed may not be representative of all stop and search records completed by the force, the result indicates that still far too many records do not have reasonable grounds for suspicion recorded.

In many cases, the grounds recorded appeared to have been selected by the officers from a menu of options, some of which, on their own and without explanation, do not represent reasonable grounds.

The availability of a menu of options means that officers are not encouraged to consider and formulate the grounds themselves in each individual case and record them as is required by the Police and Criminal Evidence Act 1984.

During the on-site inspection, we found that Cleveland Police has made considerable improvements to its management, monitoring and oversight of stop and search. It recognised the need to improve the completion of forms and has made progress in this area. The force had trained all operational staff to explain the need for more comprehensive recording of the grounds for stop and search. The force had also volunteered to be part of a pilot scheme for the College of Policing course in stop and search, which was completed just prior to our inspection.

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.

During the on-site inspection we found that the force has invested in an improved process for stop and search. A comprehensive set of data is examined at the force's performance group on a monthly basis. A hundred stop and search records are checked every month to ensure compliance. Any that do not comply are sent back to the officer's supervisor for the matter to be examined further and if necessary to be subject to unsatisfactory performance arrangements.

There has been a training course for all operational staff to inform them of the Best Use of Stop and Search scheme and to also explain the need for recording comprehensively their grounds for the stop search. In addition, the force volunteered to be a pilot for the College of Policing training course in stop and search which was completed just prior to our visit.

There have been no complaints regarding the use of stop and search powers since the introduction of the scheme and as such the 'community trigger' has not been activated. The trigger, if activated, involves directing complaints to the external scrutiny panel which meets every two months and reviews anonymised stop and search records. It is comprised of members from the BAME and LGBT communities, the chair of the independent advisory group and youth workers. The force receives feedback from the group, for example, it recommended that more information be made available regarding people's legal rights.

The public has the opportunity to observe stop and search as part of Cleveland's 'ride-along' scheme which has been used on three occasions to date, whereby members of the public can go out on patrol with neighbourhood officers and provide feedback.

Feature of Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	<p>The force does not comply with this feature of the scheme</p> <p>Cleveland Police is compliant with the Best Use of Stop and Search scheme in all aspects except the publication of data. The force records the required outcomes and any connection between outcomes and items searched for. However, while the force has a dedicated stop and search page on its website, the content is limited. There are no outcomes published, and no data in respect of the connection between outcomes and items searched for. However, data about outcomes, including the connection between outcomes and items searched for, are published on the Home Office's police.uk website, but there is no clearly visible link on the force's website directing members of the public to those data and, consequently, people are unlikely to locate them. The provision of such a link on the force's website would make the force compliant with this feature of the scheme.</p>
Providing opportunities for the public to observe officers using the power	The force complies with this feature of the scheme
Explaining to communities how the powers are being used following a 'community complaint'	The force complies with this feature of the scheme
Reducing the number of people stopped and searched without suspicion under Section 60 ¹⁹ of the Criminal Justice and Public Order Act 1994	The force complies with this feature of the scheme

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

Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The force complies with this feature of the scheme
---	--

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

Background

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

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

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

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

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

HMIC has not previously inspected how Taser is used either in, or between, forces. This inspection considered whether chief officers understand how Taser is being used across the force area, to satisfy themselves that it is being used fairly and appropriately, and whether Taser-trained officers are acting in accordance with the

College of Policing's Authorised Professional Practice and the legal framework each time it is used.²⁰

Use of Taser in Cleveland Police

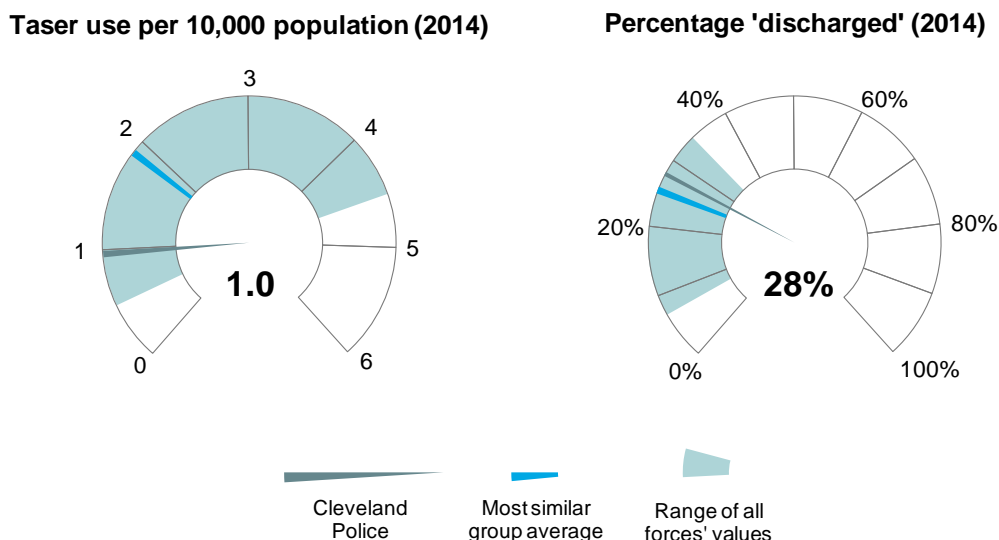
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 54 times by Cleveland Police, representing 1.0 times for every 10,000 people in the force's area. This was less than the average for Cleveland Police's most similar group of forces, which was 1.9 times per 10,000 population.

During the same time period, Taser was 'discharged' on 15 occasions (out of the 54 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 25 percent. However, because of the low number of times Taser was used in Cleveland Police, comparisons with other forces should be treated with caution. The following figure shows these 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 Cleveland 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 Cleveland 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 five times, used in drive-stun mode on one occasion, red-dotted 13 times, drawn on one occasion and aimed on one occasion. See Annex B for an explanation of the types of Taser usage.

In the five times the Taser was fired, we found evidence that consideration of other tactics had been recorded in all but one of the incidents. On this one occasion the officer had not completed the form with the mandatory details, therefore HMIC staff were unable to assess the circumstances.

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.

Overall officers used Taser to protect themselves or others from a range of weapons, including kitchen knives, a large spanner, a table and they also protected themselves or others from a dangerous dog.

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 18 cases of the 20 cases reviewed. In one case of red-dotting and one of firing, there was insufficient information to come to a conclusion about the use of a Taser.

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, within Cleveland Police, the National Decision Model (NDM) is both understood and applied by all Taser-trained officers. It is clear from other areas examined during this inspection that the force is making significant progress in terms of integrating the Code of Ethics into day-to-day practice which is at the heart of the NDM. We are satisfied that all Taser activity is based on the principles of the code.

We found that the force now has in place an effective review process whereby all forms and incidents involving the use of Taser are examined by the force liaison officer. Any forms incorrectly completed are returned to the officer and if problems persist the officer will have their Taser authority withdrawn.

All deployments of Taser form part of the force's strategic threat and risk assessment; every three months they are considered at a joint operations group (with Durham Constabulary). They are also considered at a weekly meeting of force commanders chaired by the assistant chief constable.

There are 148 Taser-trained officers in Cleveland. This is sufficient for the needs of the force and frontline officers feel supported, albeit the number of trained officers varies in different areas across the force. The force is committed to providing two Taser-trained officers per shift across the four local policing areas supplemented by armed response officers and roads policing units.

The selection of Taser-trained officers involves officers volunteering and being supported by their commanders, while also complying with national criteria regarding their service and any history of complaints. All Taser training, both initial and refresher courses, complies with national guidelines. Any learning is disseminated at the refresher training or direct by email to officers.

Officers had a good understanding of relevant legislation and Authorised Professional Practice²² and are aware of the special considerations regarding the use of Taser on certain groups such as young or elderly people.

The only published information that the force provides to the public is that which is currently on the police.uk website.

Based on our assessment of the Taser forms and our fieldwork findings, HMIC is satisfied that on the whole that Taser is being used fairly and appropriately by Cleveland Police, and that its use is well managed and undertaken by well-trained, motivated individuals.

Summary of findings



Requires improvement

Cleveland Police is compliant with all aspects of the Best Use of Stop and Search scheme except for publishing data. HMIC is concerned that a large proportion of the stop and search forms we assessed do not contain sufficient reasonable grounds to demonstrate the appropriate and lawful use of this power. We are also concerned that all these forms had been assessed by a supervisor. Such a finding is unacceptable. We recognise the force has since made considerable improvements to its stop and search processes.

However, HMIC is satisfied that Cleveland Police is complying with the features of the Best Use of Stop and Search scheme, apart from the need to publish certain data. The force could provide the public with a greater understanding of the use of stop and search via its website. During the fieldwork we found that officers have a good understanding of the principles of the Best Use of Stop Search scheme.

We are also satisfied that Taser is used fairly and appropriately.

²² *College of Policing: Authorised Professional Practice on armed policing – legal framework and Taser*. Available from: www.app.college.police.uk/app-content/

Areas for improvement

- The force should continue with the improvements it has started to 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 a person.
- Supervisors had endorsed all forms that HMIC identified as not having sufficient reasonable grounds. The force should ensure that supervisors properly understand their responsibilities when checking that stop and search is conducted lawfully and fairly, and that reasonable grounds are recorded properly.

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 Cleveland Police's MSG: Merseyside, Northumbria, Greater Manchester, West Yorkshire and Humberside.
- Comparisons with averages – For some data sets, we state whether the force's value is 'below', 'above' or 'broadly in line with' the average. To calculate this, the difference to the mean average, as a proportion, is calculated for all forces. After standardising this distribution, forces that are more than half a standard deviation from the mean average are determined to be above or below the average, with all other forces being broadly in line.

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

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

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

Ipsos MORI survey

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

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

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

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

Annex C – The Best Use of Stop and Search scheme

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

Recording and publishing outcomes

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

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

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

Providing opportunities for the public to observe stop and search encounters

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

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

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

Implementing a community trigger for complaints

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

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

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

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

Monitoring the use of stop and search powers

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

Annex D – Types of use of Taser

Type of use Definition²³

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

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

²³ *Police use of Taser statistics, England and Wales: 1 January to 31 December 2014*, Home Office, 2015. Available from www.gov.uk/government/statistics/police-use-of-taser-statistics-england-and-wales-1-january-to-31-december-2014.