

PEEL: Police legitimacy 2015

An inspection of Derbyshire Constabulary



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Contents

Overview – How legitimate is the force in 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?	19
Summary of findings	23
How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?	24
Introduction.....	24
How well does the force understand the people it serves and the benefits of engaging with them?.....	25
How well does the force engage with all the people it serves?	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	28
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?.....	31
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 in keeping people safe and reducing crime?

Overall judgment¹



Good

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

The chief officer team were fully committed to the need for an ethical and inclusive workforce. There were good arrangements in place to help support staff wellbeing, and complaints were dealt with fairly and consistently. The constabulary engaged and worked well with its communities but HMIC found that the force is not complying with the Best Use of Stop and Search scheme. It is not recording the full range of outcomes - only recording where the stop and search encounter results in an arrest, but not the reason for the arrest. However, there are advanced plans to introduce a new stop and search form. There is also an inconsistent understanding among officers using stop and search about the scheme, and the constabulary has more to do to record the reasonable grounds for stopping and searching someone.

In Derbyshire, Taser is only used by a small number of highly-trained officers. Taser use is assessed as being fair and appropriate. However, the constabulary must ensure that Taser-trained officers properly record their decisions using the National Decision Model (NDM).

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

Summary

In Derbyshire Constabulary, the chief officer team was committed to the need for an ethical and inclusive workforce. Although the Code of Ethics was not fully understood by everyone, the force's 'Just Think' initiative had ensured that all staff were aware of the importance of a professional and ethical approach. This code was launched in April 2014 and sets out nine policing principles that should be applied by all officers and staff.

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

HMIC found that the constabulary provided support for the wellbeing of its staff and there were a number of examples to support this. Public complaints and allegations of misconduct were generally being dealt with in a fair and consistent way.

When HMIC looked at how well the force understands and engages with all the people it serves, we found that the importance of policing legitimately is understood at all levels. This is demonstrated by examples of safer neighbourhood teams engaging well with all communities, including diverse ones. As a result, the force has a good understanding of the needs and concerns of the public. The majority of officers and staff in Derbyshire treat people fairly and with respect when they come into contact with them.

Stop and search and Taser are two ways that the police can prevent crime and protect the public. However, they can be intrusive and forceful methods, and it is therefore vital the police use them fairly and appropriately. The constabulary is not complying with the Best Use of Stop and Search scheme in relation to recording and publishing the outcomes, including the connection between the outcomes and the items searched for. There is more to do in respect of recording reasonable grounds for stopping and searching someone. Also, while some officers understand the principles and features of the scheme, others do not. HMIC concludes that the constabulary needs to ensure its officers are clear on how to use stop and search, in order to reassure the public that it is using these intrusive powers fairly.

Taser is only used by a small number of highly-trained officers, however, the constabulary must ensure that Taser-trained officers properly record their decisions using the National Decision Model (NDM). The model is a framework by which all policing decisions should be made, examined and challenged. Overall, Taser is used fairly and appropriately by the constabulary.

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



Good

The chief officer team was committed to upholding and maintaining the ethical culture that it had established in recent years. Chief officers were very visible leaders, who continually promoted the constabulary's values, priorities and policing principles.

There were a number of different ways that the need for an ethical culture was communicated to the workforce. The main mechanism was through the constabulary's internal campaign, 'Just Think', which reinforced ethical behaviour and standards of conduct.

The constabulary had good arrangements in place to provide for the wellbeing of its workforce.

While 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?



Good

Safer neighbourhood teams across Derbyshire Constabulary have a good understanding of their local communities, and engage with them successfully. There are several excellent examples of local engagement.

Neighbourhood teams use Twitter and Facebook, alongside more traditional methods of communication, such as newsletters and leaflets, to provide information to a broad range of people in their communities.

The public have access to a wide range of useful information about what is happening within their area, as well as about the constabulary generally, through the website.

The constabulary's 'Just think' campaign places an

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



Requires Improvement

Derbyshire Constabulary is not complying with all the features of the Best Use of Stop and Search scheme, although there are advanced plans to publish the full range of outcomes (including the connection between the outcomes and the item searched for). It has more to do in respect of recording reasonable grounds for stopping someone. Staff do not have a consistent level of knowledge and understanding of the scheme.

In Derbyshire, Taser is only used by a small number of highly-trained officers. Tasers are used fairly and appropriately and the force records, monitors and evaluates their use. The National Decision Model is

had not been fully incorporated into constabulary practice, good work had been done, primarily through the constabulary's internal campaign, 'Just Think', to ensure the workforce understood the importance of behaving ethically.

Public complaints or allegations made about officers and staff, including those with protected characteristics, were generally being dealt with in a fair and consistent way.

emphasis on the way in which officers and staff engage with the public – from how they make a good impression with their appearance, to how they communicate verbally. Call-handlers and front desk staff are generally polite, friendly and helpful. The National Decision Model (NDM) is also well understood among the workforce.

The constabulary's overall approach is positive and the majority of officers and staff in Derbyshire treat people fairly and with respect when they come into contact with them.

established and well-understood, however, Taser-trained officers need to consistently record their decisions, using the model, after using a Taser.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

4%

officers

3%

staff

4%

PCSOs

8%

Percentage of BAME in local population, 2011 Census

7%



Gender diversity

Percentage of females in overall workforce 31 March 2015

Derbyshire Constabulary

43%

England and Wales force average

41%

Percentage of females by role, Derbyshire Constabulary

officers

28%

staff

65%

PCSOs

49%

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

Derbyshire Constabulary

839

Proportion of finalised allegations investigated 12 months to 31 March 2015

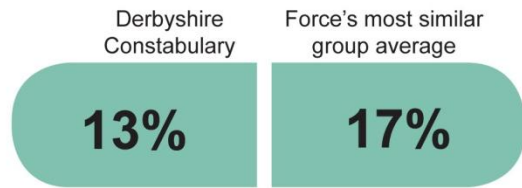
Derbyshire Constabulary

56%

Force's most similar group average

53%

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

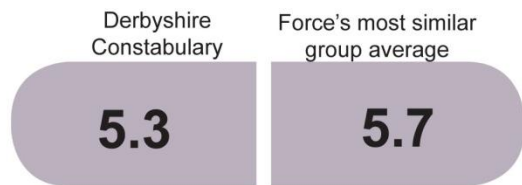


Stop and search

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



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



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

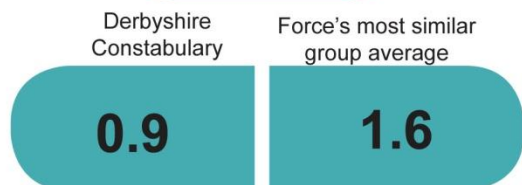


Tasers

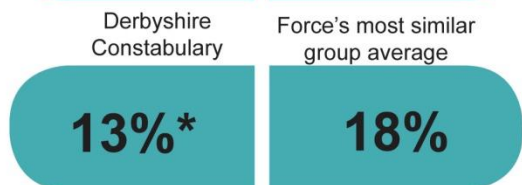
Number of times a Taser was used 12 months to 31 December 2014



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



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



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

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

Introduction

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

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

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

Spring 2015 inspection

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

Autumn 2015 inspection

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

This report provides the main findings for Derbyshire Constabulary.

Methodology

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

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

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

Organisational 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 Derbyshire Constabulary

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

⁴ The inspection took place between March and June 2015.

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

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	3,240	1,391 (43%)	127 (4%)
Total officers	1,863	527 (28%)	63 (3%)
Constables	1,464	460 (31%)	48 (3%)
Sergeants	272	38 (14%)	10 (4%)
Inspecting ranks	107	24 (22%)	4 (4%)
Superintendents and above	20	5 **	2 **
Staff	1,213	785 (65%)	51 (4%)
PCSOs	163	79 (49%)	12 (8%)

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

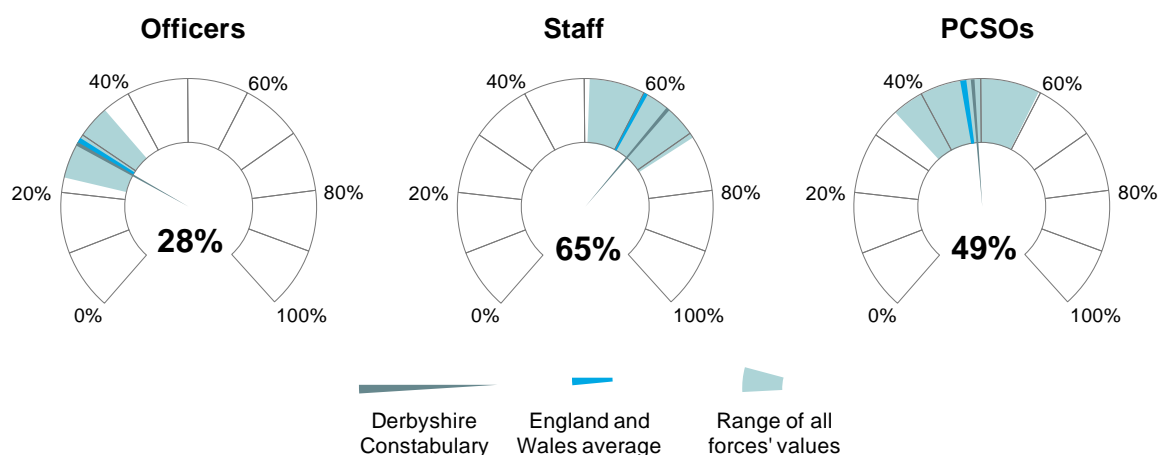
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

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

Source: Home Office Police Workforce statistics

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

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

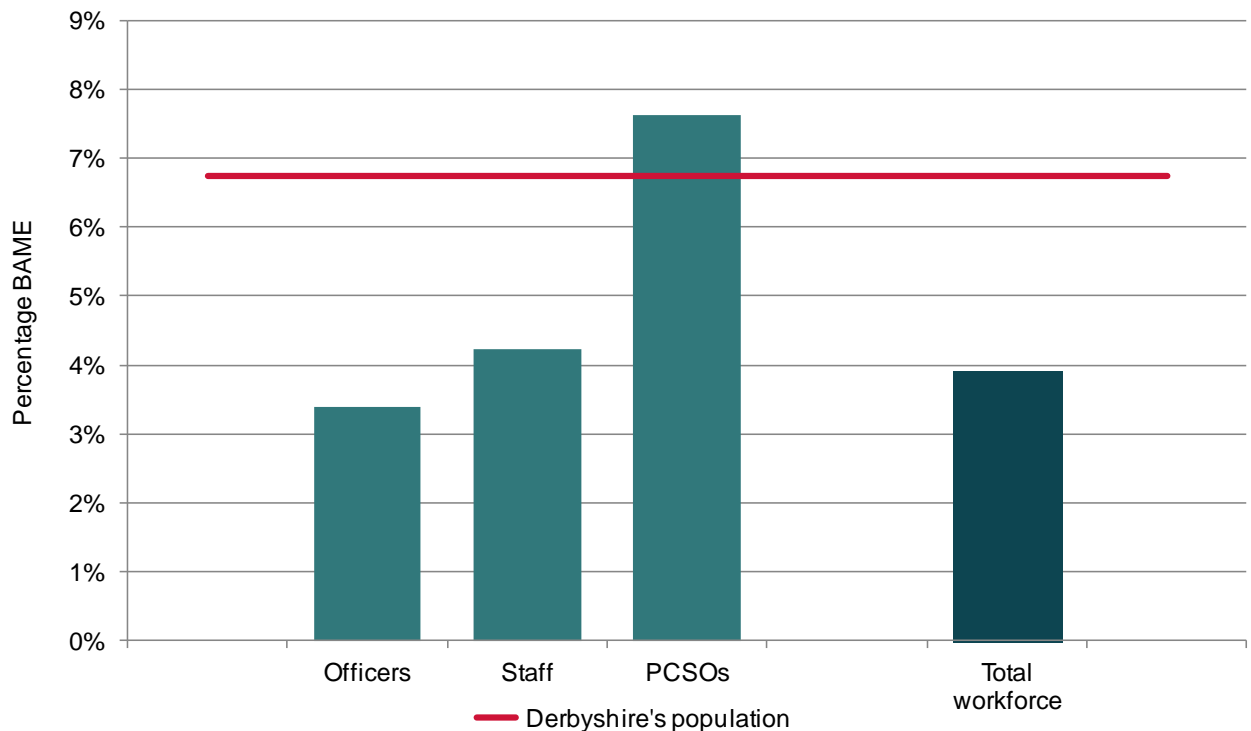


Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the proportion of BAME people in the force's local population. In Derbyshire, around 7 percent of the local population were BAME. The

figure below shows these comparisons. There was a statistically significant under-representation of BAME people in Derbyshire Constabulary's overall police workforce, as well as separately for officers and staff.

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



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

Police forces in England and Wales have experienced large reductions in their total workforce since the government's October 2010 spending review.⁶ HMIC also examined how the percentages of BAME officers and staff, and females within the workforce had changed over this period.

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

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

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

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

	Total change		Percentage point change	
			% female	% BAME
Total workforce	-374	(-10%)	+1	0
Officers	-211	(-10%)	+3 ●	0
Staff	-145	(-11%)	-2	+1
PCSOs	-17	(-10%)	0	+3 ●

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

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

Source: Home Office Police Workforce statistics

There were no statistically significant changes in the percentages of either females or BAME people within Derbyshire Constabulary's overall workforce between 31 March 2010 and 31 March 2015. There were, however, statistically significant changes in the percentages of BAME PCSOs and female officers, which increased by around 3 percentage points.

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

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

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

The chief officer team was committed to upholding and maintaining an ethical culture. Chief officers were very visible leaders who continually promoted the constabulary’s values, priorities and policing principles.

There were a number of different ways that the need for an ethical culture was communicated to the workforce. The main system was through an internal campaign called 'Just Think' which reinforced ethical behaviour and standards of conduct. Officers and staff spoke about a confidential reporting system called 'Bad Apple', which enabled them to anonymously report unethical and unacceptable conduct. This system was monitored by the professional standards department, who published the outcomes of misconduct cases to promote awareness and learning.

Officers and staff felt confident to challenge colleagues and offer their views. They were able to do this either: face-to-face; through regular 'Talkback' sessions hosted by a member of the chief officer team; or through the intranet. These submissions received a reply that all staff could see. Staff were positive about this process and some said changes had been made as a result of issues being raised.

Staff explained that concerns could be raised with the head of corporate services, or through the quarterly staff network forums. The forums raised any ethical issues or concerns with the head of the equality unit, who attended the confidence and ethics board, chaired by the deputy chief constable. The board met quarterly to discuss victim satisfaction performance and the progress made on incorporating the College of Policing's Code of Ethics into policy and practice.

The last staff survey had been conducted in 2013, and had identified areas for improvement in relation to staff wellbeing, increasing confidence in challenging senior officers, and the need for more development opportunities. These areas had been addressed and the constabulary plans to re-run the survey. In addition to the staff survey, there were regular meetings at departmental level, where new ideas and suggestions to improve how the constabulary operates could be made. There was also a staff suggestion scheme where ideas could be submitted via the constabulary's intranet.

In relation to recruitment, promotion (including temporary promotion), and the posting of people within the constabulary, officers and staff felt that processes and decisions were generally open and transparent.

The constabulary had sound processes and practices in place to support the development and maintenance of an ethical culture.

How well does the force provide for the wellbeing of staff?

Police forces need to understand the benefits of having a healthier workforce – a happy and healthy workforce is likely to be a more productive one, as a result of people taking fewer sick days and having a greater investment in what they do. This inspection was concerned with what efforts were being made in forces to consider, and provide for, the wellbeing needs of their workforce.

Derbyshire Constabulary actively supported and managed the workforce's wellbeing. Following feedback from the last staff survey, the constabulary had introduced a wellbeing-related webpage on the intranet site. This provided information on the staff benefits scheme, learning opportunities, sports and leisure activities, what to do about workplace disputes and details about staff associations and staff networks.

HMIC found good examples of supervisors providing pastoral care to officers and staff. Supervisors also showed commitment to the wellbeing of others, as well as recognising the importance of their own health and wellbeing.

The constabulary has introduced a more robust absence management policy which uses absence thresholds as a way of ensuring that when staff are absent they receive appropriate support. Supervisors clearly understood the reason for a more robust absence management policy and the need to manage absence proactively. However, their perception was that while normally they were trusted to 'do the right thing', and make discretionary decisions in all aspects of their work, this policy took away that discretion. The constabulary was monitoring the impact that the revised absence management policy may be having on the health and wellbeing of its officers and staff.

A number of wellbeing-related services were being provided to the constabulary by an external private company. These included mental health support, awareness campaigns for prostate and breast cancer, health screening vans and vouchers for free flu inoculations. There was also support for the early identification of dyslexia. In addition, the local police federation supported the health and wellbeing of their members by providing additional services, such as counselling sessions.

Overall, the constabulary had good arrangements in place to provide for the wellbeing of its workforce.

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 embed the code into policy and practice.

The senior lead for professionalism and ethical behaviour within Derbyshire Constabulary was the deputy chief constable (DCC), who chaired the confidence and ethics board. An article on the code, written by the DCC, had recently been published in the local police federation quarterly magazine, 'Plodding On'. The constabulary had decided to treat the national police Code of Ethics as complementing its own values and well-established approach to ethics called 'Just Think', rather than regard it as a standalone initiative. The constabulary's values of integrity, respect, performance, responsibility and innovation were at the centre of the service it provided and its internal 'Just Think' campaign meant that staff were fully aware of these values. The constabulary acknowledged that its values did not entirely mirror those within the code. However, it had a high-level action plan to ensure the principles of the code were encompassed within the constabulary's values. This action plan was governed through the confidence and ethics board.

'Just Think' addressed issues of professionalism and had recently been used to support an initiative around standards of dress and appearance. This had included consideration of the impact on the public. There was evidence that staff had been thanked by supervisors for their professional conduct in support of the constabulary's approach to ethics.

While the Code of Ethics had not been fully integrated, the constabulary's values and the code were included in policy documents and that a senior officer had been nominated to ensure the code was incorporated within all training material. There had not been any bespoke training or specific learning activity aimed at implementing the code, although there was evidence that information to it had been made available to officers and staff. This had been communicated and remained accessible through the intranet. A Code of Ethics confidential reporting line was

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

available to staff, with the option to make contact through email, phone or in writing. The head of corporate services was responsible for ensuring that all contact was followed up, and, where the source was known, they received a personal reply. During interviews, officers and staff stated that they had heard of the Code of Ethics but that they had no real knowledge of it; they were, however, very clear about the constabulary's values, and felt that the 'Just Think' campaign strongly promoted ethical behaviour.

While the Code of Ethics itself had not been fully incorporated into constabulary policy and practice, ethical behaviour was routinely discussed and instilled in staff. The constabulary worked hard to ensure the workforce acted ethically.

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.⁸

In the 12 months to 31 March 2015, Derbyshire Constabulary finalised 839 allegations from public complaints that were made against its officers and staff. Of these, 56 percent had been investigated and 31 percent had been locally resolved.

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.

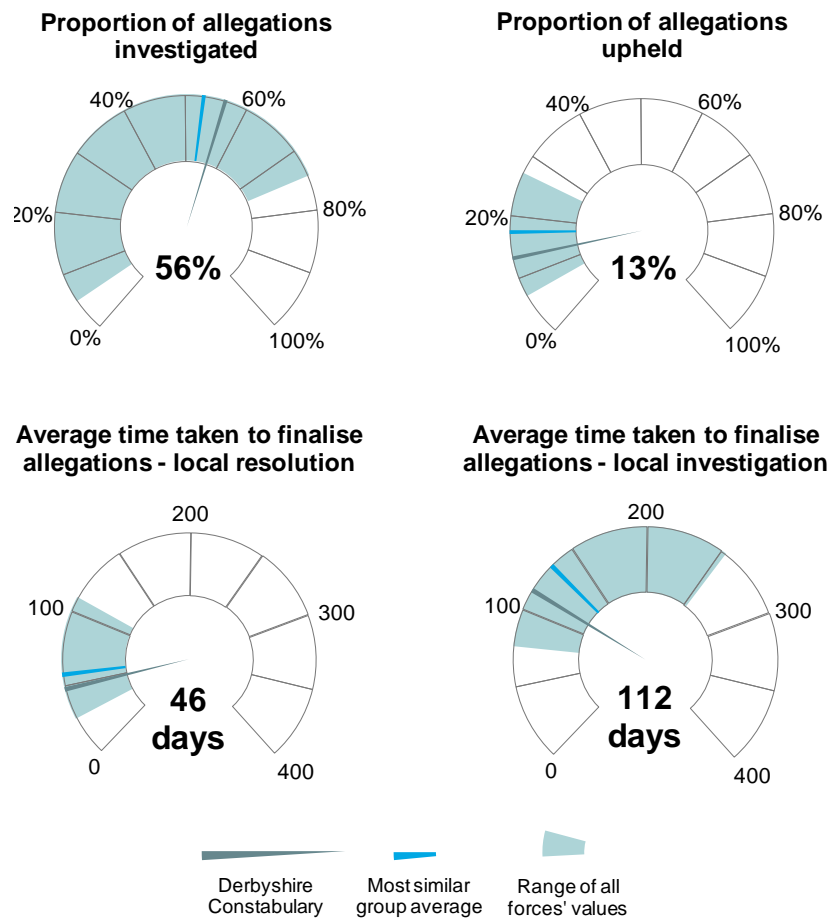
These proportions were broadly in line with the average of Derbyshire's most similar group of forces.⁹

In the 12 months to 31 March 2015, the average time Derbyshire Constabulary took to complete a local resolution was 46 days, less than the average of its most similar group of forces (56 days). Over the same period, the average time a local investigation took to complete was 112 days, less than the average of its most similar group of forces (132 days).

After local investigation, Derbyshire Constabulary closed 470 allegations in the 12 months to 31 March 2015. Of these, 13 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 less than the average of Derbyshire's most similar group of forces of 17 percent. The following figure shows how these values compare.

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 Derbyshire Constabulary, 12 months to 31 March 2015



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Derbyshire Constabulary finalised 56 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was less than the average of its most similar group of forces. Compared to its most similar group of forces, Derbyshire took less time 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 that we looked at, we did not find any evidence of any bias in how complaints and internal misconduct allegations were dealt with, in respect of gender, ethnicity or rank.

The initial assessment decisions for public complaints and misconduct matters were taken by a senior member of police staff within the professional standards department. This individual was of suitable experience and grade to perform the functions of an 'appropriate authority'. However, in over half of those cases examined, there appeared to be no clear rationale as to why the case had been judged as suitable for either local resolution or investigation.

Once the investigation or local resolution was complete, cases were returned to the professional standards department for final assessment and closure. This approach ensured consistency and fairness, since the same suitably-qualified people were responsible for quality assurance and for decision-making in relation to the finalisation of all cases. The processes for dealing with complaints or allegations against police officers were almost identical to those for police staff, which also supported a more consistent approach.

HMIC was told that the constabulary undertakes its own analysis of public complaints and misconduct allegations to identify trends and patterns which are subsequently discussed at the confidence and ethics board.

The processes relating to the investigation of complaints were transparent and the professional standards department did follow set procedures during investigations. However, there was some concern among officers and staff that the process to

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'.

resolve complaints could sometimes take too long. Staff association representatives agreed that the constabulary dealt with complaints in a fair way but, sometimes there appeared to be some inconsistency; specifically in relation to decisions around suspension. They also felt that there was still some mistrust of the professional standards department and that more could be done to allay that fear.

Overall, public complaints or allegations of misconduct made against officers and staff, including those with protected characteristics, were generally being dealt with in a fair and consistent way.

Summary of findings



Good

The chief officer team was committed to upholding and maintaining the ethical culture that it had established in recent years. Chief officers were very visible leaders, who continually promoted the constabulary's values, priorities and policing principles.

While the Code of Ethics had not been fully incorporated into the constabulary's day-to-day practice, there were a number of different ways that the need for an ethical culture was communicated to the workforce. The main system was through the constabulary's internal campaign, 'Just Think', which reinforced ethical behaviour and standards of conduct.

The constabulary had good arrangements in place to provide for the wellbeing of its workforce.

Public complaints or allegations made about officers and staff, including those with protected characteristics, were generally being dealt with in a fair and consistent way.

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 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.

Within Derbyshire Constabulary there is a clear understanding, at both a county and local level, of the importance of engaging positively with communities to ensure police legitimacy. It is clear from officers and staff that the relationship between doing a good professional job and increased public confidence in the police, is well understood.

At a neighbourhood level, officers engage positively and there is a good understanding of the communities they serve. There are several examples of neighbourhood officers using community impact assessments. These are used following specific incidents where community tensions may rise and where confidence in the police might be compromised.

Officers and staff are creating and maintaining good relationships with their communities. Local knowledge and understanding of its communities is good, although this information is not formally recorded so it can be made available to all staff. For example, there are no neighbourhood or community profiles and much of the knowledge resides with individual local neighbourhood staff.

Of the 512 survey responses from the area covered by Derbyshire Constabulary, 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. There are a number of examples where safer neighbourhood teams engage well with their communities, for example, by regularly attending local panel meetings (which members of the public, local councillors and the press are invited to attend) or by visiting schools, hospitals and other relevant community meetings.

There are several excellent examples of local engagement with community leaders, the local media, and community groups, for example, in the culturally and ethnically diverse community of the Pear Tree area in Derby. Most neighbourhood teams use Twitter and Facebook, alongside more traditional methods of communication, such as newsletters and leaflets, to provide information and speak to a broad range of people in their communities.

The constabulary's website provides the public with access to a range of information about what is happening in their area, as well as more general information. However, there is less information available in different languages and the constabulary recognises there is more work to do in order to engage other hard-to-reach groups, such as young people and the elderly.

People are encouraged to become involved in policing activities, for example, volunteers collect and review CCTV footage; wash police vehicles; participate in neighbourhood and speed watch events; and recruit anti-social behaviour and council park guardians. This is encouraging and there is further scope to involve the community in helping the police.

From the survey, 35 percent of the respondents from the area covered by Derbyshire Constabulary speak highly of the police in their local area while 16 percent speak critically. The remainder have mixed views or do not know. Although not directly comparable because of the small force sample size, of the responses from across all forces in England and Wales, 32 percent speak highly and 16 percent speak critically.

Overall, Derbyshire Constabulary is engaging well with the people and communities that it serves.

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,¹³ the framework by which all policing decisions should be made, examined and challenged. The Code of Ethics is a central component of the National Decision Model.

The police have thousands of interactions with the public on a daily basis. Research indicates that the quality of the treatment received during encounters with the police is more important to individuals than the objective outcome of the interaction. Before 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 Derbyshire Constabulary, from the 40 calls assessed, call handlers are polite, respectful and effective. Front counter staff at police stations also deal with the public, and are polite, friendly and helpful.

Training for staff handling non-urgent calls for service (101) puts emphasis on customer focus and similar training for those dealing with emergency (999) calls should also be considered, as while the nature of the call may be different, customer service is important across all call types.

In addition, the current telephone system does not allow an emergency call received via a 999 emergency line, to be transferred to another operator when it is assessed as a lower-risk call.

¹³ *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

This means that it is necessary to call the member of the public back to create a crime report, rather than this being dealt with during the initial phone call. A more omni-competent workforce in the control room, where 101 and 999 calls will be dealt with by all staff is being developed.

There is a clear understanding among officers and staff of the National Decision Model (NDM), and most are able to explain how it works in practice; including placing the constabulary's values at the heart of it. Officers and staff use the model in both operational and non-operational situations and the constabulary encourages, supports its application and takes its use seriously. The model is a core part of the training of new recruits and existing staff, through the training they receive in officer safety, firearms, Taser and incident command. It is used routinely by officers and it is evident in the review conducted of Taser use.

The constabulary's 'Just think' campaign places an emphasis on how officers and staff engage the public, for example, from how they make a good impression through their appearance, to how they communicate verbally. The constabulary actively promotes the campaign, and officers and staff are aware of the need to engage positively with the public.

From the survey, 60 percent of respondents from the area covered by Derbyshire Constabulary agree that the police in their local area treat people fairly and with respect versus 8 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

The constabulary's approach is positive, and the majority of officers and staff in Derbyshire are treating people fairly and with respect when they come into contact with them.

Summary of findings



Good

Safer neighbourhood teams across Derbyshire Constabulary have a good understanding of their local communities, and engage with them successfully. There are several excellent examples of local engagement. Neighbourhood teams use Twitter and Facebook, alongside more traditional methods of communication, such as newsletters and leaflets, to provide information to a broad range of people in their communities.

The public have access to a wide range of useful information about what is happening within their area, as well as about the constabulary generally, through the website.

The constabulary's 'Just think' campaign places an emphasis on the way in which officers and staff engage with the public – from how they make a good impression with their appearance, to how they communicate verbally. Call-handlers and front desk staff are generally polite, friendly and helpful. The National Decision Model (NDM) is also well understood among the workforce.

The constabulary's overall approach is positive and the majority of officers and staff in Derbyshire treat people fairly and with respect when they come into contact with them.

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

Introduction

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

In early 2015, Derbyshire Constabulary was one of nine forces inspected as part of our follow-up to the 2013 inspection,¹⁵ which examined progress on the ten 2013 recommendations.¹⁶ We also assessed the recording of stop and search encounters involving the removal of more than outer clothing and the recording of vehicle stops under the Road Traffic Act 1988.

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?

¹⁴ *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/

¹⁵ *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2015. Available from www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

¹⁶ *Stop and Search Powers 2: Are the police using them effectively and fairly?* HMIC, 2013. Available from www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/derbyshire-stop-and-search.pdf

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

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.

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.

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

Use of stop and search in Derbyshire Constabulary – stop and search by volume

In the 12 months to 31 March 2015, Derbyshire Constabulary carried out 5,518 stops and searches. The table below shows this number per 1,000 population for Derbyshire Constabulary and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the constabulary's use of stop and search powers is currently in line with the average of its most similar group of forces.

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

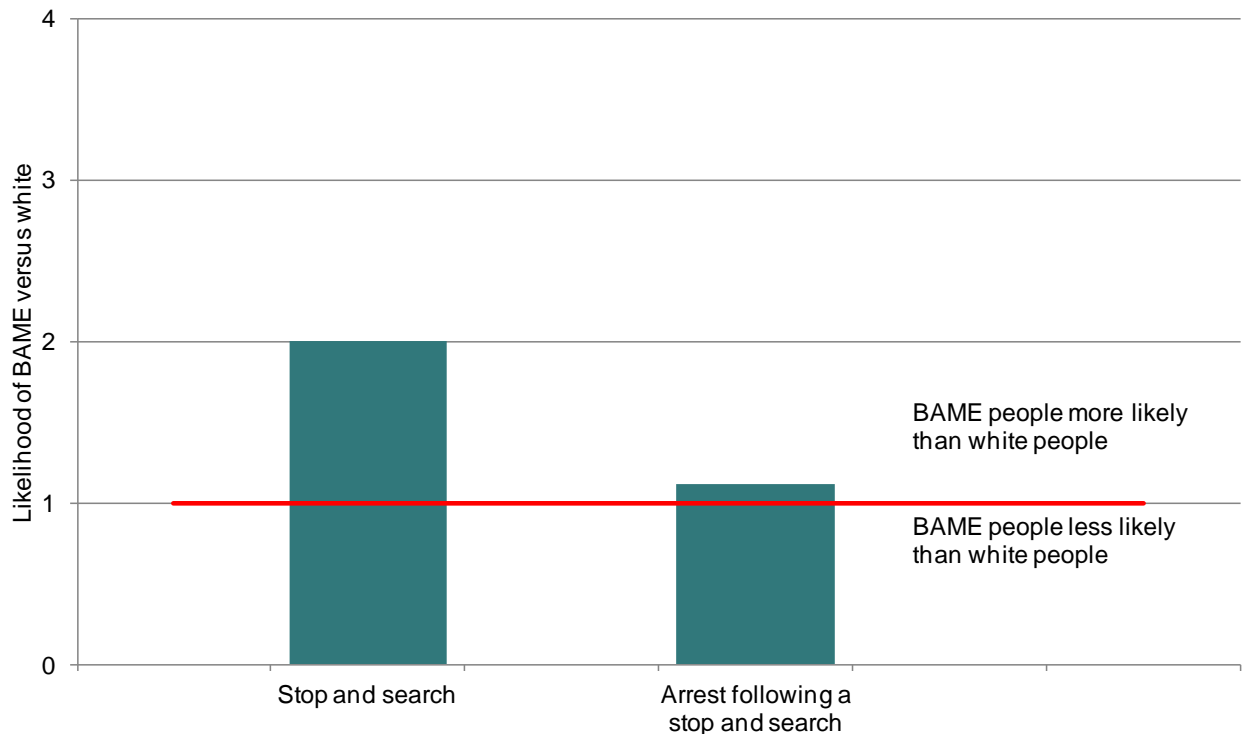
	Stops and searches per 1,000	Change from previous year
Derbyshire	5.3	-14%
Derbyshire's MSG average	5.7	-28%

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 Derbyshire Constabulary – Stop and search by ethnicity

HMIC looked at the published data on stops and searches by ethnicity and compared them with the most recent local population data by ethnicity (the 2011 Census). The data suggested that BAME people were statistically more likely to be stopped and searched by Derbyshire Constabulary than white people. However, of the individuals who had been stopped and searched, there was no statistical difference in the likelihood of arrest by the 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 Derbyshire Constabulary, 12 months to 31 March 2015



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

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

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

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

Recording reasonable grounds for suspicion

In our 2013 inspection, we were concerned to see that, of the 8,783 stop and search records we examined across all forces in England and Wales, 27 percent did not include sufficient reasonable grounds to justify the lawful use of the power. For Derbyshire Constabulary, the 2013 inspection showed that 56 of 200 records reviewed (28 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 92 stop and search forms from Derbyshire. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. We found that 12 of the 92 forms (13 percent) did not have reasonable grounds recorded. While the forms reviewed may not be representative of all stop and search records completed by the constabulary, the result indicates that still too many records do not have reasonable grounds recorded.

Compliance with the Best Use of Stop and Search scheme

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

There is inconsistency in the level of knowledge and understanding of the Best Use of Stop and Search scheme. For example, some neighbourhood and response teams do not consider that any change is necessary to how stop and search is conducted, while others clearly understand the need for a more intelligence-led approach to achieve positive outcomes and improve community relations.

A video available on the constabulary's intranet, published in early 2015, explains what makes a good and effective stop and search. This links to a message from the chief constable and reflects the features and principles of the Best Use of Stop and Search scheme. There is a senior officer lead who regularly reviews and monitors how stop and search is used across the constabulary.

Information on stop and search encounters is published and the constabulary has designed a new stop and search form which now allows a comparison to be made between the object of the search and what is found. This was implemented on 1 November 2015, but the data are not yet available to be analysed.

The constabulary monitors the use of stop and search powers and on a monthly basis each operational policing area randomly selects ten stop search forms to review. The results are discussed at a quarterly performance meeting by the senior lead for stop and search. Monitoring and research on any disproportionality issues takes place and this has identified a higher proportion of black, Asian and ethnic minority (BAME) people being searched in one particular area of the county.

This is as a result of a pattern of drug misuse in car parks at isolated rural locations and those who are stopped and searched are from BAME communities who live outside Derbyshire.

There is independent oversight of stop and search encounters from the office of the police and crime commissioner as well as the Independent Advisory Group (IAG) who review stop and search records and complaints. The constabulary is developing a stop and search advisory group which includes representation from the BAME communities and youth members who will review complaints arising from the use of the powers.

Once fully established it will scrutinise both the forms and the body-worn video footage of these encounters. There is an opportunity for members of the IAG and members of the public to observe stop and search encounters through a ride along scheme. However, the current chair of the IAG prefers to scrutinise the body-worn video as he feels it is free from bias and more authentic.

Feature of Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	<p>The constabulary does not comply with this feature of the scheme</p> <p>Derbyshire Constabulary is not recording the full range of outcomes, only recording if an arrest results – but not the reason for the arrest. We therefore conclude that it is not complying with the scheme in respect of recording outcomes. While the constabulary does publish data on its internet site or the ‘police.uk’ site, in relation to stop and search, as it is not recording the outcomes, it is not complying with the requirement to publish those outcomes.</p>
Providing opportunities for the public to observe officers using the power	The constabulary complies with this feature of the scheme
Explaining to communities how the powers are being used following a “community complaint”	The constabulary 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 constabulary complies with this feature of the scheme
Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The constabulary complies with this feature of the scheme

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

Background

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

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

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

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

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 Derbyshire Constabulary

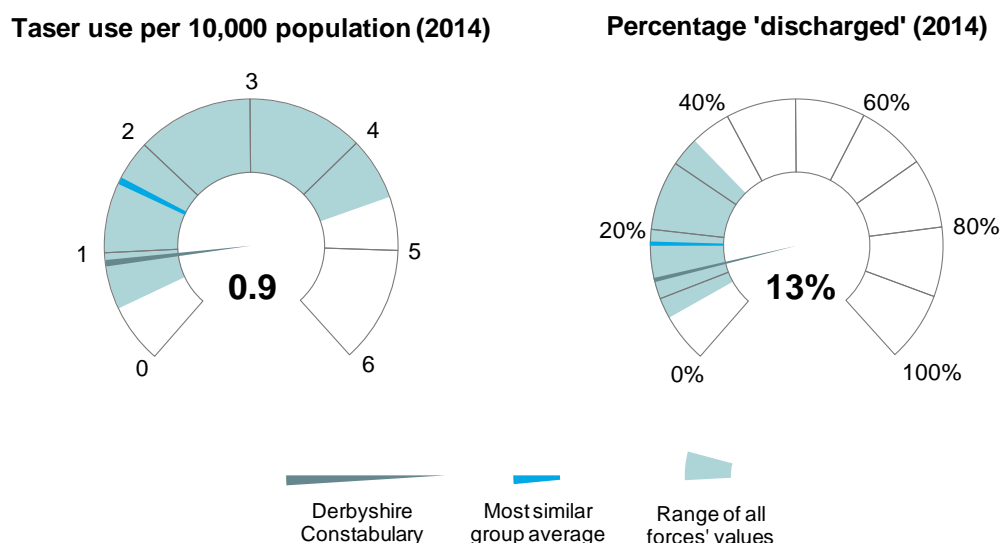
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 94 times by Derbyshire Constabulary, representing 0.9 times for every 10,000 people in the force's area. This was less than the average for Derbyshire Constabulary's most similar group of forces, which was 1.6 times per 10,000 population.

During the same time period, Taser was 'discharged' on 12 occasions (out of the 94 times it was used in some capacity). This equated to 13 percent of overall use, less than the constabulary's most similar group average of 18 percent. However, because of the low number of times Taser was used in Derbyshire Constabulary, 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 Derbyshire Constabulary, 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 and linked documentation provided by Derbyshire Constabulary. Of the 20 forms reviewed, Taser had been fired three times, red-dotted eight times, aimed two times, and drawn seven times. In all three times the Taser had been fired, we found evidence that consideration of other tactics had been recorded.

Officers used Taser to protect themselves or others from a range of weapons, including several knives, an axe, two handguns, and a vehicle used as a weapon to attack officers.

The 'brief details' and the NDM sections of the forms and the control room incident logs provided us with evidence to suggest that the use of Taser was fair, lawful, and appropriate in all of the 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.

In the three cases where Taser had been fired and the officers had recorded their thought processes using the National Decision Model (NDM), we found that none of them had properly recorded the NDM. In two cases the officers had failed to record who was at threat and what level the threat was posed at as required by the College of Policing's training, and in the other case the officer had omitted the 'Powers and Policy' section. However, in all cases the use of Taser did appear to be lawful.

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.

During the fieldwork stage of the inspection in Derbyshire Constabulary, HMIC spoke to several Taser-trained officers, and they have a good understanding of the relevant legislation and authorised professional practice. Similarly, the officers are able to explain how they use the NDM when considering the use of Taser. Only a small number of highly-trained officers within the constabulary are authorised to use Taser and this is likely to account for the high levels of understanding among them.

A number of response officers told us they do not always feel supported by Taser-trained officers, and explained they feel vulnerable due to the length of time it takes for those officers to arrive. We were given examples in at least three separate discussions where response officers, while trying to safeguard and protect the public or themselves, reported they were waiting for up to 20 minutes for a Taser-trained officer to arrive.

We were also told that there will be fewer dog handlers (meaning fewer Taser-trained officers) available to support response teams. This may also have an adverse impact on the length of time Taser-trained officers can take to arrive at an incident.

The constabulary generally actively records, monitors and evaluates the use of Taser well. Although, in its own assessment in the firearms strategic threat and risk assessment, published in March 2015, it identified that there should be increased scrutiny of decision-making in relation to 'lower-level' Taser use such as 'red-dotting' (see table in Annex D which outlines the definitions of the different levels of use). The constabulary is currently evaluating the use of Taser and the results will be presented to the firearms strategic group, and confidence and ethics board.

Currently, initial authorisations and self deployments are recorded by the control room inspector in a spreadsheet and, where there is a concern about Taser use, the deployment is reviewed by the firearms training team. The IAG also dip samples the use of Taser forms and recent examples show that this scrutiny is effective. The constabulary also plans to dip sample three out of every ten Taser uses from November 2015 onwards. Where a request for authority is refused, and has been

initiated by a firearms officer or specially trained Taser officer (STO), this is reviewed by a firearms tactical adviser, however, when it originates from non-Taser-trained officers it is not reviewed. This means that although the constabulary does carry out some reviews this is currently not systematic and the extent is not sufficient for the constabulary to be completely confident that Taser use is consistently fair and appropriate.

The only published information that is provided to the public is an overview of Taser usage within the equality data pack produced on an annual basis. Being more open about how it uses Taser; both for individual high profile cases, and for use overall could enhance public confidence in the use of this tactic.

Based on our assessment of the Taser forms and our fieldwork findings, HMIC is satisfied that on the whole Derbyshire Constabulary is using Taser fairly and appropriately, although it must ensure that Taser-trained officers properly record their decisions using the NDM. The constabulary recognises it needs to have better oversight of decision-making.

Summary of findings



Requires improvement

Derbyshire Constabulary is not complying with all the features of the Best Use of Stop and Search scheme, although there are advanced plans to publish the full range of outcomes (including the connection between the outcomes and the item searched for). It has more to do in respect of recording reasonable grounds for stopping someone. Staff do not have a consistent level of knowledge and understanding of the scheme.

In Derbyshire, Taser is only used by a small number of highly-trained officers. Tasers are used fairly and appropriately and the force records, monitors and evaluates their use. The National Decision Model is established and well-understood, however, Taser-trained officers need to consistently record their decisions, using the model, after using a Taser.

Areas for improvement

- The constabulary should comply with the Best Use of Stop and Search scheme in relation to recording and publishing outcomes including the connection between outcomes and items searched for; and also ensure that all officers using stop and search understand the principles of the scheme.
- The constabulary must ensure that Taser-trained officers properly record their decisions using the National Decision Model in accordance with the College of Policing training.

Annex A – HMIC judgments

The categories are:

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

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

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

Annex B – Data methodology

Please note the following for the data.

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

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

- Comparisons with most similar group of forces – In most cases, comparisons are made with the average of the force's most similar group (MSG) of forces. These are forces that have been found to be the most similar to the force in question, based on an analysis of demographic, social and economic characteristics which relate to crime. The following forces are in Derbyshire Constabulary's MSG: Staffordshire, Avon and Somerset, Cheshire, Northamptonshire, Essex, Kent and Wiltshire.
- 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.