

PEEL: Police legitimacy 2015

An inspection of Hertfordshire Constabulary



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Contents

Overview – How legitimate is the force at keeping people safe and reducing crime?	4
Overall judgment.....	4
Summary	4
Force in numbers	8
Introduction	10
Methodology	10
To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?	12
Introduction.....	12
How well does the force develop and maintain an ethical culture?.....	15
How well does the force provide for the wellbeing of staff?	16
How well has the Code of Ethics been used to inform policy and practice?	17
How fairly and consistently does the force deal with complaints and misconduct?	18
Summary of findings	22
How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?	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?	26
To what extent are people treated fairly and with respect when they come into contact with police officers and staff?	27
Summary of findings	29
To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?	30

Introduction	30
To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?	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 at keeping people safe and reducing crime?

Overall judgment¹



Good

Throughout 2015, HMIC's PEEL legitimacy inspection programme has assessed the culture within Hertfordshire 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 takes seriously the need for an ethical and inclusive workforce; the constabulary has a good understanding of its communities and engages positively with the public. Decision-making by Taser-trained officers is fair and appropriate, however, the constabulary has more to do in order to comply with the Best Use of Stop and Search scheme. Overall Hertfordshire Constabulary meets the public expectation that a force should be legitimate at keeping people safe and reducing crime.

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

Summary

In Hertfordshire Constabulary, the chief officer team took seriously the need for an ethical and inclusive workforce and had an effective approach to developing an ethical culture. The principles of the College of Policing's Code of Ethics,² which sets out the standards of behaviour that the public can expect from officers and staff, was widely understood by officers and staff.

The constabulary understands and successfully engages with all the people it serves. There are examples where local officers engage well with their communities, including with ethnically diverse groups. The constabulary uses a wide range of methods to communicate with the public. Some of this good work is done with other local agencies and includes use of social media and online communication, allowing the involvement of a wide range of people.

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

This helps police and partners better understand their local communities and prioritise work to support them. The constabulary has a good understanding of the needs and concerns of the public.

Stop and search and Taser are two ways that the police can prevent crime and protect the public. However, they can be intrusive and forceful methods, and it is therefore vital the police use them fairly and appropriately. HMIC found that Taser officers are well trained and the use of Taser fair and proportionate. Training on the use of stop and search powers was last delivered in 2013. Not all officers use the National Decision Model when deciding to conduct stops and searches and this is important as the model is a framework by which all policing decisions should be made, examined and challenged.

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



Good

Hertfordshire Constabulary was developing a good ethical culture. Its equality, ethics and integrity board, chaired by the deputy chief constable, effectively monitored this process. The chief constable had revised the constabulary's mission and values. This helped ensure that the Code of Ethics was part of everyday working practice.

The constabulary had not conducted an all-staff survey since 2010, but planned to carry this out in autumn of 2015 in conjunction with Bedfordshire Police and Cambridgeshire Constabulary as part of a survey about collaborative working.

Staff were confident to challenge inappropriate behaviour at all levels, and arrangements were in

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



Good

Officers and staff across Hertfordshire Constabulary engage well with the public and understand how this promotes police legitimacy. This approach is supported by most officers and staff, and leadership is provided by chief officers who promote the constabulary's values set out in 'The Herts Way'.

There is sufficient understanding of the communities it serves and this is developed through a range of methods including meetings, surveys, community impact assessments and a commitment to listening and providing feedback to the public.

Engagement with communities is tailored to their needs, and social media is also used appropriately to provide

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



Requires improvement

Hertfordshire Constabulary is not compliant with the Best Use of Stop and Search scheme. There is a limited understanding of the scheme among frontline officers and supervisors. Training on the use of stop and search powers was last run in 2013, before the scheme was introduced. Officers report that they are not confident about using stop and search powers and not all officers use the National Decision Model when deciding to conduct a stop and search. There is a 'ride-along' scheme for members of the public and a process to identify and respond to community complaints about stop and search, and section 60 authorisations where reasonable suspicion is not required, have

place to support staff who reported misconduct.

The research carried out to analyse psychological-related absences was encouraging, and the additional development provided to first-line managers to enable them to better support staff was positive.

There were different approaches to the initial assessment of how serious a misconduct allegation was dealt with for police officers and police staff. This could lead to police staff being dealt with more harshly than police officers.

However, the constabulary's professional standards department planned to standardise approaches for police staff and police officers.

further opportunities for public engagement and involvement.

The public are encouraged to engage in policing activities through local meetings, open days and social media and there are opportunities for voluntary work with the police.

Call handlers and front-desk staff are generally polite, friendly and helpful and most officers and staff behave in a respectful and fair manner – an approach that is encouraged and supported by the chief constable and senior staff.

reduced.

The constabulary has a good system for ensuring that Tasers are used appropriately.

There is a clear rationale for the deployment and numbers of Taser officers. Officers use Taser appropriately and there is a robust process for selecting Taser officers.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

4%

officers

4%

staff

5%

PCSOs

4%

Percentage of BAME in local population, 2011 Census

12%



Gender diversity

Percentage of females in overall workforce 31 March 2015

Hertfordshire Constabulary

44%

England and Wales force average

41%

Percentage of females by role, Hertfordshire Constabulary

officers

32%

staff

63%

PCSOs

48%

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

Hertfordshire Constabulary

1,239

Proportion of finalised allegations investigated 12 months to 31 March 2015

Hertfordshire Constabulary

26%

Force's most similar group average

43%



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

Hertfordshire Constabulary

13%

Force's most similar group average

19%

Stop and search

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

11,400

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

Hertfordshire Constabulary

9.9

Force's most similar group average

6.5

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

Hertfordshire Constabulary

-55%

Force's most similar group average

-41%



Tasers

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

108

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

Hertfordshire Constabulary

0.9

Force's most similar group average

1.6

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

Hertfordshire Constabulary

11%

Force's most similar group average

16%

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

Introduction

Throughout 2015, HMIC has assessed the extent to which police forces are legitimate in how they keep people safe and reduce crime. This is one strand of the PEEL (Police Efficiency, Effectiveness 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 Hertfordshire Constabulary.

Methodology

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

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

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

Organisational 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 provide support to the police through information or intelligence, or become more active in policing activities (such as Neighbourhood Watch or other voluntary activity), the less the financial burden on police forces.

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/150317_Fair_cop%20FINAL_REPORT.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 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 Hertfordshire Constabulary

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

⁵ The inspection took place between March and June 2015.

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

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	3,390	1,500 (44%)	148 (4%)
Total officers	1,911	605 (32%)	77 (4%)
Constables	1,489	478 (32%)	61 (4%)
Sergeants	279	87 (31%)	11 (4%)
Inspecting ranks	118	33 (28%)	6 (5%)
Superintendents and above	24	6 **	0 **
Staff	1,270	795 (63%)	62 (5%)
PCSOs	210	100 (48%)	8 (4%)

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

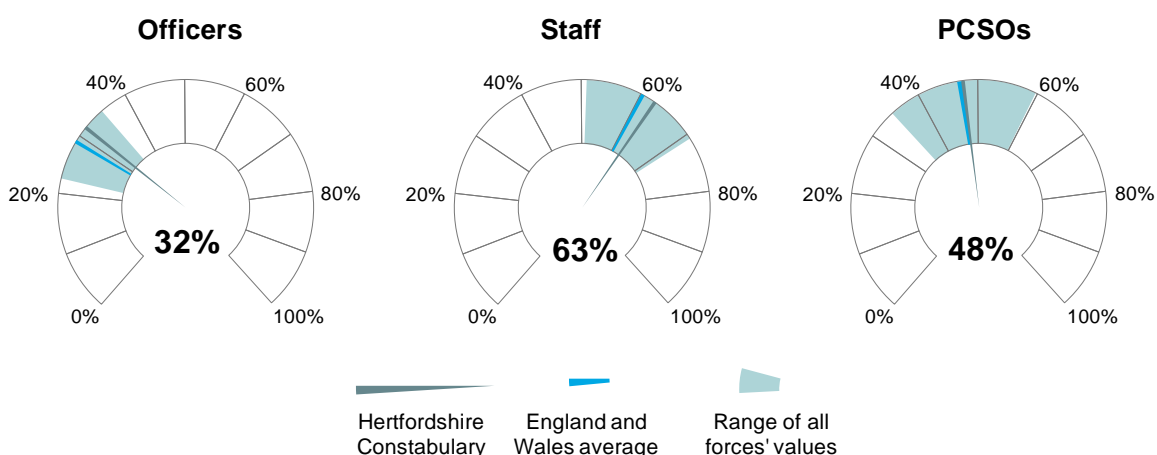
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

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

Source: Home Office Police Workforce statistics

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

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

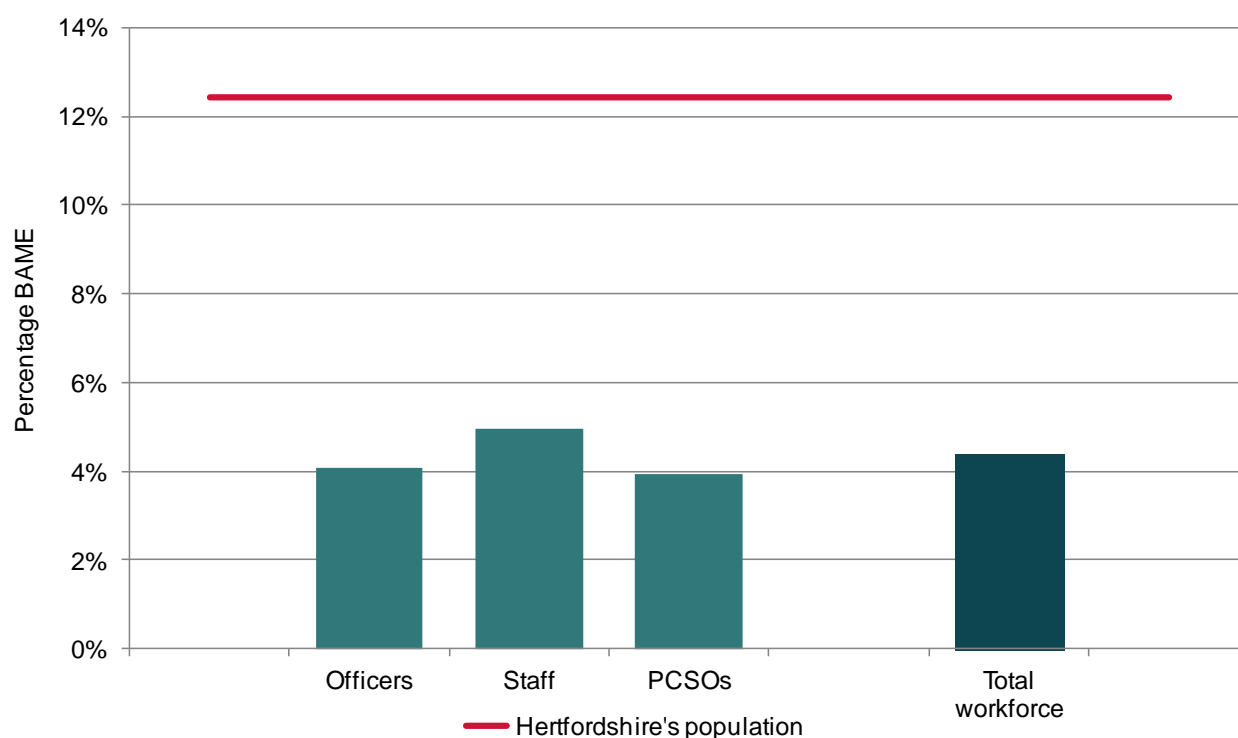


Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the proportion of BAME people living in the force's area. In Hertfordshire, around 12 percent of the local population were BAME. The figure below shows these comparisons.

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

Figure 3: Percentage of BAME people within Hertfordshire 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.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.

⁷Spending 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 Hertfordshire Constabulary over the spending review period.

Figure 4: Change in Hertfordshire 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	-679	(-17%)	-1	0
Officers	-219	(-10%)	+1	0
Staff	-407	(-24%)	-1	+1
PCSOs	-52	(-20%)	-6	0

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

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

Source: Home Office Police Workforce statistics

There were no statistically significant changes in the percentages of either females or BAME people within Hertfordshire Constabulary's overall workforce between 31 March 2010 and 31 March 2015. There were also no statistically significant changes in the percentages of BAME people or females at an officer, staff or PCSO level.

Overall, compared with other forces, as at 31 March 2015, the percentage of females within Hertfordshire Constabulary's workforce was broadly similar for PCSOs yet higher for both officers and staff. By ethnicity, there was an under-representation in BAME officers, staff and PCSOs and there was no statistically significant change in the proportions between 31 March 2010 and 31 March 2015 for any of these groups.

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.

Hertfordshire Constabulary worked well to develop and maintain an ethical culture. An equality, ethics and integrity board oversaw this process. This was chaired by the deputy chief constable and attended by key senior leaders, and by the police and crime commissioner. The board set the strategic direction for three working groups: equalities and inclusion; ethics and integrity; and people matters, which are led by chief superintendents and the head of the human resources department.

The constabulary has sent clear messages to officers and staff outlining the vision and the values that the organisation needed to embrace to promote an ethical culture. This was reinforced with leaflets and posters setting out what was known in the constabulary as 'The Herts Way', and also the Code of Ethics. Senior leaders participated in six-monthly roadshows, leadership meetings and regularly dropped in to local stations and departments. These meetings included discussion on ethical issues. Supervisors were given examples of ethical issues that their staff may encounter and used these effectively in discussions with them.

Several examples were examined of how staff could make suggestions to improve ways of working in the constabulary. This included the online forum 'ask the exec', at senior leadership meetings, and during the chief constable's informal visits to police stations. Ideas had been used to inform collaboration discussions between the chief constables and police and crime commissioners of Hertfordshire, Bedfordshire and Cambridgeshire. In 2013, a joint staff survey was conducted by these forces to explore how staff felt about their work, teams and line management. However, Hertfordshire had not conducted a survey specifically to understand the opinions of its own staff for a number of years. Staff indicated that they would like to participate in this type of survey. The constabulary plans to participate in a three-force survey for staff in Bedfordshire Police and Cambridgeshire Constabulary.

There were good policies in place to help make sure that the promotion and posting processes were fair. Positive relationships with staff associations had resulted in any potential unfairness being highlighted early and resolved quickly. However, staff associations no longer speak to new recruits to the constabulary, limiting the opportunity for them to explain what support can be provided.

Staff felt comfortable to challenge inappropriate behaviour and provided a wide range of evidence to show that this applied equally to all types of poor behaviour, including formal reporting of more serious behaviour.

Examples were provided of how the constabulary valued and supported those who challenged poor behaviour, and was sensitive to the significant effect on a person who reported wrongdoing could suffer if the organisation did not handle the matter properly.

The constabulary had good ways of working 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 being more invested 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.

The wellbeing of staff was clearly a priority and was reflected in a wellbeing plan, which was overseen by the equality, ethics and integrity board.

There were examples of effective work by the occupational health unit to identify ways of supporting staff who were absent from work with a psychological illness. This included additional training and support for supervisors and also learning from a recent health survey. The survey team were available in a number of stations, at different times, to give all staff the opportunity to complete the survey.

The constabulary carried out an analysis of absences related to psychological illness and this showed that the cause of the absences was split equally between home-related and work-related issues. Thirteen percent of work-related psychological matters were connected to ongoing misconduct investigations and the constabulary was taking steps to improve health and welfare support for officers and staff who were subject to criminal and misconduct investigations.

The constabulary identified that supervisors were less confident at managing home-related psychological matters, and had put extra support in place for managers. For example, meetings taking place away from police premises in less formal locations were now being encouraged.

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 make the code part of day-to-day practice.

The Code of Ethics was understood and used by staff as part of their day-to-day work. All staff were provided with a booklet, which clearly set out the Code of Ethics' principles and explained what they meant for everyone in the workplace. This also included all contractors, volunteers, and staff who had been absent from the constabulary long-term, for instance staff who were seconded to other roles away from the organisation.

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

The Code of Ethics was considered in all newly drafted policies. An agreement had been reached with Cambridgeshire Constabulary and Bedfordshire Police, to ensure that all new policies, including those due for review, were assessed against the Code of Ethics to ensure compliance.

The Code of Ethics was also considered when assessing the severity of public complaints and misconduct allegations. Case files relating to misconduct were reviewed and direct reference to the Code of Ethics was made in the severity assessments that are used to determine how the constabulary deals with the complaint.

Staff were aware of, and complied with the Code of Ethics in their everyday work and interactions with colleagues. This awareness was very high among Hertfordshire Constabulary staff, but was less so for staff working in units that involve collaboration with staff from Bedfordshire and Cambridgeshire. These staff were working to the same set of standards of professional behaviour and Code of Ethics, but each had differing messages from their respective chief constables. The collaboration programme team was addressing this by developing a set of shared values across the three forces.

Overall, the Code of Ethics was effectively incorporated into force policy and practice, and Hertfordshire Constabulary was seeking to ensure that the workforce act 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.⁹

In the 12 months to 31 March 2015, Hertfordshire Constabulary finalised 1,239 allegations from public complaints that were made against its officers and staff. Of these, 26 percent had been investigated and 59 percent had been locally resolved. A smaller proportion of allegations were investigated and a greater proportion were locally resolved in Hertfordshire compared with the average of its most similar group of forces.¹⁰

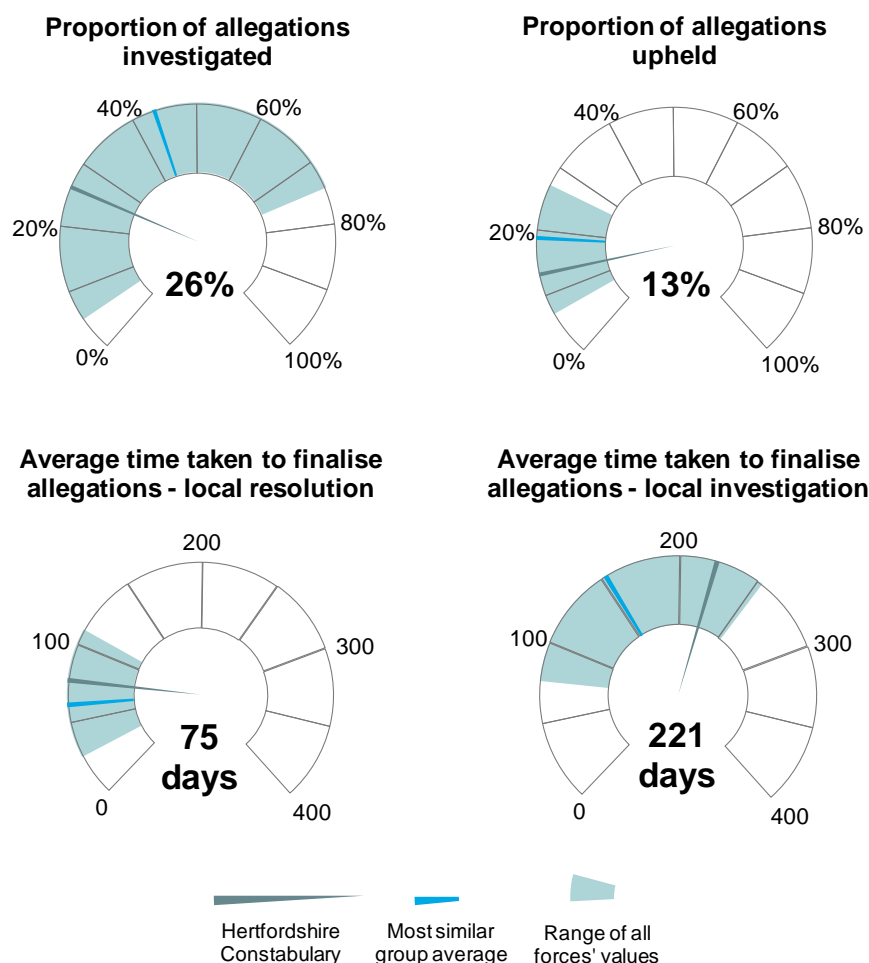
In the 12 months to 31 March 2015, the average time Hertfordshire Constabulary took to complete a local resolution was 75 days, greater than the average of its most similar group of forces (60 days). Over the same period, the average time a local investigation took to complete was 221 days, greater than the average of its most similar group of forces (152 days).

After local investigation, Hertfordshire Constabulary closed 319 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 Hertfordshire's most similar group of forces of 19 percent. The following figure shows how these values compare.

⁹ 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.

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

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



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Hertfordshire Constabulary finalised 26 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, Hertfordshire took longer to complete both local resolutions and local investigations.

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

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

Building on the findings of the HMIC Police Integrity and Corruption inspection,¹¹ 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,¹² 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 78 public complaints and internal misconduct allegations, to assess whether they had been considered fairly and consistently. We examined the outcomes of the review further during our fieldwork.

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

Hertfordshire Constabulary shared a professional standards department with Bedfordshire Police and Cambridgeshire Constabulary, which provided consistency in the initial assessment of public complaints. These assessments determined the decisions about the level at which the complaint should be dealt with by the constabulary. However, the grade of the police staff member who made the initial assessment was not of the required level of seniority, which the legislation required to be of at least chief inspector rank or police staff equivalent.

Some staff indicated that on occasion they felt police staff were treated less favourably than police officers. This was supported by the file review where there was some evidence of “over-grading” of cases by the human resources department; they initially assessed cases as gross misconduct rather than misconduct, when compared to assessments by the professional standards department in similar cases involving police officers. This had the potential to introduce unfairness in the way different people were dealt with.

The constabulary used a number of different staff members to assess the severity of complaints and misconduct. For example, local cases were assessed by senior police officers, while serious misconduct cases were forwarded to the professional standards department to investigate, but any assessed as misconduct (where a final written warning is the highest possible outcome) were dealt with locally by police

¹¹ 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/

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

managers. It was not clear how the constabulary monitored the outcomes of the lower level misconduct cases to ensure all assessors were complying with set standards to minimise inconsistency.

The constabulary was seeking to achieve greater consistency in this respect by standardising paperwork to support the assessment process. The three forces plan to collaborate on human resources, and will reduce the number of human resources decision-makers from three to one. This may support fairer decision-making.

The constabulary oversaw complaints and misconduct matters through the three-force governance board, which was attended by the three deputy chief constables, and representatives of the three police and crime commissioners. This meeting provided oversight of professional standards issues at a senior level and provided a way to help understand patterns of behaviour and trends in public complaints.

There was also a fortnightly meeting between the three forces' head of professional standards and the deputy chief constable, who also had regular contact with his counterparts in the other two forces to discuss any ongoing issues of relevance to each force.

There was a dedicated a member of staff to identify opportunities for the organisation to learn from individual investigations. Also, it was very positive that officers and staff who were the subject of allegations were given an opportunity to provide feedback to the professional standards department following the conclusion of a public complaint or misconduct investigation.

Summary of findings



Good

Hertfordshire Constabulary was developing a good ethical culture. Its equality, ethics and integrity board, chaired by the deputy chief constable, effectively monitored this process. The chief constable had revised the constabulary's mission and values. This helped ensure that the Code of Ethics was part of everyday working practice.

The constabulary had not conducted an all-staff survey since 2010, but planned to carry this out in autumn of 2015 in conjunction with Bedfordshire Police and Cambridgeshire Constabulary as part of a survey about collaborative working.

Staff were confident to challenge inappropriate behaviour at all levels, and arrangements were in place to support staff who reported misconduct.

The research carried out to analyse psychological-related absences was encouraging, and the additional development provided to first-line managers to enable them to better support staff was positive.

There were different approaches to the initial assessment of how serious a misconduct allegation was dealt with for police officers and police staff. This could lead to police staff being dealt with more harshly than police officers. However, the constabulary's professional standards department planned to standardise approaches for police staff and police officers.

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 are integrated into service design and provision, and that communities participate in that provision.

In autumn 2015, HMIC made an assessment of the extent to which police forces understand and engage with the people they are there to serve. Based on the College of Policing: Authorised Professional Practice on engagement and communication,¹³ 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.

¹³ *College of Policing: Authorised Professional Practice on engagement and communication*. 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 constabulary understands the needs and concerns of the people it serves.

Of the 627 survey responses from the area covered by Hertfordshire Constabulary, 48 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 13 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.

Officers and staff in Hertfordshire Constabulary understand the relationship between doing a good professional job and increased public confidence in the police.

An appropriate range of methods are used to help the constabulary listen to and understand the public it serves. The vision and values of the organisation, set out in the 'Herts Way', help officers and staff appreciate the importance of positively engaging with the public.

Oversight of public engagement is good and is strengthened by joint work with the county council and other partners. Groups, such as the Community Safety Trust, also help police to identify and prioritise local community concerns. An example of good engagement is work with local Jewish people about policing around synagogues. This led to changes in the policing approach, moving from high visibility patrols towards less intrusive, but effective, preventive policing.

Together with the local authority, the constabulary produces an annual assessment of local communities, which promotes understanding of local people and their needs. Partners such as the local authority explain that joint work with police to identify and address local concerns is strong and there is good sharing of data. This work builds understanding and supports work to increase public trust in police.

Local officers demonstrate sensitivity and an ability to identify and manage tensions. This is evident in the use of community impact assessments, which are used following incidents where confidence in the police might be compromised. A sample of assessments examined shows that officers understand local concerns and put in place actions to reduce tension and build confidence.

Hertfordshire Constabulary understands the benefits to police legitimacy of engaging positively with their communities.

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.

Despite the constabulary not having an overarching plan to guide how officers and staff engage with the public, an appropriate range of methods is used to seek the views of the people it serves and provide them with relevant information.

Neighbourhood officers attend meetings with local people, at which problems are raised, plans to address them proposed, and feedback on actions taken to address previous issues provided. Surgery-style meetings and street meetings are held at local venues and advertised widely.

There is good use of digital media to communicate with local people. This includes effective use of an internet-based system for communicating with neighbourhood watch members, and more than ten percent of homes in the county have joined. There is good use of Facebook and Twitter, which is assessed carefully to identify any emerging trends and issues. These activities provide clear ways for people to raise and resolve problems, with the support of police.

The constabulary takes care to feed back to the public what has been done in response to the concerns raised. The police and crime commissioner supports this approach, placing information in local newspapers, tailored to the needs of a specific area, informing the public of initiatives and results of policing operations. Safer Neighbourhood newsletters are also delivered to homes across Hertfordshire and parish newsletters routinely include crime prevention advice and current information about policing activity in their area.

Police community support officers play an important role in engaging with local people and the special constabulary also makes a significant contribution and provides the public with a means of participating in policing. Volunteers also support the constabulary in a number of administrative roles. There are a range of "Watch" schemes, including: neighbourhood; rural; and pub watch schemes. This provides the police with extra capacity, and also enhances public engagement and confidence.

From the survey, 32 percent of the respondents from the area covered by Hertfordshire Constabulary speak highly of the police in their local area while 14 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.

Hertfordshire Constabulary is engaging well with the people 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 and other public authorities), are required to consider all individuals when carrying out their work, and understand how different people will be affected by their activities. The duty requires the police to be able to show evidence of this in their decision-making.

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

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

Although not necessarily representative of all calls responded to by Hertfordshire Constabulary, from the 40 calls assessed, call-handlers were polite, respectful and effective. Call-handlers gave a good first impression to the caller and spoke clearly, without using police jargon. However, they did not always give out an incident or crime number during either 999 or 101 calls.

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

During our fieldwork we also observed front-counter staff interact with visitors at police stations, and staff are generally polite, friendly and helpful.

Understanding of the National Decision Model (NDM) among officers and staff is not consistent across the organisation. However, the constabulary promotes understanding of the model and includes it in a range of training courses, and it is an integral part of annual personal safety training. Use and understanding of the NDM is also promoted and tested in training and exercises using video, telephone and paper feeds. Staff explain that this form of training is particularly effective.

While it is clear that supervisors and staff in specialist operational units use the NDM for day-to-day decision-making, this is less evident among other frontline officers.

Most officers and staff have the knowledge, skills and commitment to treat members of the public fairly and with respect. While there is no training that focuses specifically on treating the public with respect, this is a theme within a range of training events. An example of this is training given to student officers on integrity and diversity, which includes them spending a week with local people, meeting different groups, for example, attending mosques and spending time with 'hard-to-hear' or 'hard-to-reach' groups, such as the young or the elderly.

Hertfordshire Constabulary also regularly monitors and reviews telephone calls from the public, to ensure staff are treating callers fairly and respectfully. Messages from the chief constable, particularly in promoting the 'Herts Way', also demonstrate a commitment to treating the public well. This helps build a culture where officers and staff consistently treat people fairly and with respect.

Surveys conducted mainly focus on victim satisfaction and confidence. The results of these surveys are good, although they do not directly measure how the public perceive they have been treated in terms of fairness and respect. However the survey results, reported by the force, suggest that, in the main, the public believe they are usually treated fairly and respectfully by officers and staff of Hertfordshire Constabulary.

From the survey, 53 percent of respondents from the area covered by Hertfordshire Constabulary agree that the police in their local area treat people fairly and with respect versus 5 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Summary of findings



Good

Officers and staff across Hertfordshire Constabulary engage well with the public and understand how this promotes police legitimacy. This approach is supported by most officers and staff, and leadership is provided by chief officers who promote the constabulary's values set out in 'The Herts Way'.

There is sufficient understanding of the communities it serves and this is developed through a range of methods including meetings, surveys, community impact assessments and a commitment to listening and providing feedback to the public.

Engagement with communities is tailored to their needs, and social media is also used appropriately to provide further opportunities for public engagement and involvement.

The public are encouraged to engage in policing activities through local meetings, open days and social media and there are opportunities for voluntary work with the police.

Call handlers and front-desk staff are generally polite, friendly and helpful and most officers and staff behave in a respectful and fair manner – an approach that is encouraged and supported by the chief constable and senior staff.

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

Introduction

Fairness, and the perception of fairness, is crucial to police legitimacy. It is therefore important that fairness is demonstrated in all aspects of policing, including the use of police powers. Some of the most intrusive powers available to the police are those involving stopping and searching people and the use of Taser.¹⁵

In early 2015, Hertfordshire Constabulary was one of nine forces inspected as part of our follow-up to the 2013 inspection,¹⁶ which examined progress on the ten 2013 recommendations.¹⁷ 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 scheme¹⁸ 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?

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

¹⁶ 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

¹⁷ 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/hertfordshire-stop-and-search.pdf

¹⁸ *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 makes this task harder, with one of the direct consequences being a reduction in public trust and police legitimacy, and people being more likely to break the law and less willing to co-operate with the police. The purpose of stop and search powers is to enable officers to dismiss or confirm suspicions about individuals carrying unlawful items without exercising their power of arrest. The officer must have reasonable grounds for carrying out a search.

In our 2013 inspection on stop and search,¹⁹ HMIC concluded that few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

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

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

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

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

¹⁹ *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 Hertfordshire Constabulary – Stop and search by volume

In the 12 months to 31 March 2015, Hertfordshire Constabulary carried out 11,400 stops and searches. The table below shows this number per 1,000 population for Hertfordshire Constabulary and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the constabulary's use of stop and search powers is currently greater than the average of its most similar group of forces.

Figure 6: Number of stops and searches per 1,000 population carried out by Hertfordshire 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

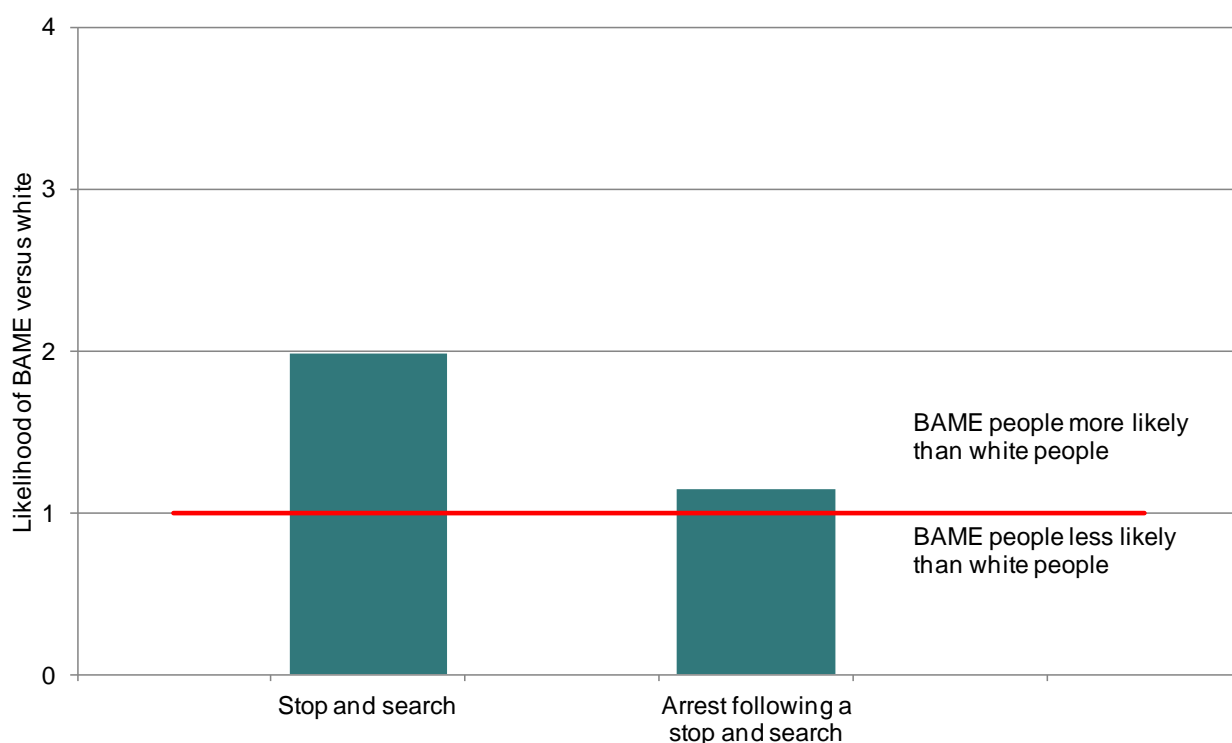
	Stops and searches per 1,000	Change from previous year
Hertfordshire	9.9	-55%
Hertfordshire's MSG average	6.5	-41%

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 Hertfordshire 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 Hertfordshire Constabulary than white people. Also, of the individuals who had been stopped and searched, BAME people were statistically more likely to be arrested by the constabulary than 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 Hertfordshire 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 Hertfordshire Constabulary, the 2013 inspection showed that 62 of 200 records reviewed (31 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. Ninety-four of the records we reviewed had been endorsed by a supervisor. We found that six of the 99 records (6 percent) did not have reasonable grounds recorded.

While the forms we reviewed may not be representative of all stop and search records completed by the force, the review indicates that some records still 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.

Most officers understand their stop and search powers, although some do not use the National Decision Model (NDM) when using them.

There is also limited understanding of the Best Use of Stop and Search scheme among frontline staff and supervisors. Training on the use of stop and search powers was last delivered in 2013, before the scheme was introduced.

There is a reduction in the use of stop and search, which frontline staff attribute to the response to messages from chief officers. In response to these concerns chief officers issued 'Myth buster' messages in January 2015. However, officers still report that they are not confident about using stop and search powers, although the use of stop and search in the constabulary is higher than in similar forces. The constabulary is in the process of remedying this problem and is providing more training which highlights the benefits of the use of this power, if used fairly and appropriately, and where decisions are made using the NDM.

Hertfordshire Constabulary is not complying sufficiently with the Best Use of Stop and Search scheme.

Feature of Best Use 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>The constabulary records the full range of outcomes and also records if an item is found and if that item is connected to the object originally searched for. However, the data published show the connection between the item searched for and the outcomes but only when an arrest is made and not for the remaining outcomes. The data are published on the police.uk website, but there is no link from the constabulary website to the police.uk website directing people to the data. Consequently the public are unlikely to find it.</p>
Providing opportunities for the public to observe officers using the power	<p>The constabulary complies with this feature of the scheme</p> <p>The opportunity to observe the use of this power is available. The constabulary encourages participation in a ride-along scheme, with 83 members of the public participating over a six-month period. However, none of these members of the public observed a stop and search, and none of them gave stop and search as a reason for requesting to take part in the scheme.</p>
Explaining to communities how the powers are being used following a “community complaint”	<p>The constabulary complies with this feature of the scheme.</p> <p>Each complaint relating to stop and search is reviewed by the head of complaints and a local chief inspector. Appropriate action is then taken to inform local communities about the use of the power in their area. All these complaints are also reviewed by an independent scrutiny panel, who can make recommendations to the constabulary.</p>

Reducing the number of people stopped and searched without suspicion under section 60 ²⁰ of the Criminal Justice and Public Order Act 1994	<p>The constabulary complies with this feature of the scheme.</p> <p>There has only been one use of section 60 powers in 2015.</p>
Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	<p>The constabulary complies with this feature of the scheme.</p> <p>The proportionate use of stop and search is monitored by the constabulary, the police and crime commissioner and community representatives on the independent scrutiny panel. However, the constabulary recognises that it has more to do to understand the disproportionate impact of the use of stop and search powers on black, Asian and minority ethnic and young people in Hertfordshire.</p>

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

Background

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

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

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

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

²⁰ '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

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.²¹

Use of Taser in Hertfordshire Constabulary

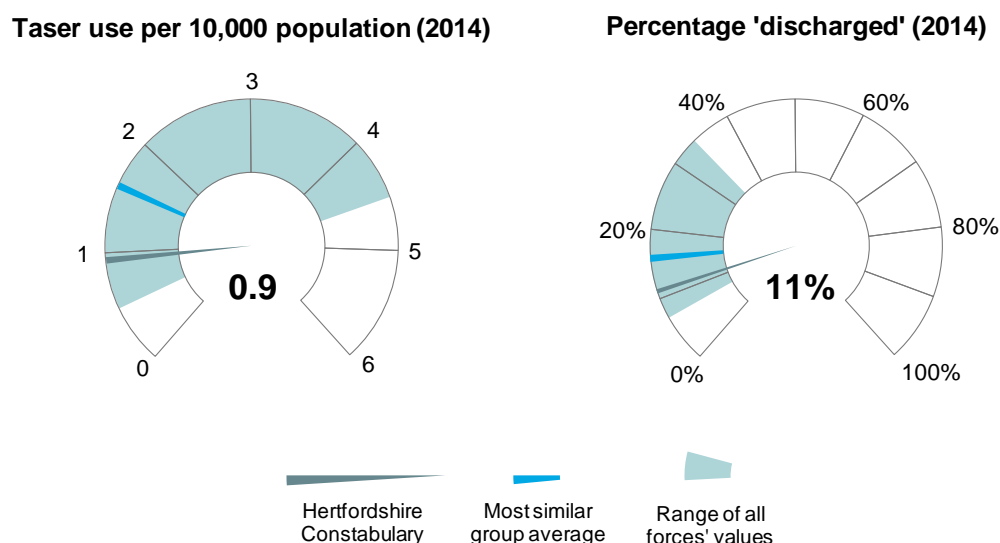
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') the police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 108 times by Hertfordshire Constabulary, representing 0.9 times for every 10,000 people in the constabulary's area. This was less than the average for Hertfordshire 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 108 times it was used in some capacity). This equated to 11 percent of overall use, less than the constabulary's most similar group average of 16 percent. The following figure shows the comparisons.

²¹ *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 Hertfordshire Constabulary, 12 months to 31 December 2014²²



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

The Taser deployment form is a national document for gathering research information about the operational effectiveness of the Taser device, and any medical implications of its use. If officers fire the Taser, or if they use it in drive-stun or angled drive-stun mode, they are required to complete the full form, including a detailed description of the incident from commencement to resolution. The National Decision Model (NDM) is used on the form as a structure for officers to record this description. For any other use, such as 'drawn', 'aimed', 'red-dotted' or 'arced', officers are only required to provide brief details of the incident. A detailed description, structured around the NDM, is not required.

Before the fieldwork stage of the inspection, HMIC conducted a review of 20 Taser deployment forms, and linked documentation, provided by Hertfordshire Constabulary. 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 constabulary's Taser activity.

The forms show that Taser had been fired four times, red-dotted 12 times, and drawn four times. On each of the four occasions that Taser had been fired, the officers had recorded their rationale using the NDM. The NDM sections show that other tactics have been considered and recorded, but that Taser was the most appropriate tactic to use in the circumstances. They also appear to show that some of the officers were unclear about how to record their use of the NDM; but the Taser-trained officers that we subsequently spoke to displayed a good understanding of the

²² 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.

NDM. None of these four forms 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.

Officers used Taser to protect themselves or others from a range of weapons, including several knives, shards of glass, an axe, a crowbar, and a samurai sword.

The Taser deployment forms and supporting information supplied by the constabulary provided us with evidence to suggest that the use of Taser is fair, lawful, and appropriate in all of the cases reviewed.

The constabulary has an effective process to review the use of Taser. All uses of Taser are initially reviewed by the force incident manager (an inspector) and also by a supervisor within the force firearms unit. The forms are looked at to identify any potential concerns about whether use is fair and proportionate.

Recording, monitoring and evaluation of Taser use is also effectively reviewed through the tri-force (Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary) arrangements for police use of firearms and by chief officers. This includes the number of occasions where Taser is 'discharged'. To further improve its understanding about the deployment and use of Taser the constabulary also examines incidents where use of Taser is authorised and officers deployed, but the device is not used. The constabulary uses appropriate methods to check Taser is used fairly and identifies opportunities for improved practice.

There is a clear rationale for the number of and deployment of Taser-trained officers in Hertfordshire Constabulary. There is also a considered approach to the selection of officers for Taser training. Together, this supports a proportionate approach, which provides protection to both public and police, while also helping achieve an efficient use of resources.

The only published information on the use of Taser which is provided to the public is in response to freedom of information requests. However, a publication policy is being considered jointly with Cambridgeshire Constabulary and Bedfordshire Police. This will increase transparency about how it uses Taser; both for individual high profile cases, and for use overall.

Based on an assessment of the Taser forms and fieldwork findings, Taser is being used fairly and appropriately by Hertfordshire Constabulary.

Summary of findings



Requires improvement

Hertfordshire Constabulary is not compliant with the Best Use of Stop and Search scheme. There is a limited understanding of the scheme among frontline officers and supervisors. Training on the use of stop and search powers was last run in 2013, before the scheme was introduced. Officers report that they are not confident about using stop and search powers and not all officers use the National Decision Model when deciding to conduct a stop and search. There is a 'ride-along' scheme for members of the public and a process to identify and respond to community complaints about stop and search, and section 60 authorisations where reasonable suspicion is not required, have reduced.

The constabulary has a good system for ensuring that Tasers are used appropriately.

There is a clear rationale for the deployment and numbers of Taser officers. Officers use Taser appropriately and there is a robust process for selecting Taser officers.

Areas for improvement

- The constabulary should ensure that officers are confident about using stop and search powers and that they understand the features of the Best Use of Stop and Search scheme.
- The constabulary should ensure that it complies with the Best Use of Stop and Search scheme in relation to publishing outcomes.

Annex A – HMIC judgments

The categories are:

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

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

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

Annex B – Data methodology

Please note the following for the data.

- The sources of the data are provided in each section. For the force in numbers data, please see the relevant section.
- Workforce figures (based on full-time equivalents) were obtained from the Home Office annual data return 502. Most of these are available from the Home Office's published *Police workforce England and Wales statistics*, although figures may have been updated since the publication.
- Police staff includes section 38 designated officers (investigation, detention and escort).
- Data from the Office for National Statistics 2011 Census were used for the number and proportion of 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 Hertfordshire Constabulary's MSG: Hampshire, Essex, Leicestershire, Sussex, Avon and Somerset, Staffordshire and Thames Valley.
- 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.