

PEEL: Police legitimacy 2015

An inspection of West Mercia Police



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

Overall judgment¹



Requires improvement

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

HMIC found that West Mercia Police was developing an ethical culture. However it had more to do to provide sufficient wellbeing and welfare support for its staff, and to ensure that complaints and misconduct were properly assessed and free of bias.

The force understands the people it serves, but should improve the way it communicates its engagement strategy to staff. The force is not complying with the Best Use of Stop and Search scheme. HMIC has a number of concerns about how West Mercia Police conducts and records instances of stop and search.

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

Summary

HMIC found that West Mercia Police clearly articulated the vision and values of the organisation and these values were having a positive influence on standards of behaviour and helping to develop an ethical culture.

The force acknowledged that it had been slow to put in place adequate provision to support the welfare and wellbeing needs of officers and staff. The force also recognised that existing governance arrangements for complaints and misconduct issues had not provided sufficient oversight to ensure that processes were consistent and free from any bias.

When HMIC looked at how well the force understands and successfully engages with all the people it serves, we found there is effective and in some cases innovative, engagement with the public and an understanding of its importance in maintaining police legitimacy. The force understands the people it serves but should improve the way it communicates its engagement strategy to staff. As a result, HMIC

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

found that people were treated fairly and with respect by West Mercia Police and the force understands and engages well with the people it serves.

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 the force is not complying with the Best Use of Stop and Search scheme, and needs to do more to make the public aware of the changes it has made and the information it has. However, HMIC has a number of concerns about how West Mercia Police conducts and record instances of stop and search. Too many records do not contain sufficient reasonable grounds to stop and search a person and these are not being sufficiently identified or addressed by supervisors. HMIC is satisfied that the majority of Taser use in West Mercia Police is both fair and appropriate.

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



Requires improvement

HMIC found that West Mercia Police had clearly articulated the vision and values of 'protecting the public from harm', and they were having a positive influence on standards of behaviour and helping develop an ethical culture. Clear and consistent messages were provided by chief officers.

The force had been slow to put in place adequate provision to support the welfare and wellbeing needs of officers and staff. This was something chief officers had acknowledged, and were actively seeking to address. At the time of the inspection, the support that was offered was inconsistent or not available.

Incorporating the code into everyday policing activities

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



Good

HMIC found that in West Mercia Police there is a strong commitment to the community and good examples of initiatives and engagement, often with harder to reach groups. The alliance (with Warwickshire Police) has a communication and engagement strategy which is a vehicle to ensure that the views of the community are at the forefront of strategic decisions. However, we did find that staff, at a number of levels within the force, were not aware of the strategy.

A network of independent advisory groups (IAG) assists the two-way dialogue between the force and its communities.

West Mercia Police uses a range of methods to engage with the public

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



Requires improvement

HMIC has a number of concerns with how West Mercia Police conducts and records instances of stop and search. Too many records do not contain sufficient reasonable grounds, and these are not being sufficiently identified or addressed by supervisors.

The force's own administrative arrangements – notably the requirement for an officer to contact an operator in the operational control centre in order to be given a unique reference number, that is then attached to a card and handed to the person who has been stopped, explaining how to get a copy of the search – appear to be directly affecting the use of stop and search powers,

formed part of the training being provided across the force. The training used scenarios to discuss ethical dilemmas, and included the use of the National Decision Model to support effective and ethical everyday decision making.

The force recognised that existing governance arrangements for complaints and misconduct issues had not provided sufficient oversight to ensure that processes were consistent and free from any bias. We were also concerned about the initial assessment of misconduct cases, with too many being classified as gross misconduct, before being subsequently downgraded.

from traditional public meetings to the use of social media. The force has also taken steps to address barriers to good community engagement such as social exclusion, showing how information technology can be used effectively for people who may not have access and introducing mobile contact centres to serve rural communities.

The force works with the public in a number of watch schemes, which are supported by a well-developed network of volunteers. HMIC found that people were treated fairly and with respect when they came into contact with West Mercia Police and the force understands and engages well with the people it serves.

including those that are legitimate and necessary.

The force is not complying with the Best Use of Stop and Search scheme, and needs to do more to make the public aware of the changes it has made and the information that it has.

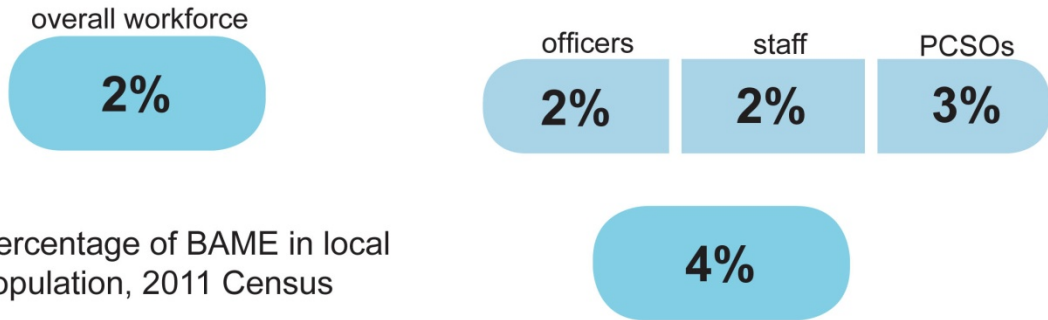
HMIC is satisfied that the majority of Taser use in West Mercia Police is both fair and appropriate.

Force in numbers



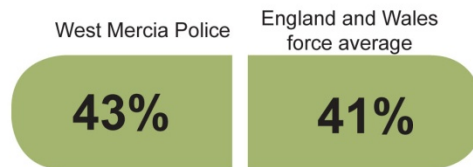
Ethnic diversity

Percentage of BAME in workforce 31 March 2015

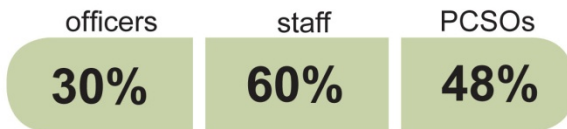


Gender diversity

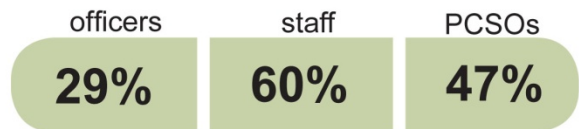
Percentage of females in overall workforce 31 March 2015



Percentage of females by role, West Mercia Police

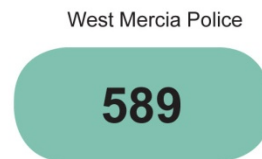


Percentage of females by role, England and Wales force average

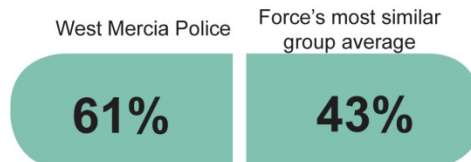


Public complaints

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



Proportion of finalised allegations investigated 12 months to 31 March 2015



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

West Mercia Police Force's most similar group average

12%

14%



Stop and search

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

9,874

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

West Mercia Police Force's most similar group average

7.9

6.6

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

West Mercia Police Force's most similar group average

-31%

-33%



Tasers

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

197

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

West Mercia Police Force's most similar group average

1.6

1.7

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

West Mercia Police Force's most similar group average

16%

21%

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

Introduction

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

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

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

Spring 2015 inspection

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

Autumn 2015 inspection

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

This report provides the main findings for West Mercia Police.

Methodology

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

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

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

Organisational justice²

Every day, people respond to the actions and decisions made by their organisation that affect them or their work. Research shows that an individual's perceptions of these decisions (and the processes that led to them) as fair or unfair can influence their subsequent attitudes and behaviours.

In a policing context, staff who feel they are treated fairly and with respect by their force are more likely to go on to treat the public with whom they come into contact fairly and with respect. This will increase the public's view that the police act legitimately.

Procedural justice

Research³ has shown that for the police to be considered legitimate in the eyes of the public, people need to believe that the police will treat them with respect, make fair decisions (and take the time to explain these decisions), and be friendly and approachable. It also indicates that the way officers behave is central to policing as it can encourage greater respect for the law and foster social responsibility.

There is also an economic benefit for a force which is seen as legitimate by the communities it serves. The more the public provides support to the police through information or intelligence, or become more active in policing activities (such as Neighbourhood Watch or other voluntary activity), the less the financial burden on police forces.

² *It's a fair cop? Police legitimacy, public cooperation, and crime reduction*, Andy Myhill and Paul Quinton, National Policing Improvement Agency, London, 2011. Available from: http://whatworks.college.police.uk/Research/Documents/Fair_Cop_Briefing_Note.pdf

³ *Ibid*

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

Introduction

As organisational justice has a direct relationship to procedural justice (we treat others as we are treated), it is critical that the culture inside police forces is an ethical one, where challenge and continual improvement are encouraged. It is also crucial that all officers and staff feel that they and others are treated fairly and consistently (for example, when an allegation is made against them by a member of the public or a colleague). Even if a system or process is fair, if people do not believe that it is, then organisational justice will not have been achieved.

Officers and staff who feel they are treated fairly and with respect by their force, are more likely to go on to treat the public with whom they come into contact fairly and with respect. This will increase the public's view that the police act legitimately.

In spring 2015,⁴ HMIC made an assessment of police force culture. The inspection asked:

1. How well does the force develop and maintain an ethical culture?
2. How well does the force provide for the wellbeing of staff?
3. How well has the Code of Ethics been used to inform policy and practice?
4. How fairly and consistently does the force deal with complaints and misconduct?

In addition, HMIC also considered the number of females and black, Asian and minority ethnic (BAME) people at different ranks and grades, to determine the extent to which the diversity of the force reflects that of the communities it serves.

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

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

⁴ The inspection took place between March and June 2015.

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

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	3,681	1,579 (43%)	77 (2%)
Total officers	2,014	599 (30%)	38 (2%)
Constables	1,510	498 (33%)	23 (2%)
Sergeants	342	64 (19%)	7 (2%)
Inspecting ranks	143	34 (24%)	8 (6%)
Superintendents and above	19	3 **	0 **
Staff	1,458	880 (60%)	33 (2%)
PCSOs	209	100 (48%)	6 (3%)

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

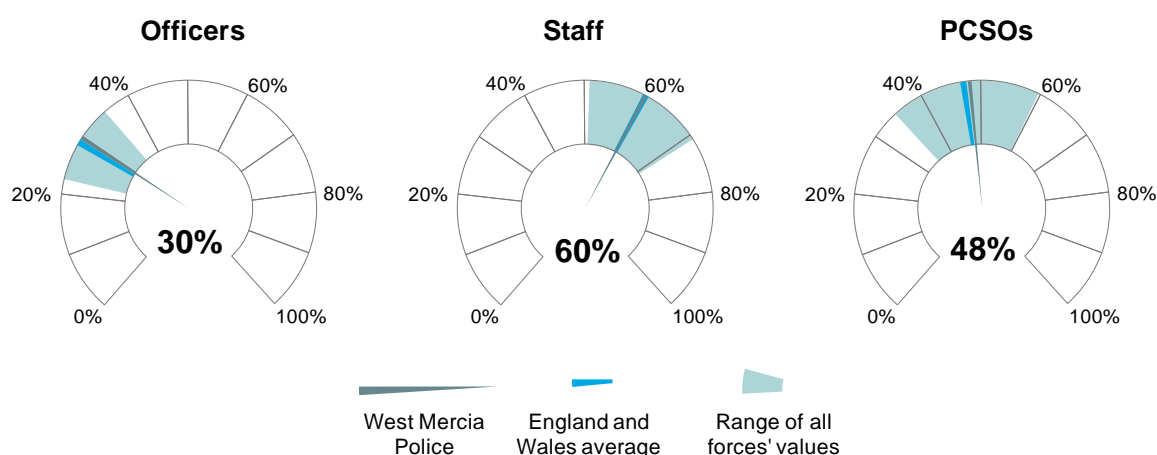
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

** 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 West Mercia Police compared with the averages of all forces in England and Wales. It shows they were broadly similar for all of officers, staff and PCSOs.

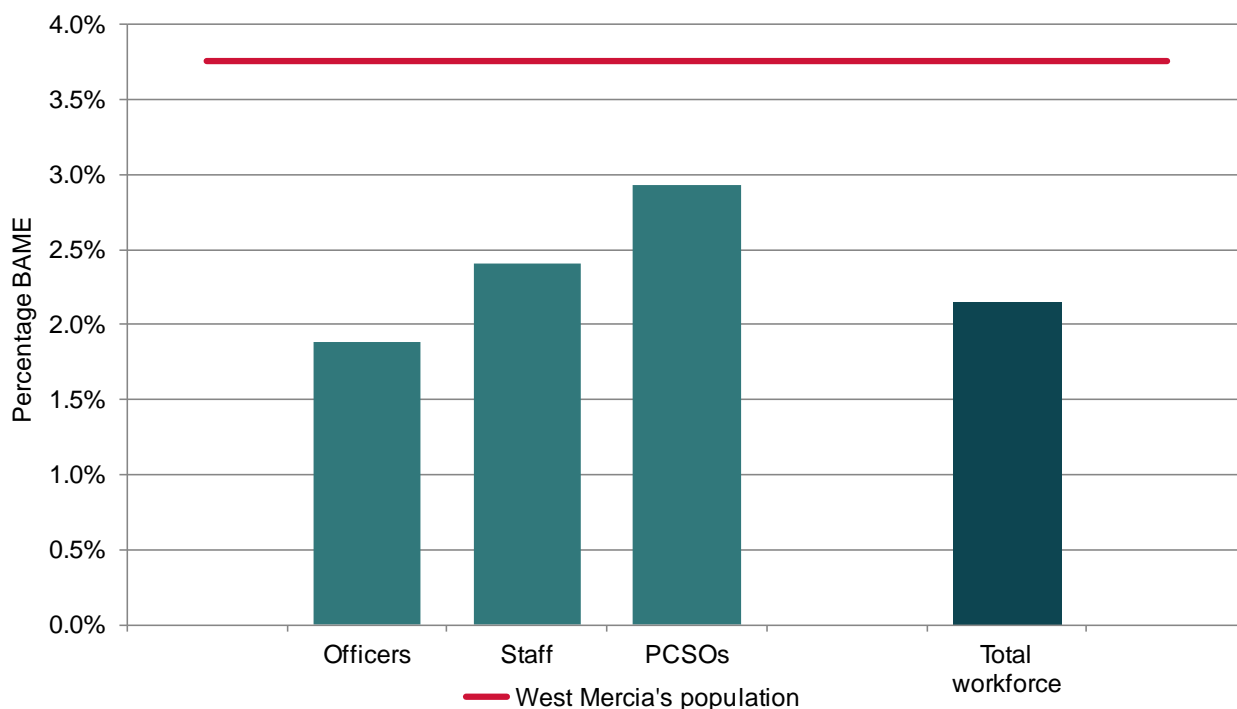
Figure 2: The percentage of female officers, staff and PCSOs in West Mercia Police compared with the force average for England and Wales, 31 March 2015



Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the proportion of BAME people living in the force area. In West Mercia, around 4 percent of the local population were BAME. The figure below shows these comparisons. There was a statistically significant under-representation of BAME people in West Mercia Police's overall police workforce, as well as separately for officers and staff.

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



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

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

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

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

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

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

	Total change		Percentage point change	
			% female	% BAME
Total workforce	-705	(-16%)	0	0
Officers	-377	(-16%)	+2 ●	0
Staff	-257	(-15%)	-3 ●	+1 ●
PCSOs	-71	(-25%)	+1	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 West Mercia Police's overall workforce between 31 March 2010 and 31 March 2015. However, there were statistically significant changes in the percentages of BAME staff and female officers and staff. In particular, the proportion of female officers increased by around 2 percentage points, yet female staff decreased by around 3 percentage points during the five years.

Overall, compared with other forces, as at 31 March 2015, the percentage of females within West Mercia Police's workforce was broadly similar for all of officers, staff and PCSOs. By ethnicity, there was an under-representation in BAME officers and staff; however, for staff at least, the proportion had increased between 31 March 2010 and 31 March 2015.

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

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

West Mercia Police and Warwickshire Police have formed a strategic alliance, and as part of this process, they have harmonised the majority of policies, procedures and working practices.

HMIC found that West Mercia Police, as part of the alliance with Warwickshire Police, had clearly articulated the shared vision and values which was focused on ‘protecting the public from harm’. In West Mercia Police this message had been

provided through chief officer roadshows, staff 'meet the chief' sessions, podcasts and specific vision and values training events for line managers, who are then expected to cascade the message to their teams. The training was underpinned by the Code of Ethics and incorporated practical advice for officers and staff.

We found that the force ensures promotion and selection processes are fair and free from bias. For example, the force had introduced local deployment panels and an independent moderating panel, in order to promote consistency and eliminate any bias. Staff at various levels across the force expressed confidence that these processes were ethical and transparent.

During the inspection in spring 2015, the force was actively reviewing the composition of the workforce and recognised the need to become more representative of all the community it serves. We found the force had recently introduced a process to encourage and increase the number of applications it receives from black, Asian and minority ethnic (BAME) communities. When inspectors re-visited the force in autumn 2015 we found the alliance had successfully recruited 50 members of the BAME community.

The force had undertaken extensive consultation with staff regarding the alliance with Warwickshire Police and the resulting change programme. We found that staff felt valued and engaged in the consultation process but they were keen to know the detail of the future direction of the alliance. The force was aware of the potential for anxiety and low morale within the workforce as the change programme progressed.

West Mercia Police staff felt empowered to challenge unethical and unprofessional behaviour and a confidential reporting line was provided. We found that support for staff who raise concerns about colleagues was available from the human resources department, professional standards department, the Police Federation, trade unions and staff associations.

The vision and values of the alliance of the two forces were having a positive influence on standards of behaviour, decision-making, professionalism and helping develop an ethical culture. We found there were clear and consistent messages provided by chief officers and staff acceptance of the shared vision. HMIC was satisfied that West Mercia Police, as part of the alliance, was seeking to promote and maintain 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.

HMIC found that the operating capacity of the human resources department and occupational health provision were significantly reduced during the change process to form the alliance of forces. As a result the staff had experienced delays when accessing welfare support. West Mercia Police acknowledged that welfare provision is vital to support staff during any change programme and had made considerable efforts to recruit permanent staff, with temporary agency staff assisting in the interim.

The force recognised the importance of staff wellbeing but chief officers acknowledged that this issue had only recently been given the correct priority within the alliance. In April 2015, the alliance reviewed its organisational health at the performance management group meeting and as a result both chief constables had introduced a wellbeing board, which they chair jointly. We found that West Mercia Police, as well as Warwickshire Police, had high levels of sickness and in an effort to reverse this trend the alliance had introduced a joint 'task and finish' group to develop strategies to improve attendance.

We found that procedures to address staff wellbeing, following a traumatic incident, are not applied consistently, with some staff reporting they were not aware of the availability of such services. Staff who did provide detail of having received some post-incident de-briefing tended to be from specialist units, for example, those engaged in protecting vulnerable people and traffic officers. The alliance has access to a dedicated post-incident management suite provided by Warwickshire Police Federation however this facility was not widely known and therefore not being used to its full potential.

The alliance had introduced a new attendance management policy and developed an on-line training package to help line managers support staff who are suffering work-related stress. In addition a stress management policy had been introduced to further assist line managers. The alliance is planning a staff survey to address wellbeing matters such as stress, environment, leadership and other factors that contribute to poor attendance.

Although a range of individual measures were introduced to address staff welfare, the alliance did not have a cohesive people strategy but was planning to write an organisational development strategy to address issues such as leadership, talent management and wellbeing of staff.

HMIC found inconsistent understanding of wellbeing provision across the alliance. There was a need to ensure that staff, at all levels of the organisation, understood what welfare facilities were available and how they could be accessed.

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.

HMIC found that West Mercia Police, as part of the alliance, promoted and publicised the Code of Ethics and made it accessible to the workforce. Staff received specific training on the Code and its principles were incorporated into the alliance's vision and values. Incorporating the Code into everyday policing activities formed part of 'living the vision' training being delivered across the force. The training used scenarios to discuss ethical dilemmas and included the use of the National Decision Model (NDM) to support effective and ethical everyday decisions.

The Code of Ethics was being rolled out in a structured way across the organisation with efforts being made to ensure the real meaning of the Code was presented in a practical way which staff understood. Although vision and values training fully incorporated the Code of Ethics, it did not underpin more general training and although the NDM was used by some staff as part of their decision-making processes, this was not consistent at the time of the spring inspection.

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

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

⁷ Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales, College of Policing, London, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

Each allegation can be dealt with, or resolved, in a number of ways. Some complaints, such as rudeness or incivility, may be dealt with through the local resolution process. The way these complaints are resolved should be adapted to the needs of the complainant – for example, they may involve an apology or an explanation of the circumstances in writing or in person. If the complaint is more serious, and assessed as not suitable for local resolution, it must be investigated by an appointed investigating officer who will produce a report detailing findings against each allegation. Under certain circumstances, some complaints do not proceed. These use processes known as disapplication or dispensation (for example, if the matter is already the subject of a complaint or if the complaint is 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, West Mercia Police finalised 589 allegations from public complaints that were made against its officers and staff. Of these, 61 percent had been investigated and 23 percent had been locally resolved. A greater proportion of allegations were investigated and a smaller proportion were locally resolved in West Mercia compared with the average of its most similar group of forces⁹.

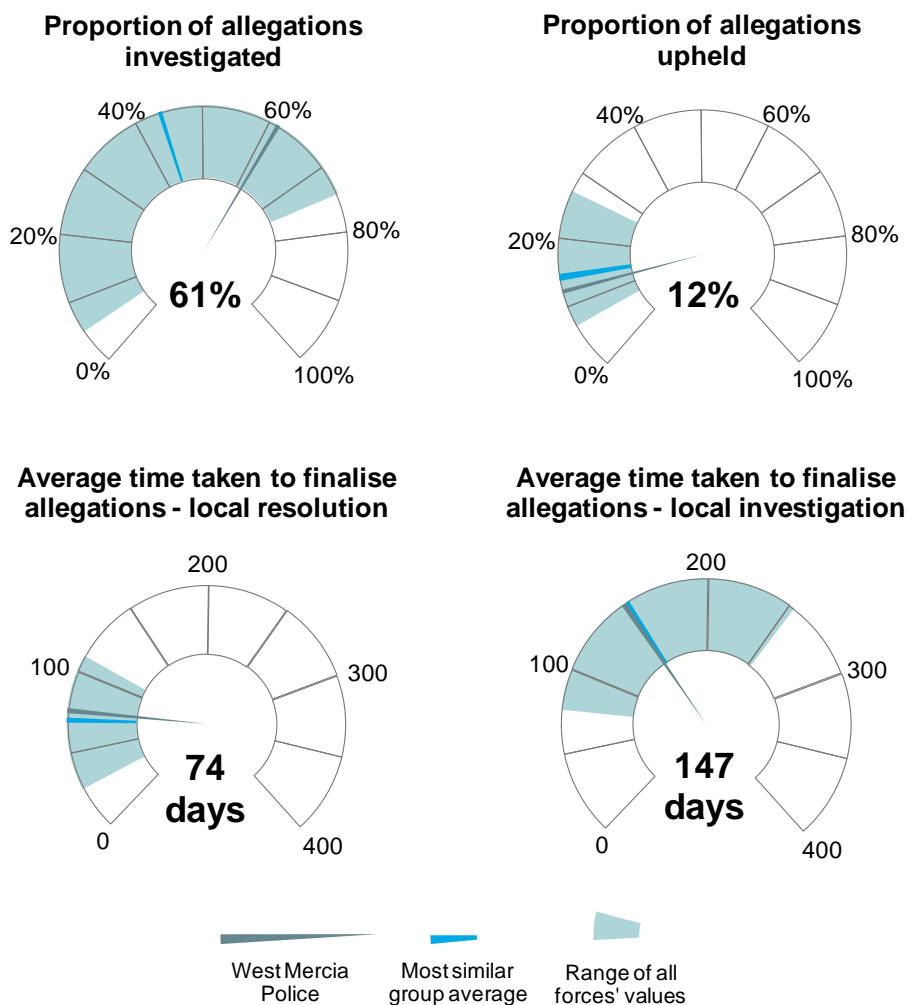
In the 12 months to 31 March 2015, the average time West Mercia Police took to complete a local resolution was 74 days, broadly in line with the average of its most similar group of forces (68 days). Over the same period, the average time a local investigation took to complete was 147 days, broadly in line with the average of its most similar group of forces (149 days).

After local investigation, West Mercia Police closed 359 allegations in the 12 months to 31 March 2015. Of these, 12 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 West Mercia's most similar group of forces of 14 percent. The following figure shows how these values compare.

⁸ For a more complete outline of the definitions and potential outcomes resulting from public complaints, please see the Independent Police Complaints Commission's website: www.ipcc.gov.uk.

⁹ Most similar groups are groups of local areas that have been found to be most similar to each other using statistical methods, based on demographic, economic and social characteristics which relate to crime. See Annex B.

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



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, West Mercia Police finalised 61 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, West Mercia took a similar amount of 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 we looked at we did not find any evidence of bias in how complaints and internal misconduct allegations were dealt with, in respect of gender, ethnicity or rank.

However, the file review revealed a number of concerns; the quality and timeliness of some of the files, incomplete investigations, no references to quality decision-making using the National Decision Model and limited evidence of learning from experience and sharing that with staff. Investigation outcomes suggested an inappropriate level of tolerance in some cases. HMIC inspectors noted a pattern of files being initially assessed as gross misconduct but later being dealt with as misconduct.

This, in itself is not unusual as more evidence comes to light, but repeatedly making an initial assessment of potential gross misconduct, only to later reduce to misconduct, will cause unnecessary anxiety to the staff concerned.

We also found a lack of engagement between staff in the professional standards department who deal with police officer misconduct, and human resources staff who deal with police staff misconduct.

Senior officers in West Mercia Police along with their alliance partners, Warwickshire Police, recognised that existing governance arrangements for complaints and misconduct issues had not provided sufficient oversight to ensure that processes were consistent and free from any bias and they wanted to improve this joint area of work. Significant steps had already been taken to improve the situation. Complaints and misconduct matters for the alliance were now overseen by one assistant chief constable. The two separate professional standards departments' functions were

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'.

located together with a new management structure and the newly-appointed head of professional standards was developing a strategy designed to deal more fairly and consistently with complaints and misconduct investigations.

HMIC found that in West Mercia Police staff consistently reported they felt confident individuals would be treated appropriately in the event of a public complaint and they suggested a fair approach was adopted by the force when investigating allegations of internal misconduct.

Summary of findings



Requires improvement

HMIC found that West Mercia Police had clearly articulated the vision and values of 'protecting the public from harm', and they were having a positive influence on standards of behaviour and helping develop an ethical culture. Clear and consistent messages were provided by chief officers.

The force had been slow to put in place adequate provision to support the welfare and wellbeing needs of officers and staff. This was something chief officers had acknowledged, and were actively seeking to address. At the time of the inspection, the support that was offered was inconsistent or not available.

Incorporating the code into everyday policing activities formed part of the training being provided across the force. The training used scenarios to discuss ethical dilemmas, and included the use of the National Decision Model to support effective and ethical everyday decision making.

The force recognised that existing governance arrangements for complaints and misconduct issues had not provided sufficient oversight to ensure that processes were consistent and free from any bias. We were also concerned about the initial assessment of misconduct cases, with too many being classified as gross misconduct, before being subsequently downgraded.

Areas for improvement

- The force should actively demonstrate that help and support is available for officers and staff. It should ensure that information on how to access these services is clearly communicated to the workforce.
- The force should ensure that the governance arrangements for complaints and misconduct provide sufficient oversight to ensure that processes are consistent and free from any bias. In addition, should concerns be identified, it should ensure timely and appropriate actions are taken.

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.

West Mercia Police and Warwickshire Police have formed a strategic alliance, and as part of this process, they have harmonised the majority of policies, procedures and working practices. It should be expected that the overall approach to public engagement in both forces is very similar, albeit with some variance to account for differences in the demands and expectations of local communities.

In West Mercia Police we found that officers and staff at all levels in the organisation understood the importance of effective engagement with the community and the link with police legitimacy. There is a communication and engagement strategy that has been developed on behalf of the alliance but we found that staff, at various levels, were not aware of this document.

In order to better understand the people it serves, the force uses a number of independent advisory groups (IAG) to represent the views of communities; this includes a strategic IAG for both forces, a number of local independent advisory groups aligned to each local policing area and thematic IAGs which represent minority groups and members of the BAME community. There is IAG representation on a number of alliance governance boards, such as the strategic stop and search board.

HMIC found that there was no systematic approach to how the force used neighbourhood profiles, although the information that would be used to inform the profiles is generally available and was used in many cases to inform problem oriented policing profiles. We also found evidence of community impact assessments being used effectively and appropriately.

Of the 525 survey responses from the area covered by West Mercia Police, 50 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.

There is an effective strategic understanding of the importance of effective engagement, as demonstrated in the IAG arrangements, which support two-way communication with communities. However, we found little evidence of strategic communication in this regard to local policing teams.

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 with their communities. HMIC found that West Mercia Police uses a range of methods to engage with and seek the views of the people it serves and provide them with relevant information.

Local Safer Neighbourhood Teams (SNT) use traditional police and community together (PACT) meetings, although staff report that these are becoming less well attended, and teams are using other methods such as police 'surgeries' or 'pop-up shops' (short-term rental of empty shops) to improve public engagement and access to police teams.

We found that media communication is devolved to neighbourhood staff, except for high-profile incidents and large-scale campaigns. Local media is used as required and regular newsletters, tailored to each area are used to keep communities informed. Volunteers have been used to produce and deliver these newsletters.

West Mercia Police uses social media such as Twitter and to a lesser extent Facebook, to communicate with its communities. Some staff feel that there may be a positive benefit in the use of applications on mobile devices (or 'apps') which may be more relevant to some sections of the community.

HMIC found good examples of efforts by the force to overcome social exclusion, such as the introduction of a number of mobile contact centres; funded by the police and crime commissioner (PCC), which can be used to reach more rural communities. The force has also encouraged engagement with elderly people by taking laptops to care centres and showing residents what is available and how to use the technology. The recently updated force website is user-friendly and easy to understand.

Also, the force has used information technology to improve engagement with young people, providing an opportunity for school pupils and attendees at youth clubs to log into a web-chat with local policing teams.

The force has a number of 'Watch' schemes, and a network of volunteers, supported by a volunteer co-ordinator employed by the alliance. This co-ordinator has a key role in the work of the Citizen's Academy which aims to increase knowledge and awareness of policing within communities. Each local policing area across the alliance has an academy, which offers a ten-week course, similar to a night school, for members of the public to learn about policing in their area. Different units from the force attend to educate participants and break down barriers. Participants are also encouraged to apply to join as volunteers or special constables; three Polish women on the scheme were successfully recruited into the Special Constabulary.

West Mercia and Warwickshire forces have a cadet scheme, which currently has 143 volunteers. The two forces' joint Special Constabulary has an establishment figure of 295 people which the alliance hopes to increase significantly.

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

HMIC were satisfied that West Mercia Police engages well with its communities and both minority and vulnerable groups.

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 West Mercia Police from the 40 calls assessed, HMIC was satisfied that the call handlers were polite, respectful and effective and that the needs and vulnerabilities of callers were appropriately assessed.

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations and found staff to be polite, helpful and efficient.

HMIC found that in West Mercia Police there is now a good level of understanding of the National Decision Model (NDM) among officers and staff and it is part of day-to-day decision-making. There has been considerable progress in this regard since the earlier visits by HMIC staff as part of this inspection process. The NDM is included within routine training, such as annual officer safety training. We also found a better understanding of the Code of Ethics during this autumn inspection.

Specific training in treating people with fairness and respect is not provided, but is woven in to both the Code and the NDM and is fundamental to both sets of training.

Public satisfaction rates for West Mercia Police are broadly in line with those for other police forces in England and Wales.

From the survey, 57 percent of respondents from the area covered by West Mercia Police agree that the police in their local area treat people fairly and with respect versus 8 percent who disagree.

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

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.

Having considered the results of the call review, observations of staff at public enquiry counters and the fieldwork findings, HMIC is satisfied that officers and staff in West Mercia Police are treating people fairly and with respect when they come into contact with them.

Summary of findings



Good

HMIC found that in West Mercia Police there is a strong commitment to the community and good examples of initiatives and engagement, often with harder to reach groups. The alliance (with Warwickshire Police) has a communication and engagement strategy which is a vehicle to ensure that the views of the community are at the forefront of strategic decisions. However, we did find that staff, at a number of levels within the force, were not aware of the strategy.

A network of independent advisory groups (IAG) assists the two-way dialogue between the force and its communities.

West Mercia Police uses a range of methods to engage with the public from traditional public meetings to the use of social media. The force has also taken steps to address barriers to good community engagement such as social exclusion, showing how information technology can be used effectively for people who may not have access and introducing mobile contact centres to serve rural communities.

The force works with the public in a number of watch schemes, which are supported by a well-developed network of volunteers. HMIC found that people were treated fairly and with respect when they came into contact with West Mercia Police and the force understands and engages well with the people it serves.

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

Introduction

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

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁵ and how well reasonable grounds were recorded) to determine whether officers were using their powers fairly and in accordance with legal requirements and Authorised Professional Practice.

The inspection asked:

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

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

Background

The primary role of the police is to uphold the law and maintain the peace. Unfair, unlawful or unnecessary use of stop and search powers 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.

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

In our 2013 inspection on stop and search,¹⁶ HMIC concluded that few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected, to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence.

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

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

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

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

Use of stop and search in West Mercia Police – stop and search by volume

In the 12 months to 31 March 2015, West Mercia Police carried out 9,874 stops and searches. The table below shows this number per 1,000 population for West Mercia Police and the average of its most similar group of forces, as well as the change from the 12 months to 31 March 2014. The figures indicate that the force's use of stop and search powers is currently in line with the average of its most similar group of forces.

¹⁶ *Stop and Search Powers – are the police using them effectively and fairly?*, HMIC, July 2013. Available from: www.justiceinspectors.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

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

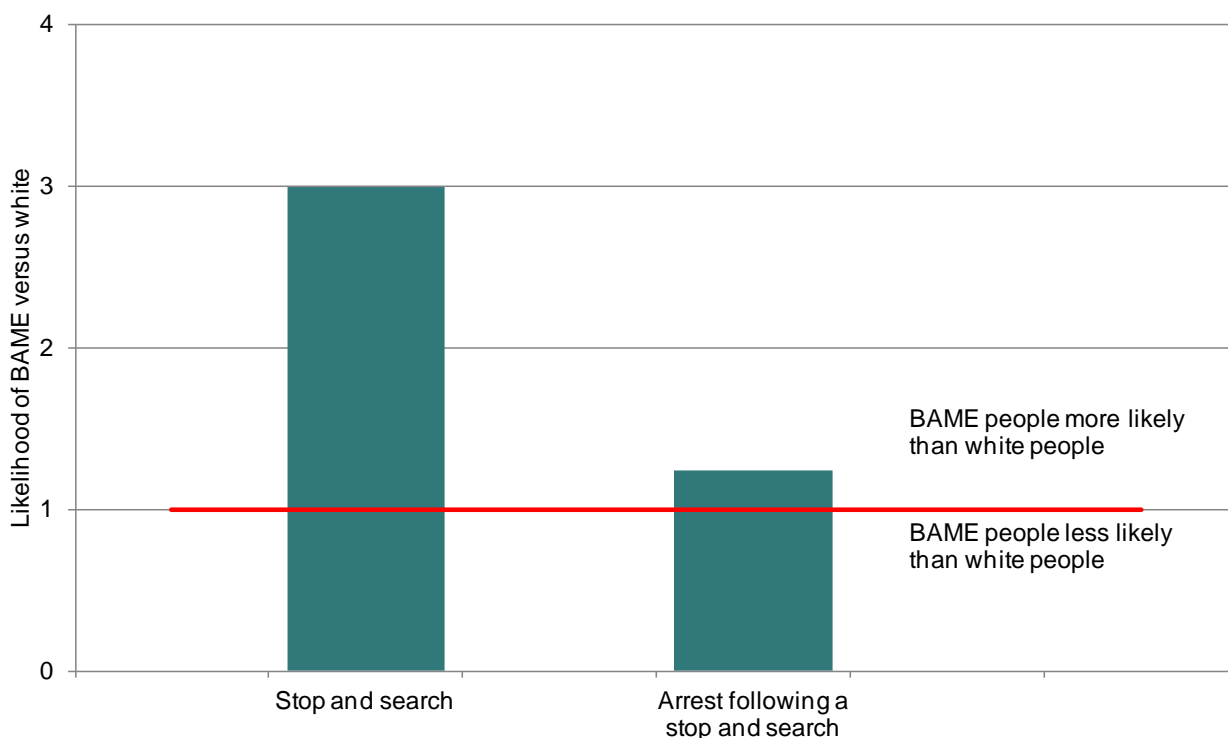
	Stop and searches per 1,000	Change from previous year
West Mercia	7.9	-31%
West Mercia's MSG average	6.6	-33%

Sources: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates

Use of stop and search in West Mercia Police –stop and search by ethnicity

HMIC looked at the published data on stops and searches by ethnicity and compared them with the most recent local population data by ethnicity (the 2011 Census). The data suggested that BAME people were statistically more likely to be stopped and searched by West Mercia Police than white people. Also, of the individuals who had been stopped and searched, BAME people were statistically more likely to be arrested by the force 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 West Mercia Police, 12 months to 31 March 2015



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

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

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

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

Recording reasonable grounds for suspicion

In our 2013 inspection, we were concerned to see that, of the 8,783 stop and search records we examined across all forces in England and Wales, 27 percent did not include sufficient reasonable grounds to justify the lawful use of the power.

For West Mercia Police the 2013 inspection showed that 79 of 200 records reviewed (40 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 100 stop and search records provided by the force. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. We found 99 of the records reviewed had been endorsed by a supervisor. We also found that 21 of the 100 records (21 percent) did not have reasonable grounds recorded.

This suggests that some officers and some supervisors given the task of reviewing records do not understand fully what constitutes reasonable grounds.

Many of the grounds recorded were insufficient because a selection had been made from a pre-populated menu of options without recording sufficient explanation as to why the options selected related to the person who had been stopped and searched.

While the forms we reviewed may not be representative of all stop and search records completed by the force, still far too many records do not have reasonable grounds recorded.

The item 'searched for' was recorded as having been found in 24 of the 100 records we reviewed.

Compliance with the Best Use of Stop and Search scheme

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

HMIC found that officers and staff in West Mercia Police have a good level of understanding of the National Decision Model (NDM). It is part of day-to-day decision making and is included in annual personal safety training which includes instruction on stop and search. We found that awareness of the Best Use of Stop and Search scheme among officers was limited.

A comprehensive set of data, including analysis based on age and ethnicity, is examined by senior officers at their strategic meetings and presented to the network of independent advisory groups (IAG). Research to determine what causes the high level of stop and searches of members of the BAME community has been completed and the force believes this may be attributable to cross-border criminality. However, no firm conclusions have been drawn.

The reduction in the number of stop and searches is attributed, in part, among frontline staff to the recording process. This requires officers to contact the operator in the operational control centre (OCC) who then completes an electronic record and provides the officer with a unique reference number that is appended to a card and handed to the person who has been stopped, explaining how to get a copy of the search. Due to demands within the OCC, it is not always possible to create this record at the time. As a result, individuals who are subject to the stop and search can be required to wait for a lengthy period in order to receive the reference number. The force should ensure its own administrative issues do not have an adverse impact on legitimate and necessary use of stop and search powers.

The force does not use body-worn video, and as such is not able to record stop and search encounters to review retrospectively either by supervisors or the public. The force states that the use of such devices is to be subject of a further trial.

West Mercia Police is not complying with all aspects of the Best Use of Stop and Search scheme. The force should take steps to increase awareness of the scheme among staff and members of the public and ensure that officers have a better understanding of what constitutes reasonable grounds for stop and search and how to record this information accurately.

Feature of the Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	The force does not comply with this feature of the scheme West Mercia Police records the full range of outcomes as set out in the scheme including the connection between the outcomes and the items searched for. However, while the force has a dedicated stop and search page on its website, it does not publish any information or data related to the use of stop and search powers. Upon further investigation, we discovered that the force data is available on the police.uk website. However, there is no link on the force’s website directing the public to the police.uk website meaning that a member of the public looking for information about outcomes from the use of stop and search powers is unlikely to find it.
Providing opportunities for the public to observe officers using the power	The force does not comply with this feature of the scheme West Mercia Police, as part of the alliance, has published a lay observer scheme policy which could provide for a member of the public to request a ‘ride-along’ and observe a stop and search encounter, but we found no evidence that this scheme had been made known to the public on the website, or anywhere else.
Explaining to communities how the powers are being used following a “community complaint”	The force does not comply with this feature of the scheme We found the process for determining a community trigger had been documented. However, there was no evidence that this had been communicated to operational staff or, most importantly to the public.
Reducing the number of people stopped and searched without suspicion under Section 60 ¹⁷ of the Criminal Justice and Public Order Act 1994	The force complies with this feature of the scheme

¹⁷ ‘No suspicion’ searches are provided for under section 60 of the Criminal Justice and Public Order Act 1994. Available from: www.legislation.gov.uk/ukpga/1994/33/section/60

Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The force complies with this feature of the scheme
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To what extent does the force ensure that Tasers are used fairly and appropriately?

Background

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

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

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

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

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

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

appropriately, and whether Taser-trained officers are acting in accordance with the College of Policing’s Authorised Professional Practice and the legal framework each time it is used.¹⁸

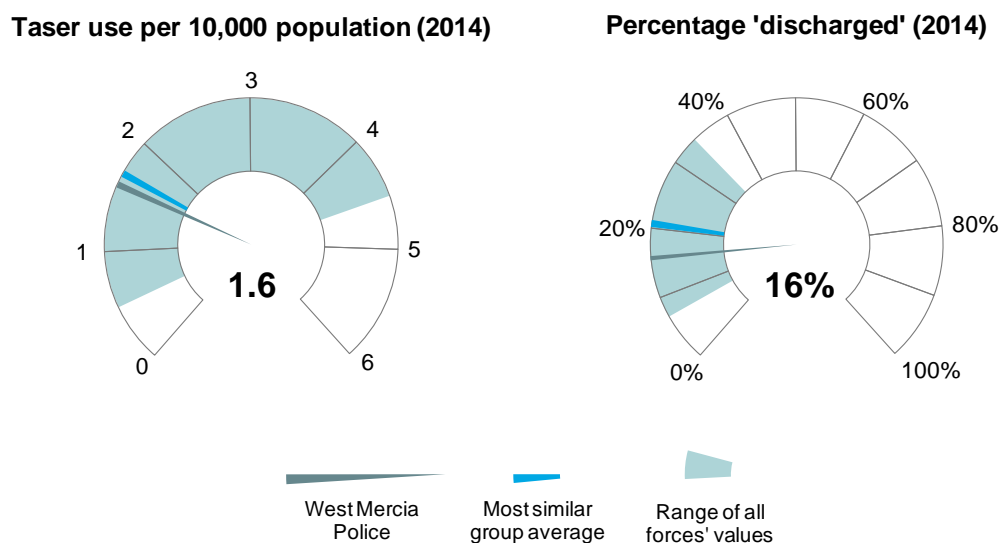
Use of Taser in West Mercia Police

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

Between 1 January and 31 December 2014, Taser was used in some capacity 197 times by West Mercia Police, representing 1.6 times for every 10,000 people in the force's area. This was broadly in line with the average for West Mercia Police's most similar group of forces, which was 1.7 times per 10,000 population.

During the same time period, Taser was 'discharged' on 31 occasions (out of the 197 times it was used in some capacity). This equated to 16 percent of overall use, less than the force's most similar group average of 21 percent. The following figure shows the comparisons.

Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by West Mercia Police, 12 months to 31 December 2014¹⁹



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

¹⁸ *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/

¹⁹ 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.

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

Before the fieldwork stage of the inspection, HMIC conducted a review of 20 Taser deployment forms provided by West Mercia Police. Although the findings of this review are not necessarily representative of all Taser forms completed by the force, they do provide an indication of the force's Taser activity. The forms showed that Taser had been fired five times, red-dotted nine times, and drawn five times.

Overall officers used Taser to protect themselves or others from a range of weapons, including several kitchen knives, machetes, metal bars and handguns.

The 'brief details' and the NDM sections of the forms provided us with evidence to suggest that the use of Taser was fair, lawful, and appropriate in 18 of the 20 cases reviewed.

In two of the cases reviewed which both involved firing a Taser, we considered the use to be inappropriate. One involved firing a Taser at a man while he was running away, having hidden after committing an assault and pushing a police officer to evade capture. At the point the Taser was fired the man did not pose a threat to the officer or anyone else. The other case involved a man detained in hospital under the Mental Health Act who had locked himself in a room, threatening to attack police if they entered. Police forced entry after five minutes of unsuccessful negotiation, the man promptly picked up a metal bar and an officer used the Taser. Prior to police entry, the man posed no threat to himself or others and further negotiation may have resolved the situation without the need to use a Taser.

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

HMIC found that In West Mercia Police there is a comprehensive policy governing the use of Taser. Training in the use of Taser, both initial and refresher, complies with national guidelines and includes the input on the National Decision Model (NDM) although we did find some officers who had been trained but had not been given access to Taser six months after their training.

There was a good understanding among all Taser-trained officers of the NDM and its role when considering the use of the equipment. Officers have a good understanding of relevant legislation and Authorised Professional Practice.

Every time a Taser is used by officers in West Mercia Police all the necessary documentation is completed and forwarded to the duty Inspector for the local policing area where the incident occurred who checks the documents and associated incident log. These forms are then forwarded to the two force's alliance's firearms school for a review process. If there were any concerns with the officer's use of Taser they would identify any retraining needs, management actions, appropriate disciplinary actions and if necessary, the removal of the officer's authority to carry and fire a Taser.

There is a joint West Mercia Police and Warwickshire Police Taser reference group chaired by a chief inspector that considers strategic issues in relation to the use of Taser and reviews all the relevant data including assessment of complaints and any apparent disproportionality. There have been two complaints directly related to the use of Taser in West Mercia Police in the last 12 months. Attendees at the group include the staff associations and professional standards department and they are planning to invite members of the independent advisory group network. The chair of this group provides routine informal updates to the assistant chief constable on Taser-related issues.

Data in relation to the use of Taser is not published routinely on the force website, although much of this information is published in response to any Freedom of Information (FOI) requests. We found that body-worn video cameras – to record Taser encounters – are not currently used, but the force is exploring body-worn video for operational policing.

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

Summary of findings



Requires improvement

HMIC has a number of concerns with how West Mercia Police conducts and record instances of stop and search. Too many records do not contain sufficient reasonable grounds, and these are not being sufficiently identified or addressed by supervisors.

The force's own administrative arrangements – notably the requirement for an officer to contact an operator in the operational control centre in order to be given a unique reference number, that is then attached to a card and handed to the person who has

been stopped, explaining how to get a copy of the search – appear to be directly affecting the use of stop and search powers, including those that are legitimate and necessary.

The force is not complying with the Best Use of Stop and Search scheme, and needs to do more to make the public aware of the changes it has made and the information that it has.

HMIC is satisfied that the majority of Taser use in West Mercia Police is both fair and appropriate.

Areas for improvement

- The force should ensure that stop and search records include sufficient reasonable grounds to justify the lawful use of the power, and that officers fully understand the grounds required to stop and search.
- The force should ensure that adequate supervision takes place to ensure that stop and search records are accurate and contain the required information in respect of reasonable grounds.
- The force should put in place an action plan setting out how it will comply with all the features of Best Use of Stop and Search scheme. HMIC will revisit the force within six months to determine what improvements have been made.
- The force should ensure that its administrative arrangements – notably the requirement for an officer to contact an operator in the operational control centre to be given a unique reference number, that is then attached to a card and handed to the person who has been stopped, explaining how to get a copy of the search – do not have an adverse impact on legitimate and necessary use of stop and search powers.

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 West Mercia Police's MSG: North Yorkshire, Warwickshire, Gloucestershire, Suffolk, Devon and Cornwall, Wiltshire and Norfolk.
- 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 Definition²⁰

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.

²⁰ *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.