

PEEL: Police legitimacy 2015

An inspection of Avon and Somerset Constabulary



February 2016

© HMIC 2016

ISBN: 978-1-78655-016-3

www.justiceinspectorates.gov.uk/hmic

Contents

Overview – How legitimate is the force at keeping people safe and reducing crime?	4
Overall judgment.....	4
Summary	4
Force in numbers	8
Introduction	10
Methodology	10
To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?	12
Introduction.....	12
How well does the force develop and maintain an ethical culture?.....	16
How well does the force provide for the wellbeing of staff?	17
How well has the Code of Ethics been used to inform policy and practice?	18
How fairly and consistently does the force deal with complaints and misconduct?	19
Summary of findings	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?	28
Summary of findings	30
To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?	31

Introduction.....	31
To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?.....	31
To what extent does the force ensure that Tasers are used fairly and appropriately?.....	37
Summary of findings.....	41
Annex A – HMIC judgments	42
Annex B – Data methodology	43
Annex C – The Best Use of Stop and Search scheme	45
Annex D – Types of use of Taser	47

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 Avon and Somerset Constabulary, and how this is reflected in the constabulary's public engagement, use of Taser and compliance with the Best Use of Stop and Search scheme.

The constabulary took seriously the need for an ethical and inclusive workforce, although we found mixed views about its commitment to wellbeing. Local police teams have a good understanding of their neighbourhoods, and they engage positively with the public. The constabulary complies with the Best Use of Stop and Search scheme, and Taser use is mostly fair and appropriate.

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

Summary

HMIC found the practice and behaviour of staff in Avon and Somerset Constabulary reflected an ethical culture in which their wellbeing was monitored and maintained. The constabulary promoted the Code of Ethics² as an integral part of its Be Proud programme, which reinforced expectations relating to ethical behaviour. We found staff were confident to challenge unethical decisions or behaviour of peers, but less confident to challenge senior managers. We found mixed views about Avon and Somerset's commitment to the wellbeing of its staff, and the constabulary did not have a wellbeing policy.

When HMIC looked at how well the constabulary understands and engages with all the people it serves, we found that most officers and staff engage fairly and positively with the public and understand their needs, as shown by the good work with the Somali community in Bristol.

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

As a result we are satisfied that the constabulary has a good understanding of the needs of local people and that most officers treat people fairly and with respect.

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. Avon and Somerset Constabulary is compliant with the Best Use of Stop and Search scheme, although its understanding of the scheme is not consistent. Officers are mostly using Taser fairly and appropriately.

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



HMIC found that the practice and behaviour of staff in Avon and Somerset Constabulary reflected an ethical culture, in which their wellbeing issues were monitored. However, the constabulary had no overall wellbeing policy, and officers and staff reported mixed views about the constabulary's commitment to their wellbeing.

The constabulary had promoted the Code of Ethics as an integral part of its Be Proud programme, which reinforced expectations relating to ethical behaviour. The launch of

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



Neighbourhood teams across Avon and Somerset engage well with the public and understand how this promotes police legitimacy. Most officers and staff support this approach, with leadership being provided by chief officers, who promote constabulary values through the Be Proud programme.

The constabulary has a sufficient understanding of its communities and develops this through meetings, surveys, impact assessments and a commitment to listening and providing feedback to the public.

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



Avon and Somerset Constabulary is compliant with the Best Use of Stop and Search scheme. Most officers have a good understanding of their powers, although not all officers use the National Decision Model³ when using these powers. Understanding of the Best Use of Stop and Search scheme is not consistent.

Avon and Somerset Constabulary has an effective system for ensuring that Tasers are used fairly and appropriately. Taser-equipped officers have a good understanding of the National Decision Model.

³ *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 code was accompanied by briefings to officers and staff. Be Proud had a high profile on the intranet, and through posters displayed in police stations. Supervisors had been encouraged to talk with officers and staff about what makes them proud, and to link this to the constabulary's values, service promise and Code of Ethics.

We found that staff were confident and willing to challenge decisions or behaviour of peers. However, staff told us they felt less confident or willing to challenge the decisions or behaviour of senior managers, for fear that it might detrimentally affect their career.

The constabulary had recognised that it needed to do more to ensure it has accurate data in respect of complaints and misconduct allegations and to ensure fairness in respect of investigation outcomes.

Engagement with communities is tailored to their needs, as shown by the good work of local officers and a central team that provides effective advice and support to them. The constabulary also uses social appropriately to enable further opportunities for public engagement and involvement.

The constabulary encourages the public to engage in policing activities through local meetings, open days and social media and we found a broad range of 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. The chief constable and other senior staff encourage and support this approach.

Effective supervision and evaluation of Taser use also supports fair and appropriate use.

We found a clear rationale for the distribution and numbers of Taser-equipped officers across the constabulary. Operationally, officers are mostly using Taser fairly and appropriately.

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015



Percentage of BAME in local population, 2011 Census



Gender diversity

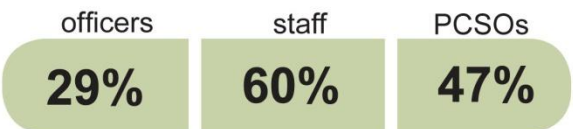
Percentage of females in overall workforce 31 March 2015



Percentage of females by role, Avon and Somerset Constabulary



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

Avon and Somerset Constabulary

Force's most similar group average

20%

18%



Stop and search

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

10,427

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

Avon and Somerset Constabulary

Force's most similar group average

6.3

6.5

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

Avon and Somerset Constabulary

Force's most similar group average

-58%

-36%



Tasers

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

335

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

Avon and Somerset Constabulary

Force's most similar group average

2.0

1.5

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

Avon and Somerset Constabulary

Force's most similar group average

24%

15%

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 Avon and Somerset Constabulary.

Methodology

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

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

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

Organisational justice⁴

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

Research⁵ has shown that for the police to be considered legitimate in the eyes of the public, people need to believe that the police will treat them with respect, make fair decisions (and take the time to explain these decisions), and be friendly and approachable. It also indicates that the way officers behave is central to policing as it can encourage greater respect for the law and foster social responsibility.

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

⁴ *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

⁵ *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 2015,⁶ 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.

⁶ The inspection took place between March and June 2015.

Gender and black, Asian and minority ethnic (BAME) breakdown in Avon and Somerset Constabulary

A breakdown of the full-time equivalent (FTE) workforce⁷ in Avon and Somerset Constabulary as at 31 March 2015 is shown below.

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	5,007	2,095 (42%)	128 (3%)
Total officers	2,707	745 (28%)	69 (3%)
Constables	2,113	634 (30%)	53 (3%)
Sergeants	383	62 (16%)	9 (3%)
Inspecting ranks	181	41 (22%)	7 (4%)
Superintendents and above	30	9 **	0 **
Staff	1,968	1,177 (60%)	41 (2%)
PCSOs	331	174 (53%)	18 (6%)

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.

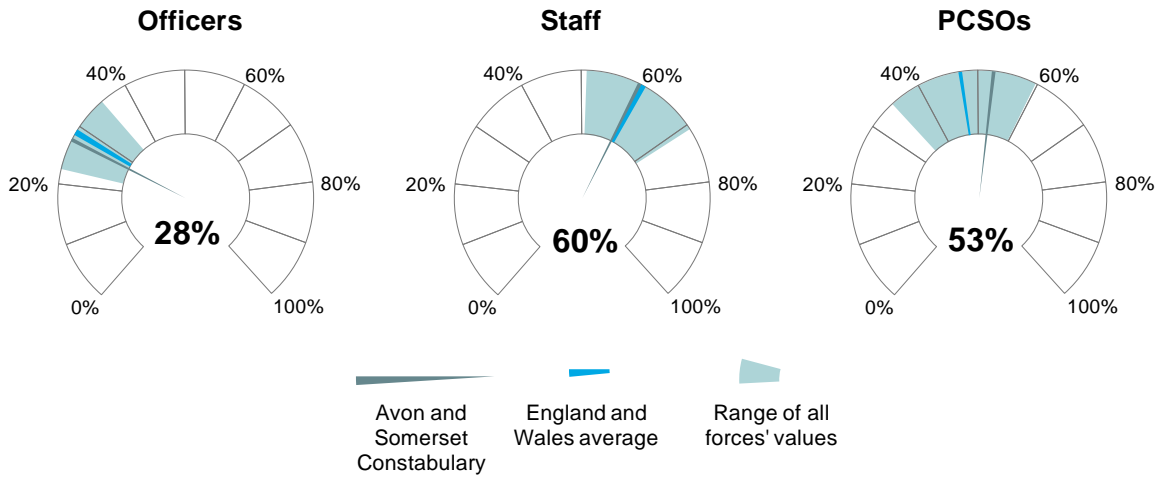
** Where totals are very small, percentages have not been included.

Source: Home Office Police Workforce statistics

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

⁷ Workforce comprises officers, staff and police community support officers (PCSOs).

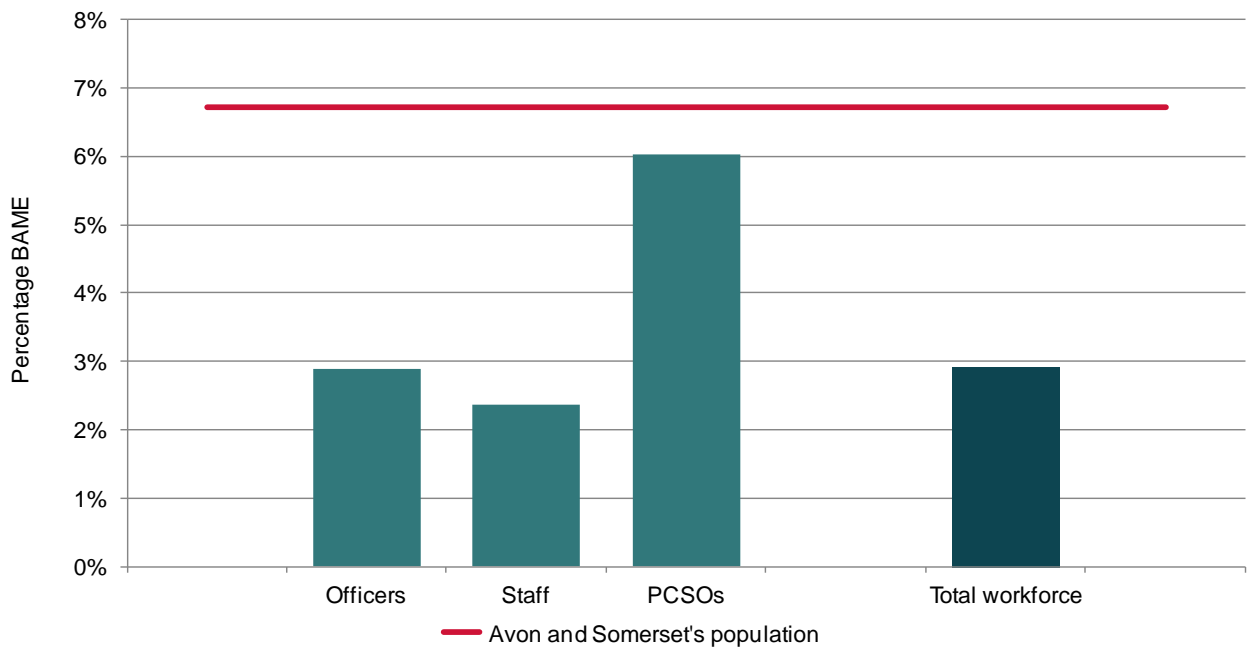
Figure 2: The percentage of female officers, staff and PCSOs in Avon and Somerset Constabulary compared with the force average for England and Wales, 31 March 2015



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 overall proportion of BAME people in the force's local population. In Avon and Somerset, around 7 percent of the local population were BAME. The figure below shows these comparisons. There was a statistically significant under-representation of BAME people in Avon and Somerset Constabulary's overall police workforce, as well as separately for officers and staff.

Figure 3: Percentage of BAME people within Avon and Somerset 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.⁸ 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 Avon and Somerset Constabulary over the spending review period.

Figure 4: Change in Avon and Somerset 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	-597	(-11%)	+3 ●	+1 ●
Officers	-595	(-18%)	+3 ●	+1 ●
Staff	+97	(+5%)	0	0
PCSOs	-99	(-23%)	+1	+2 ●

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

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

Source: Home Office Police Workforce statistics

There was a statistically significant increase in the proportions of BAME people and females in Avon and Somerset Constabulary's overall workforce between 31 March 2010 and 31 March 2015. Specifically, there were statistically significant changes in the percentages of BAME officers and PCSOs as well as female officers. In particular, the proportion of female officers increased by around 3 percentage points during the five years.

⁸ Spending Review 2010, HM Government, October 2013. Available from: www.gov.uk/government/publications/spending-review-2010

Overall, compared with other forces, as at 31 March 2015, the percentage of females within Avon and Somerset Constabulary's workforce was similar for staff, higher for PCSOs yet lower for officers. By ethnicity, there was an under-representation of BAME officers and staff; however, for officers at least (as well as the overall workforce), this 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.

The constabulary had introduced an ethics committee to encourage ethical behaviour among staff. The committee offered the opportunity for staff to raise ethical dilemmas which they have faced in their day-to-day duties. We were pleased to find that membership of the committee, sub-committees and observers included 42 members of staff from across the constabulary who acted as ethical champions, each having received preparatory half-day training.

Staff expressed confidence in challenging unethical behaviour or decisions and the majority said that they would be supported by their line management in doing so. This position was reflected in the staff survey, in which over 60 percent of respondents said they felt able to challenge such behaviour. However, some staff we spoke to, while being clear that they would challenge unethical behaviour of peers, told us they would be less willing to challenge senior managers for fear of adverse consequences.

Avon and Somerset Constabulary recognised that it needs to improve the representation of officers from black, Asian and minority ethnic (BAME) communities across the organisation. The constabulary review of an officer recruitment process identified disappointing levels of successful BAME candidates. As a consequence, the constabulary had arranged an independent review of the recruitment process. Avon and Somerset had changed its recruitment process' situational exercises to ensure that they were fair and could be understood by all communities, including those for whom English was a second language or who had difficulties in reading text.

The chief officer team engaged well with the staff associations. The police federation reported that they had access to the leadership team on a one-to-one basis and attended chief officer meetings, at which they had an opportunity to contribute to high-level decision-making.

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.

We found Avon and Somerset Constabulary provided some effective services to support the wellbeing of its staff. However, some officers, particularly those in frontline roles, did not feel that the constabulary was committed to their welfare.

Although there was no specific wellbeing policy in place, the constabulary had established a range of support services such as a post-incident management process and Trauma Risk Incident Management. The constabulary introduced these to identify staff who had been involved in traumatic events at work, and to offer them assistance and support. The constabulary had employed an external company to provide counselling services for staff, which could be accessed on a referred or self-referral basis. However, we found a potential reliance on staff self-referring, rather than being referred by supervisors who had identified issues proactively. We also found an in-house physical rehabilitation service to support staff in their recovery from injury.

Staff who were absent from the workplace, for instance while on secondment or maternity leave, could stay connected to the constabulary through a web-based system allowing access to the constabulary intranet which enabled them to keep up-to-date.

The constabulary supported flexible working. During a recent organisation change programme, 96 percent of applications for flexible working had been agreed, having first been reviewed by an independent panel to ensure consistency in decision-making.

We were encouraged to find that the constabulary provided wellbeing support for those staff who were subject to complaint or misconduct investigations, especially where the member of staff was suspended or placed on restricted duties. Each staff member was allocated a welfare officer who, with the appropriate staff association, ensured that their wellbeing was monitored and that measures were put in place to reduce and manage anxiety.

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.⁹ This sets out nine policing principles that should be applied by all officers and staff: Accountability; Integrity; Openness; Fairness; Leadership; Respect; Honesty; Objectivity; and Selflessness. These principles should be used to underpin the decisions and actions taken by officers and staff.

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

The Code of Ethics was launched in Avon and Somerset Constabulary by the chief constable through a podcast on the intranet, accompanied by briefings to officers and staff on team leadership days and team briefing days. The constabulary had also introduced the Be Proud programme, which aimed to improve the service to the public by focusing upon the organisation's values and the Code of Ethics. We were told the programme had a high profile within the constabulary, on the intranet, and in posters displayed in police stations. An information pack encouraged supervisors to talk with their staff about what makes them proud and link this to the constabulary's values, the service promise, and the Code of Ethics.

Although staff recognised the Be Proud concept, many did not link this to the Code of Ethics. Many officers we spoke to told us that the introduction of the code merely reinforced their existing ethical standpoint and the need to display the values set out in the professional standards of behaviour the constabulary had adopted.

The constabulary had incorporated the code into all its training programmes in which the National Decision Model featured. However, we were disappointed to find that the code had not been incorporated into policies. The constabulary was reviewing how the Code of Ethics and Authorised Professional Practice could be incorporated. We were pleased to note that the constabulary intended to ensure that the ethics committee, under its proposed terms of reference, reviews its development of both training and policy.

While we found evidence that some staff members were considering the Code of Ethics when making decisions, we found that most were using the constabulary values and professional standards of behaviour as the basis upon which they made decisions.

⁹ 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

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

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

Each allegation can be dealt with, or resolved, in a number of ways. Some complaints, such as rudeness or incivility, may be dealt with through the local resolution process. The way these complaints are resolved should be adapted to the needs of the complainant – for example, they may involve an apology or an explanation of the circumstances in writing or in person. If the complaint is more serious, and assessed as not suitable for local resolution, it must be investigated by an appointed investigating officer who will produce a report detailing findings against each allegation. Under certain circumstances, some complaints do not proceed. These use processes known as disapplication or dispensation (for example, if the matter is already the subject of a complaint or if the complaint is repetitious or vexatious), discontinuance (for example, if the complainant refuses to cooperate or it is not reasonably practicable to investigate the complaint) or if they are withdrawn by the complainant.¹⁰

In the 12 months to 31 March 2015, Avon and Somerset Constabulary finalised 2,035 allegations from public complaints that were made against its officers and staff. Of these, 50 percent had been investigated and 41 percent had been locally resolved. These proportions were broadly in line with the average of Avon and Somerset's most similar group of forces.¹¹

In the 12 months to 31 March 2015, the average time Avon and Somerset Constabulary took to complete a local resolution was 35 days, less than the average of its most similar group of forces (58 days). Over the same period, the average time a local investigation took to complete was 100 days, less than the average of its most similar group of forces (138 days).

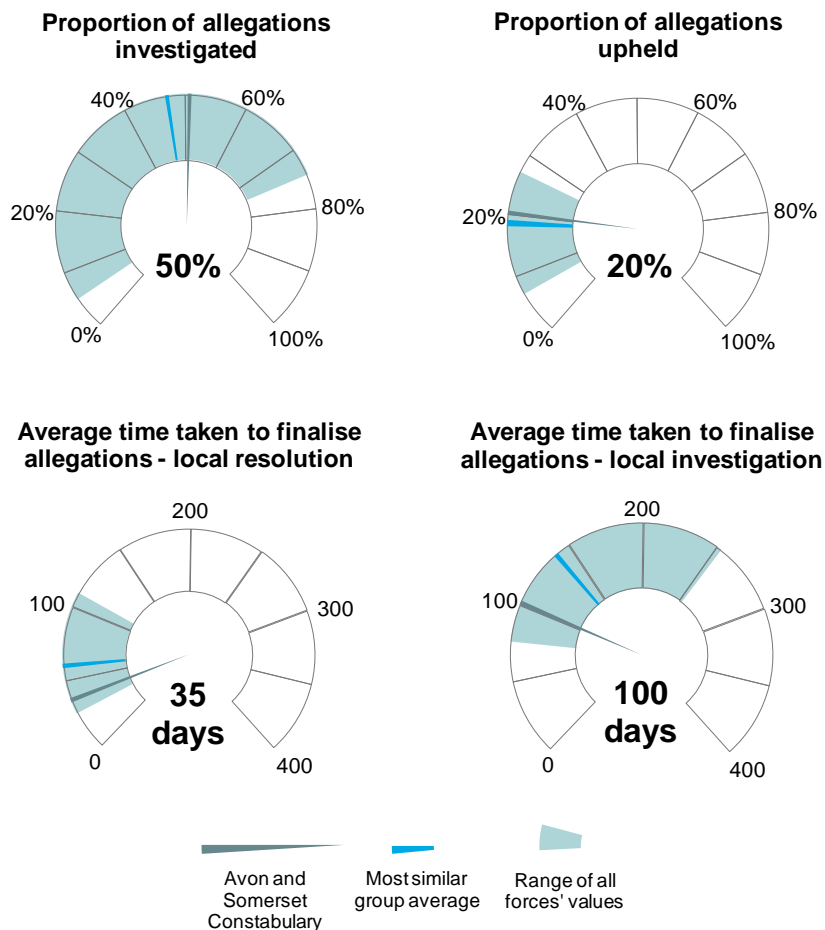
After local investigation, Avon and Somerset Constabulary closed 1,024 allegations in the 12 months to 31 March 2015. Of these, 20 percent were upheld, where it was concluded that the service provided by the police officer or police staff or the service as a whole did not reach the standard a reasonable person could expect.

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

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

This was broadly in line with the average of Avon and Somerset's most similar group of forces of 18 percent. The following figure shows how these values compare.

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



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Avon and Somerset Constabulary finalised 50 percent of allegations by investigation. The proportion of allegations it upheld after local investigation was broadly in line with the average of its most similar group of forces. Compared to its most similar group of forces, Avon and Somerset took less time to complete both local resolutions and local investigations.

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

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

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

Before the fieldwork stage began, HMIC conducted a file review of 65 public complaints and internal misconduct allegations, to assess whether they had been considered fairly and consistently. We examined further the outcomes of the review during our fieldwork.

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

Following HMIC's Police Integrity and Corruption inspection conducted in July 2014, the constabulary had made good progress in ensuring compliance with the regulations for assessments of the severity of complaints and its use of formal notifications of an investigation.

With regards to the process for referral to misconduct hearings or meetings, Professional standards department staff took decisions in relation to complaints and misconduct allegations made against police officers, whereas the human resources department took decisions relating to complaints and misconduct allegations against police staff. This divergence could potentially lead to inconsistency in decisions, despite staff from the professional standards department and human resources department liaising closely when police officers and police staff are the subject of a

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

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

similar complaint. The constabulary had not analysed or monitored whether investigation outcomes were consistently applied in respect of gender or ethnicity.

The constabulary had recognised that, in the past, there had been some disparity in the way it had applied outcomes from complaints and misconduct allegations. The constabulary had carried out work to address this, including commissioning legal advisors and barristers to train relevant staff on complaint and misconduct decision-making to ensure a better level of consistency and fairness.

We found inconsistent recording of the ethnicity of complainants. It is not always possible to ascertain the ethnicity of a complainant, for instance those reporting via email, although this might be resolved by re-contacting the complainant. However, there were also inconsistencies in the recording of the ethnicity of staff members who were the subject of complaints and misconduct allegations, however employee personnel records include a number of staff who choose not to state their ethnicity. The constabulary recognised that it needed to improve the quality of its data to enable more accurate monitoring of fairness. However, at the time of our inspection it had not carried out any work to rectify this.

The head of the professional standards department was responsible for the cultural change programme, as well as complaints. The constabulary was seeking to be more open with reviewing complaints and in particular, suspensions. The deputy chief constable had consulted the staff associations and professional standards department staff to assist in decision-making on these matters.

Summary of findings



Good

HMIC found that the practice and behaviour of staff in Avon and Somerset Constabulary reflected an ethical culture, in which their wellbeing issues were monitored. However, the constabulary had no overall wellbeing policy, and officers and staff reported mixed views about the constabulary's commitment to their wellbeing.

The constabulary had promoted the Code of Ethics as an integral part of its Be Proud programme, which reinforced expectations relating to ethical behaviour. The launch of the code was accompanied by briefings to officers and staff. Be Proud had a high profile on the intranet, and through posters displayed in police stations. Supervisors had been encouraged to talk with officers and staff about what makes them proud, and to link this to the constabulary's values, service promise and Code of Ethics.

We found that staff were confident and willing to challenge decisions or behaviour of peers. However, staff told us they felt less confident or willing to challenge the decisions or behaviour of senior managers, for fear that it might detrimentally affect their career.

The constabulary had recognised that it needed to do more to ensure it has accurate data in respect of complaints and misconduct allegations and to ensure fairness in respect of investigation outcomes.

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

Introduction

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

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

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

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

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

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

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

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

Most officers and staff whom we spoke to in Avon and Somerset understand clearly the relationship between doing a good professional job and increased public confidence in the police. This understanding is supported by the constabulary's Be Proud programme. It is also clear that officers and staff appreciate that engaging with and understanding the public they serve plays an important role in building public trust in the police.

Officers work well with other agencies to better understand local people. For example in Bath, police work to tackle problems arising from the night-time economy contributed to the award of the Safer Socialising Purple Flag to the city. This involved a range of partners, including the police, the local council, businesses, street marshals and street pastors.

We found most local officers engage positively with, and understand, the communities they serve. This is supported by the use of neighbourhood profiles, built using police data and information supplied by partners. In five areas where the public have significant concerns about crime and anti-social behaviour, these profiles have been developed in greater depth. These enhanced profiles help officers engage with local people and solve problems.

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. We observed a number of these assessments, including the actions arising from one of these assessments during the course of our inspection. There was a clear grip demonstrated at a local level, with effective oversight and direction from senior leaders.

We found an effective process to ensure that problems raised by the public at a local level are recorded and plans put in place to address them. Senior managers check that the plans have been acted on and the public have been informed of the result.

A rigorous process is in place that monitors the issues and demands that arise locally to identify emerging constabulary-wide trends. Avon and Somerset conducts surveys to help it better understand the needs and concerns of the public. These surveys are focused on victims of crime and anti-social behaviour.

The constabulary uses social media effectively to help understand public concerns. We found close monitoring of feedback from the public on social media. The constabulary also receives guidance from an independent advisory group, and from similar, locally-based groups, to help understand the needs and concerns of the public, notably the concerns of minority groups and vulnerable people.

Of the 884 survey responses from the area covered by Avon and Somerset Constabulary, 46 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 15 percent disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, of the responses from all forces across England and Wales, 49 percent agree versus 14 percent who disagree.

HMIC is satisfied that Avon and Somerset Constabulary understands the benefits for police legitimacy that can be gained by 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. Avon and Somerset Constabulary uses an appropriate range of methods to seek the views of the people it serves and to provide them with relevant information. The constabulary has a citizen and community engagement strategy and a toolkit on the constabulary intranet, which provides good advice for local officers. Neighbourhood officers attend meetings with local people, at which problems are raised, plans to address them are proposed and feedback on actions taken to address previous problems is provided. Surgery-style meetings are held at supermarkets and other local venues and, on occasion, in the street. The 'coffee with a cop' approach in Bristol is a good example of such activity. Continuing engagement with the local Somali community is also positive. These activities provide clear ways for people to resolve problems with the support of police.

The constabulary has a small but effective headquarters team, which provides support and guidance to local officers to help them engage with the public and solve their problems. Local officers appreciate the good work of five officers who provide expert problem-solving advice. There is also a knowledge hub on the constabulary intranet, which draws on good practice identified by the College of Policing and other expert advice, including academic support from the three local universities.

The constabulary makes effective use of social media to work closely with the public. The chief constable has a Twitter account and neighbourhood teams also use social media. This process is supported by the constabulary's communications department. We also looked at the constabulary internet site, which is an accessible and reliable source of information for local people.

The constabulary puts considerable well-directed energy into making communities aware of what has been done by police in response to issues raised by local people. This approach is evident on the constabulary website. Feedback is also provided at local meetings, in the local press, through leaflet drops and by emails that the public can sign up to receive. This helps reassure people and build confidence in police.

The constabulary has a well-developed approach to encouraging the public to participate in policing activities. This is done through direct approaches by officers, local publicity and use of social media. The constabulary has also held two well-received open days at its headquarters over the last two years, which have been open to any member of the public, and to which all existing volunteers are invited. In addition to the special constabulary and a cadet scheme there are a wide range of volunteers, including students supporting cyber-crime investigation, volunteers providing administrative support in police stations and neighbourhood watch, farm watch and speed watch schemes. This provides the police with extra capacity and can also enhance public engagement and confidence.

From the survey, 29 percent of the respondents from the area covered by Avon and Somerset Constabulary speak highly of the police in their local area while 11 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.

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

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

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

Although not necessarily representative of all calls responded to by Avon and Somerset Constabulary, from the 40 calls assessed, HMIC was satisfied that the call-handlers were polite, respectful and effective. Call-handlers demonstrate an excellent level of respect to callers, and use clear language to ensure they are understood throughout.

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations and we are satisfied that these staff are consistently polite and professional.

Most officers we spoke to during the inspection in Avon and Somerset are aware of, and can explain, the National Decision Model, which has the Code of Ethics at its heart. The model is particularly well-used when dealing with interactions involving potential conflict.

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

We were also given examples of use of the model in non-operational environments, although its use in these areas is not as well-developed. We also encountered a number of officers who had a limited understanding of the model.

The constabulary promotes understanding of the National Decision Model through a range of training programmes, including defensive tactics and command training. The introduction of the Code of Ethics within the constabulary also emphasised the importance of the National Decision Model. Guidance about the model is available on the constabulary intranet and reminders are sent out electronically and placed on screensavers. This is reinforced by routine use of the model by senior officers, notably in daily meetings that prioritise, review and allocate work.

We found that most officers and staff have the knowledge, skills and commitment required to treat members of the public fairly and with respect. The constabulary is developing this through its ambitions as set out in the Be Proud programme, using messages, visits and meetings with staff. However, the Be Proud programme was infrequently raised spontaneously by officers and staff whom we spoke to and some had only limited knowledge of the programme. We found no specific training to support officers in treating the public fairly with respect, nor any community engagement training. However, the constabulary does use feedback from surveys and complaints to give support and guidance to officers to ensure they treat the public fairly and with respect.

The constabulary conducts crime victim satisfaction surveys, according to national standards, and uses a similar method to survey people who have been subjected to anti-social behaviour. These surveys are analysed to identify areas where the constabulary could act to improve public satisfaction. These surveys indicate a good level of satisfaction with the respect and fairness shown by Avon and Somerset Constabulary. However, there have been recent declines in public satisfaction in some areas, notably among victims of hate crime. The constabulary recognises this and has put plans in place to improve satisfaction rates. In addition, improving victim satisfaction rates is a priority for the police and crime commissioner, who is holding the constabulary to account. The Lighthouse initiative, which provides support for the most vulnerable victims, also aims to improve performance in this area.

From the survey, 51 percent of respondents from the area covered by Avon and Somerset 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.

On the whole, HMIC is satisfied that most officers in Avon and Somerset Constabulary treat the public fairly and with respect.

Summary of findings



Good

Neighbourhood teams across Avon and Somerset engage well with the public and understand how this promotes police legitimacy. Most officers and staff support this approach, with leadership being provided by chief officers, who promote constabulary values through the Be Proud programme.

The constabulary has a sufficient understanding of its communities and develops this through meetings, surveys, impact assessments and a commitment to listening and providing feedback to the public.

Engagement with communities is tailored to their needs, as shown by the good work of local officers and a central team that provides effective advice and support to them. The constabulary also uses social appropriately to enable further opportunities for public engagement and involvement.

The constabulary encourages the public to engage in policing activities through local meetings, open days and social media and we found a broad range of 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. The chief constable and other senior staff encourage and support this approach.

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

Introduction

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

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

The inspection asked:

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

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

Background

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

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

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

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

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

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

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

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

Use of stop and search in Avon and Somerset Constabulary – Stop and search by volume

In the 12 months to 31 March 2015, Avon and Somerset Constabulary carried out 10,427 stops and searches. The table below shows this number per 1,000 population for Avon and Somerset 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 force's use of stop and search powers is currently in line with the average of its most similar group of forces.

¹⁸ *Stop and Search Powers – are the police using them effectively and fairly?*, HMIC, July 2013. Available from: www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf

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

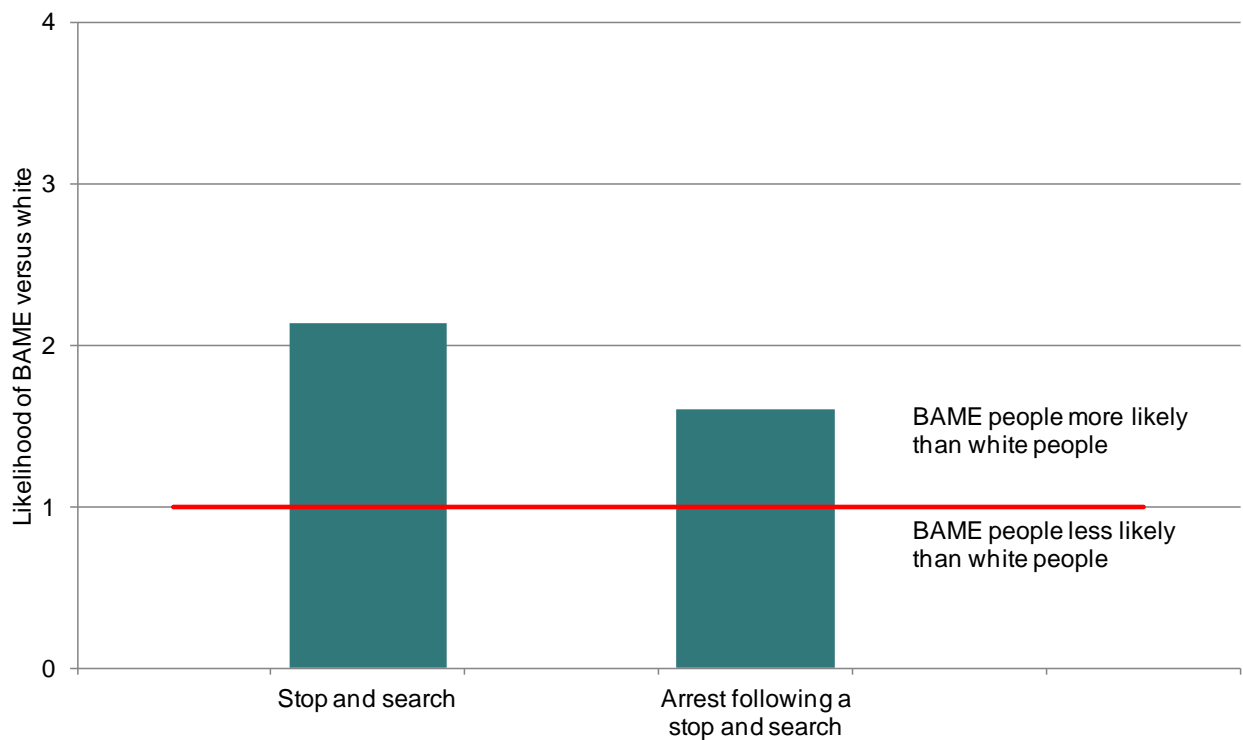
	Stops and searches per 1,000	Change from previous year
Avon and Somerset	6.3	-58%
Avon and Somerset's MSG average	6.5	-36%

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 Avon and Somerset 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 Avon and Somerset 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 Avon and Somerset 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 Avon and Somerset Constabulary the 2013 inspection showed that 38 of 200 records reviewed (19 percent) did not have sufficient reasonable grounds recorded.

For this inspection we reviewed 100 stop and search records provided by the constabulary. As in the 2013 inspection, we reviewed the records to determine if reasonable grounds were recorded. None of the records we reviewed had been endorsed by a supervisor. We found that four of the 100 records reviewed (four percent) did not have reasonable grounds recorded. This suggests that some officers do not understand what constitutes reasonable grounds.

The item searched for was recorded as having been found in 26 of the 100 records we reviewed.

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

Since this sample was conducted, Avon and Somerset Constabulary has changed its systems to require supervisor endorsement. However, during the period in which our inspection fieldwork was undertaken the constabulary was making a transition to a new records management system and, consequently, it was not possible to confirm how effective the changes to the supervision system are, although supervisors whom we spoke to understand the importance of their role in respect of supervising the use of stop and search powers.

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.

The constabulary has held three community engagement meetings around the issue of stop and search. Part of the purpose of these events is to understand and monitor the impact of stop and search on those who are subject to the exercise of this power. The constabulary also monitors the proportionality of the use of stop and search across the constabulary to identify emerging trends and issues. The constabulary

lead for stop and search has identified a need to listen more directly to black, Asian and minority ethnic people, and young people, and is setting up a group of school and university students to fill this gap. This will supplement the guidance and support currently provided by an independent advisory group.

We spoke to a wide range of officers during the inspection and asked them about their use of stop and search. Most officers understood their powers, although we encountered some officers who did not use the National Decision Model when conducting stop and search activity.

At the time of the inspection 813 officers had received recent training, which dealt not only with their legal powers but with the manner of search and issues of unconscious bias. This training programme is not complete. Most officers spoken to also understand the importance of an intelligence led approach to stop and search. However, understanding of the Best Use of Stop and Search scheme was not consistent.

HMIC is satisfied that Avon and Somerset Constabulary is compliant with the Best Use of Stop and Search scheme.

Feature of Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	The constabulary complies with this feature of the scheme. Avon and Somerset Constabulary records the full range of outcomes and also records if an item is found and if that item is linked to the item originally searched for. The constabulary has a dedicated stop and search page and stop and search statistics page on its website which includes data about outcomes and information about the link between the items searched for and the outcomes. Data about outcomes, but not the connection between outcomes and items searched for, are also published on the police.uk website. However, people are unlikely to find this outcomes data because there is no link on the constabulary's website directing people to police.uk.
Providing opportunities for the public to observe officers using the power	The constabulary complies with this feature of the scheme.

Explaining to communities how the powers are being used following a “community complaint”	The constabulary complies with this feature of the scheme.
Reducing the number of people stopped and searched without suspicion under Section 60 ¹⁹ of the Criminal Justice and Public Order Act 1994	The constabulary complies with this feature of the scheme.
Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	The constabulary complies with this feature of the scheme. The constabulary monitors the proportionality of its use of stop and search powers to identify emerging trends and issues.

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.

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

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

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

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

Use of Taser in Avon and Somerset Constabulary

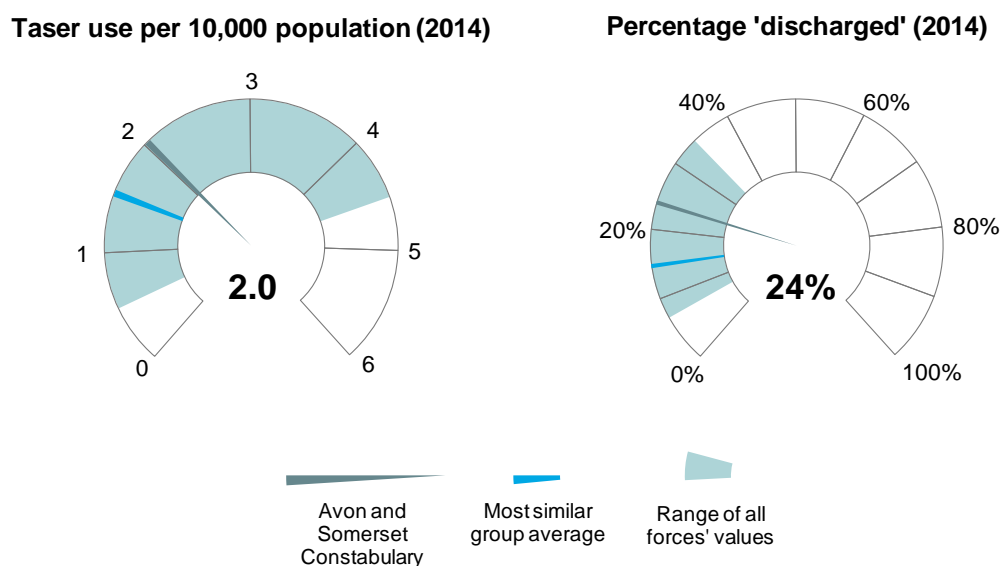
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 335 times by Avon and Somerset Constabulary, representing 2.0 times for every 10,000 people in the constabulary's area. This was greater than the average for Avon and Somerset Constabulary's most similar group of forces, which was 1.5 times per 10,000 population.

During the same time period, Taser was 'discharged' on 80 occasions (out of the 335 times it was used in some capacity). This equated to 24 percent of overall use, greater than the constabulary's most similar group average of 15 percent. The following figure shows the comparisons.

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

Figure 8: Use of Taser per 10,000 population and the proportion 'discharged' by Avon and Somerset Constabulary, 12 months to 31 December 2014²¹



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

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

Before the fieldwork stage of the inspection, HMIC conducted a review of 20 Taser deployment forms provided by Avon and Somerset Constabulary. Although the findings of this review are not necessarily representative of all Taser forms completed by the constabulary, they do provide an indication of its Taser activity. The forms showed that Taser had been fired twice, drive-stunned once, red-dotted eight times, aimed once, drawn seven times and arced once. On the two occasions that Taser was fired, we found evidence that consideration of other tactics had been recorded.

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

Overall officers used Taser to protect themselves or others from a range of weapons, including several knives, baseball bats and a concrete block.

The 'brief details' and the National Decision Model sections of the forms provided us with evidence to suggest that the use of Taser was fair, lawful, and appropriate in all but three of the 20 cases we reviewed. On one occasion there was insufficient detail on the form to assess the use of Taser. On a second occasion there was sufficient detail recorded to support the deployment of Taser, but not to justify the use of the drive-stun mode. On the third occasion the constabulary had identified concerns about the firing of Taser and this deployment is subject to a local investigation. We noted that on two further occasions officers considered the use of drive-stun, but did not use it. In our view, that use would have been inappropriate.

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

Taser-trained officers that we spoke to in Avon and Somerset display a good understanding of the National Decision Model, and of the importance of the Code of Ethics to its use. They also have a good understanding of the relevant legislation and Authorised Professional Practice. This supports good decision-making in relation to the use, or non-use, of Taser.

The constabulary has effective processes for the development and review following the use of Taser. All uses of Taser are initially reviewed by the Constabulary Incident Manager (control room inspector). The Taser officer then completes the national form, which is reviewed by a first line supervisor. The form then goes to the Chief Firearms Instructor, the policy lead and lead trainer for Taser for further review. The Taser forms are then looked at in the round for trends and emerging issues to inform the constabulary about whether use is fair and appropriate. The cases of inappropriate use identified by the constabulary is evidence that the process is working.

The constabulary is actively recording, monitoring and evaluating its use of Taser across the constabulary area. We found a clear rationale for the number of and distribution of Taser-trained officers in Avon and Somerset. This rationale is set out in the constabulary's firearms strategic threat and risk assessment. In addition, officers from the chief constable to Taser-trained constables provide a clear and consistent explanation for the distribution of Taser-trained officers across the constabulary. There is also a considered approach to the selection of officers for Taser training. Together, this supports a proportionate approach, which provides protection both public and police, while also using resources efficiently.

The only published information that the constabulary provides to the public is in response to the annual national publication of Taser use statistics.

Based on our assessment of the Taser forms and our fieldwork findings, HMIC is satisfied that on the whole Avon and Somerset Constabulary is using Taser fairly and appropriately.

Summary of findings



Good

Avon and Somerset Constabulary is compliant with the Best Use of Stop and Search scheme. Most officers have a good understanding of their powers, although not all officers use the National Decision Model²² when using these powers. Understanding of the Best Use of Stop and Search scheme is not consistent.

Avon and Somerset Constabulary has an effective system for ensuring that Tasers are used fairly and appropriately. Taser-equipped officers have a good understanding of the National Decision Model. Effective supervision and evaluation of Taser use also supports fair and appropriate use.

We found a clear rationale for the distribution and numbers of Taser-equipped officers across the constabulary. Operationally, officers are mostly using Taser fairly and appropriately.

²² *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

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 Avon and Somerset Constabulary's MSG: Staffordshire, Derbyshire, Essex, Hampshire, Hertfordshire, Kent and Sussex.
- 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.