

PEEL: Police legitimacy 2015

An inspection of Kent Police



February 2016

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ISBN: 978-1-78655-035-4

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Contents

Overview – How legitimate is the force at keeping people safe and reducing crime?	4
Overall judgment.....	4
Summary	4
Force in numbers	8
Introduction	10
Methodology	10
To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?	12
Introduction.....	12
How well does the force develop and maintain an ethical culture?.....	15
How well does the force provide for the wellbeing of staff?	16
How well has the Code of Ethics been used to inform policy and practice?	17
How fairly and consistently does the force deal with complaints and misconduct?	18
Summary of findings	22
How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?	23
Introduction.....	23
How well does the force understand the people it serves and the benefits of engaging with them?.....	24
How well does the force engage with all the people it serves?	25
To what extent are people treated fairly and with respect when they come into contact with police officers and staff?	27
Summary of findings	29
To what extent are decisions taken on the use of stop and search and Taser fair and appropriate?	30

Introduction	30
To what extent does the force ensure that it complies with the Best Use of Stop and Search scheme?	30
To what extent does the force ensure that Tasers are used fairly and appropriately?	36
Summary of findings	40
Annex A – HMIC judgments	41
Annex B – Data methodology	42
Annex C – The Best Use of Stop and Search scheme	44
Annex D – Types of use of Taser	46

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

Overall judgment¹



Outstanding

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

The force had successfully established the Code of Ethics;² which sets and defines the exemplary standards of behaviour for everyone who works in policing. The wellbeing of staff is thoroughly understood, considered and provided for and complaints and misconduct allegations were dealt with robustly and fairly.

The force engages positively with communities. The force's use of Taser is fair and appropriate.

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

Summary

The force had worked hard to develop an ethical culture and establish the Code of Ethics, and this was clearly demonstrated at all levels of the force. It had ensured that all staff had been trained and understood the code. Officers felt empowered to challenge decisions perceived to be unethical. Encouragingly, the force provided for the wellbeing of staff and continued to seek opportunities to improve these services. It dealt robustly and fairly with complaints and misconduct allegations.

When HMIC looked at how well the force understands and engages with all the people it serves, we found that the force uses an effective and robust range of methods to ensure meaningful engagement. Officers clearly understand their local communities, and neighbourhood crime profiles help to share this knowledge. As a result, we found the force understands its communities and provides effective means through which priorities and concerns can be raised for action by officers.

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, 2014. Available from: www.college.police.uk

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 has adopted the principles of the Best Use of Stop and Search scheme and has complied with most but not all of the elements. The force provides training on the principles of the scheme but officers and their supervisors do not always record the grounds for stopping and searching a person.

We found monitoring of Taser use at a senior level and that qualified staff conduct reviews of Taser usage.

We consider that Kent Police's use of Taser is fair and appropriate.

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



Outstanding

Kent Police had developed successfully an inclusive and ethical culture and had established comprehensively the Code of Ethics.

The Code of Ethics meeting and force-wide culture boards had been welcomed by staff and were helping to encourage an almost universal sense from officers of feeling empowered to challenge decisions they perceived to be unethical.

The force had a thorough understanding of the views of the workforce in respect of their wellbeing and provided for the wellbeing of its officers and staff.

The force's decision to retain and supplement occupational health resources to meet the increased demand to

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



Outstanding

Kent Police understands comprehensively the importance of engagement with the people it serves. Chief officers have developed and communicated a culture of inclusivity and ethical behaviour that is understood across the force. Staff understand that the way they engage with the public affects police legitimacy. The force invests in specialist staff and systems to understand communities and identify people's concerns which enables the force to respond effectively.

The force has developed crime profiles containing local information and demographic data, and the force monitors community tensions effectively, with community liaison officers

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



Good

The force has adopted the principles of the Best Use of Stop and Search scheme but it does not comply with all the elements.

The force provides training on the scheme but officers and their supervisors do not record the grounds for stopping and searching a person.

Taser-trained officers apply the National Decision Model in their decisions about use of the device. We found monitoring of Taser use at a senior level, and that qualified staff conduct reviews.

Any use of Taser is reported in accordance with national guidance and we saw evidence of some external independent oversight. Kent Police's

support wellbeing was notable.

The force had worked hard to ensure that all staff have been trained and had a comprehensive understanding of the Code of Ethics. The training was described by staff as a “quality product”.

The widespread understanding and implementation of an ethical culture across the force was having a positive effect on the service to the public, as officers were motivated and felt supported to do the right thing in all their activities.

The force dealt with complaints and misconduct robustly and fairly and investigations were free from bias. We found a potential for inconsistent decision-making in the same cases involving both police officers and police staff but the force recognised this and had put in place a process to overcome this difficulty.

scanning overnight incidents to identify concerns within the community.

The force uses different methods to ensure effective engagement and the public are kept informed through updates at local meetings and a range of social media channels. Kent Police recognises the need to encourage participation and it successfully attracts volunteers in a variety of useful roles. Similarly, Kent’s Special Constabulary is active and its positive support has been recognised in a national award.

Kent Police trains its staff in the National Decision Model³ and it also carries out surveys to assess the quality of service it provides. Officers and staff have a clear understanding of the model and use it in their day-to-day decision-making. The force is working hard to engage with communities and ensure that members of the public are treated fairly and with respect.

use of Taser is fair and appropriate.

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

Force in numbers



Ethnic diversity

Percentage of BAME in workforce 31 March 2015

overall workforce

3%

officers

3%

staff

3%

PCSOs

2%

Percentage of BAME in local population, 2011 Census

7%



Gender diversity

Percentage of females in overall workforce 31 March 2015

Kent Police

41%

England and Wales force average

41%

Percentage of females by role, Kent Police

officers

28%

staff

61%

PCSOs

47%

Percentage of females by role, England and Wales force average

officers

29%

staff

60%

PCSOs

47%



Public complaints

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

Kent Police

1,538

Proportion of finalised allegations investigated 12 months to 31 March 2015

Kent Police

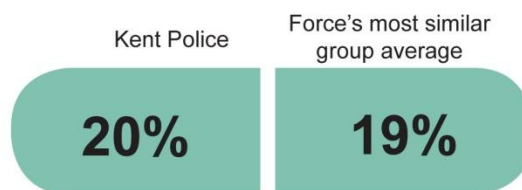
60%

Force's most similar group average

48%



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

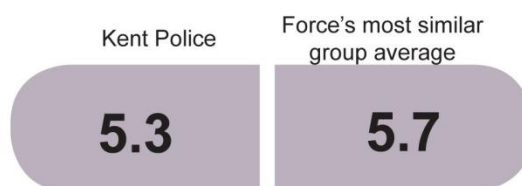


Stop and search

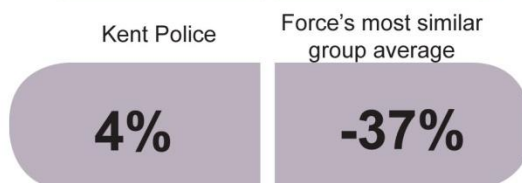
Number of stops and searches carried out 12 months to 31 March 2015



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



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

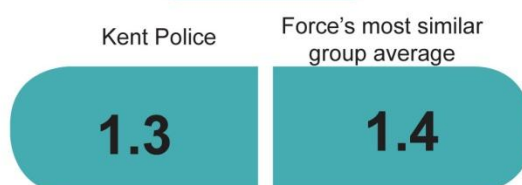


Tasers

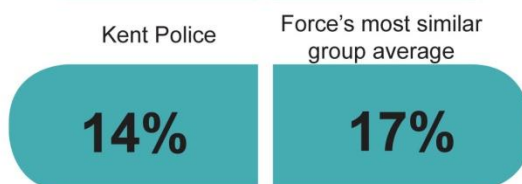
Number of times a Taser was used 12 months to 31 December 2014



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



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



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

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 Kent Police.

Methodology

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

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

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

Organisational 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.

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

A breakdown of the full-time equivalent (FTE) workforce⁷ in Kent Police as at 31 March 2015 is shown below.

⁶ The inspection took place between March and June 2015.

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

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

FTE	Total	Of which	
		Female	BAME*
Total workforce	5,595	2,308 (41%)	153 (3%)
Total officers	3,188	889 (28%)	94 (3%)
Constables	2,451	731 (30%)	78 (3%)
Sergeants	479	103 (22%)	10 (2%)
Inspecting ranks	223	44 (20%)	7 (3%)
Superintendents and above	35	10 **	0 **
Staff	2,055	1,255 (61%)	51 (3%)
PCSOs	352	165 (47%)	8 (2%)

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

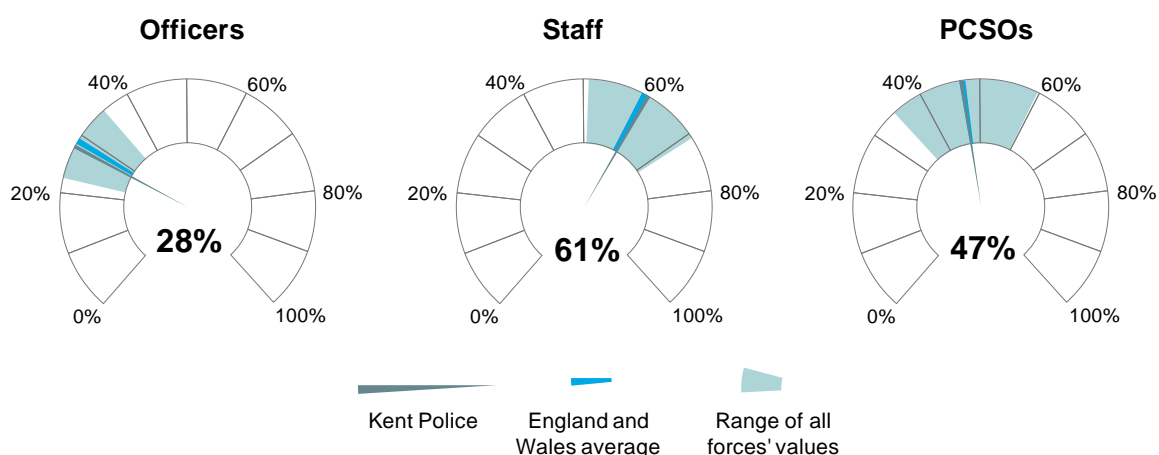
* Individuals are not required to record their ethnicity. As a result, BAME totals and percentages exclude officers/staff/PCSOs where the ethnicity is not stated.

** 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 Kent 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.

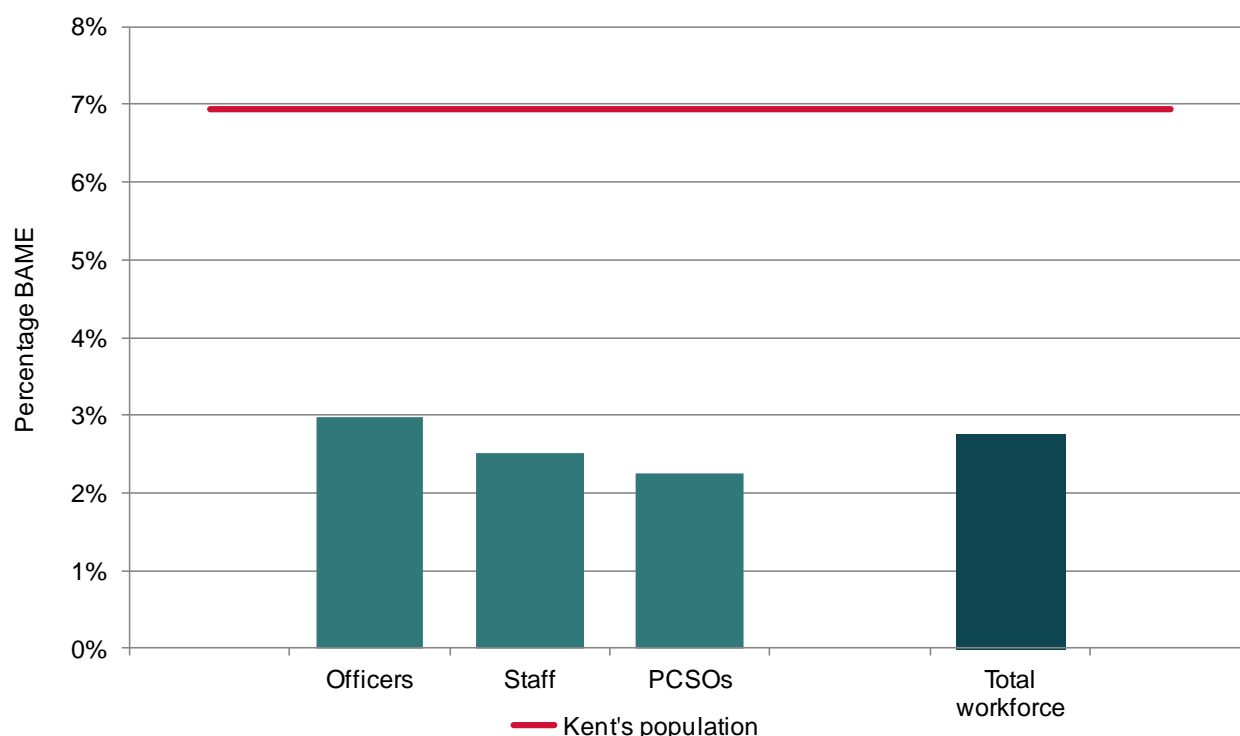
Figure 2: The percentage of female officers, staff and PCSOs in Kent Police compared with the force average for England and Wales, 31 March 2015



Source: Home Office Police Workforce statistics

We compared the percentages of (i) BAME officers, (ii) BAME police staff and (iii) BAME PCSOs in each force with the overall proportion of BAME people in the force's local population. In Kent, 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 Kent Police's overall police workforce, as well as separately for officers, staff and PCSOs.

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

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

Figure 4: Change in Kent 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	-1,252	(-18%)	0	0
Officers	-599	(-16%)	+2 •	0
Staff	-618	(-23%)	0	0
PCSOs	-35	(-9%)	-3	-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 were no statistically significant changes in the percentages of either females or BAME people within Kent Police's overall workforce between 31 March 2010 and 31 March 2015. However, there was a statistically significant change in the percentage of female officers - around a 2 percentage point increase.

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

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

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

The chief officer team had set out its vision and values convincingly with a compelling focus on developing an ethical culture throughout the force. The success of this approach was clearly demonstrated at all levels of the force with officers and staff understanding that the way they engage with the public affects police legitimacy.

The chief constable was at the forefront of promoting the ethical culture of the force, and this was reinforced by the establishment of a force-level ethical board alongside departmental or local policing area held culture boards. To emphasise its

importance, the chief constable chaired the force-level culture board. This was a forum to discuss suggestions from employees, address issues raised and consider ways to improve conditions for the workforce. The internal force website included clear messages on the values and ethics of the force and enabled staff to print the associated corporate posters directly from the website.

Staff spoke of an ethical and inclusive culture, where all officers and staff felt able to challenge inappropriate forms of behaviour, and of being empowered to put the needs of the victim and provide a quality service first. Staff expressed the view that they were not afraid of making a mistake, as long as they had made it in earnest and for the right reasons, as they believed that they would be supported by senior managers. Kent Police has invested in training all its officers and staff, including a mandatory classroom-based session on the Code of Ethics, provided by their locally-based senior managers. This training has been universally well-received by staff.

The staff survey of May 2014 achieved a 24 percent return rate. The force had tried to identify and understand the issues highlighted by staff and had held meetings with staff to discuss some of the issues raised. One example was a meeting held to address and understand concerns over fairness in the promotion process. Most officers and staff whom we spoke to during the inspection perceived that the promotion and selection processes were broadly fair and free from bias. However a small number of middle managers felt that this was not always the case, and some officers felt that the process for temporary promotion was not clear.

The force has developed successfully an ethical culture and has comprehensively established the Code of Ethics.

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 that Kent Police was committed to the wellbeing of its staff, and that it continued to seek opportunities to improve these services. Additional occupational health resources had been employed to meet the increased demand to support and maintain the wellbeing of staff, and the number of trauma risk incident management⁹ assessors had been doubled to improve local capacity to manage cases, and so reduce referrals to the central occupational health unit.

⁹ TRiM is a welfare-led process intended to assess the response of a member of staff (including certain affiliated groups such as special constables) exposed to a potentially traumatic incident.

Staff associations had recognised that the force had been particularly sensitive to the needs and concerns of police staff likely to lose their jobs as a result of budget changes.

The force had made considerable efforts to support staff under pressure, with the force support forum, which meets every two months, proactive scanning to identify those of most concern, such as staff suffering from mental health issues and those suspended from duty. The 'Feel Well, Live Well' programme, introduced in the force's East division, provided welfare strategies and positive support from trained staff and was in the process of being introduced across the force, having been recognised by chief officers as effective and successful. Health and wellbeing champions were also in place across the force to assist officers to pass the required police fitness test, and we also found examples of support for staff with disability.

The Kent Network of Women provided support to staff, both male and female, on a variety of issues, including flexible working applications. The network produced newsletters and held forums and events for staff across the force.

The force had an inclusive culture where difference was valued, and where staff also felt valued and involved in the majority of decisions which affect them.

Kent Police provided for the wellbeing of its officers and staff. The force's decision to retain and supplement occupational health resources to meet the increased demand to support wellbeing was notable.

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.¹⁰ 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 successfully established and has been well received across the force.

¹⁰ Code of Ethics – A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales, College of Policing, London, July 2014. Available from: www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

The force mandated its staff to ensure that new policies take account of the code, and there was a process to check that this was the case. Further links to other useful sites and documents regarding the code were available to help policy-makers. The use of the Code of Ethics to inform policy and practice was a fundamental part of the force's ethical culture.

The Code of Ethics was clearly being used to inform day-to-day decision-making. The force had invested in a Code of Ethics trainer, and had provided courses, including practical scenarios, for all staff. This training was provided by senior managers and staff were consistently positive, describing it as a quality product. We also found that the force had evaluated the training to identify improvements by dip-sampling views among staff who had recently attended a course.

The force used a Code of Ethics meeting, chaired by the deputy chief constable, and force-wide cultural boards to monitor the application of ethical change within the organisation. The force-wide culture boards were chaired by people in different roles and ranks, which had encouraged staff to engage with them. We were encouraged to note these meetings had included a wide range of representation from across the force, including junior staff and support group members and questions posed were debated openly. Responses were recorded and put onto the force intranet so that all staff could see the results.

Since 2014, senior managers had been actively using the Code of Ethics to assist their decision-making during misconduct hearings.

The widespread attention to the Code of Ethics across the force meant that staff knew and understood how they should apply it, it underpinned day-to-day decision-making and had helped reinforce the cultural change taking place.

Staff and officers in Kent Police have a comprehensive understanding of the Code of Ethics and it has informed the force's policy and practice.

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.¹¹

In the 12 months to 31 March 2015, Kent Police finalised 1,538 allegations from public complaints that were made against its officers and staff. Of these, 60 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 Kent compared with the average of its most similar group of forces.¹²

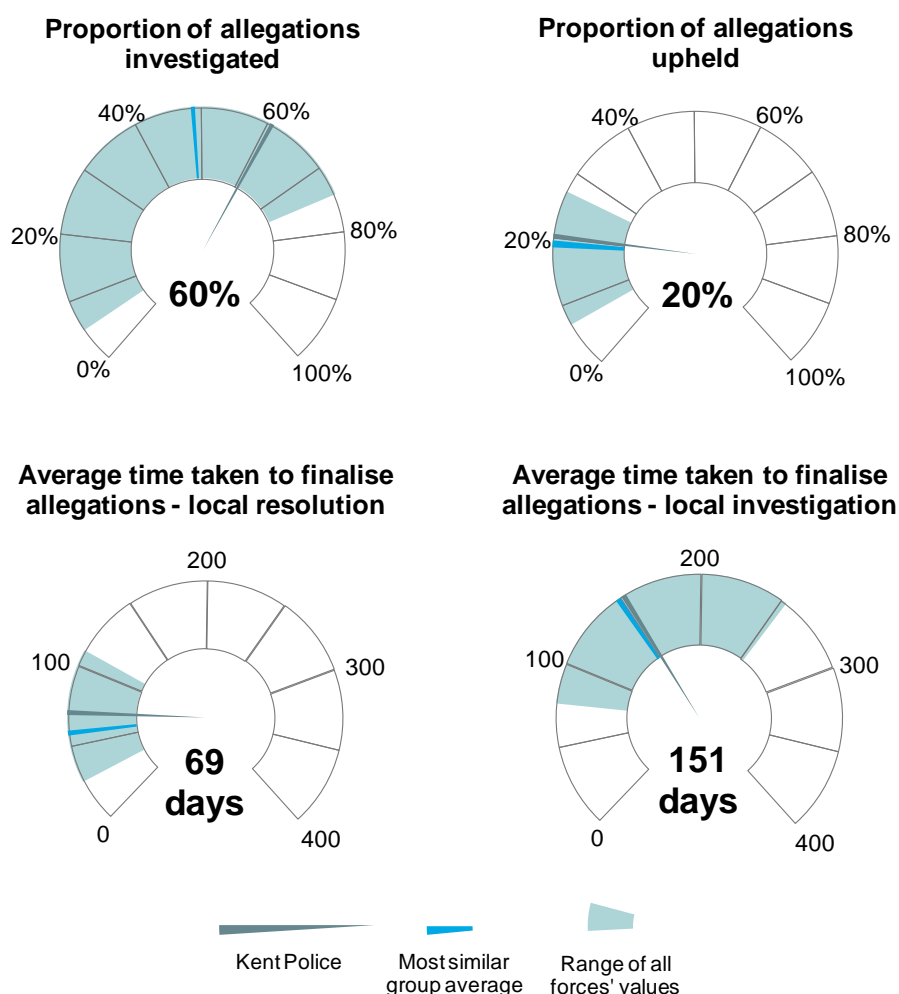
In the 12 months to 31 March 2015, the average time Kent Police took to complete a local resolution was 69 days, greater than the average of its most similar group of forces (57 days). Over the same period, the average time a local investigation took to complete was 151 days, broadly in line with the average of its most similar group of forces (147 days).

After local investigation, Kent Police closed 927 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. This was broadly in line with the average of Kent's most similar group of forces of 19 percent. The following figure shows how these values compare.

¹¹ 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.

¹² 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 Kent Police, 12 months to 31 March 2015



Source: Independent Police Complaints Commission

Overall, in the 12 months to 31 March 2015, Kent Police finalised 60 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, Kent took longer to complete local resolutions and a similar amount of time to complete local investigations.

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

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

Building on the findings of HMIC's Police Integrity and Corruption inspection,¹³ 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,¹⁴ 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 74 files we looked at we did not find evidence of any bias in how the force dealt with complaints and internal misconduct allegations, in respect of gender, ethnicity or rank.

The professional standards department oversaw and dealt with cases against police officers, while the human resources department dealt with all cases against police staff that did not involve a criminal investigation. Different decision-makers had the potential to make inconsistent decisions in respect of similar behaviour, and there were no severity assessments¹⁵ when reviewing case files. However, the force was making efforts to increase consistency in the way in which police staff and police officer complaints and misconduct matters were handled. An established monthly meeting between the human resources department and the professional standards department was helping to ensure consistency in decision-making and that decisions were free from discrimination or bias, although the force recognised that the different rules and regulations for officers and staff might sometimes lead to different outcomes.

Kent Police had a thorough and well-evidenced understanding about the threats and risks to organisational or personal integrity. The force took proactive steps to address these threats and risks. The professional standards department had a dedicated analyst who identified trends in behaviour, providing the force with an

¹³ *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/

¹⁴ 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'.

¹⁵ The severity assessment is an assessment of a) whether the conduct of the police officer concerned, if proved, would amount to misconduct or gross misconduct, and b) if misconduct, the form (i.e. misconduct meeting or hearing) which disciplinary proceedings would be likely to take if the conduct were to become subject of such proceedings.

opportunity to improve. For instance, the analyst reviewed an increased number of complaints about incivility in one policing area and found them to involve one small team, who the force subsequently provided with remedial training to improve team members' service to the public.

We found that some complaints dealt with as local resolutions were not managed to the same standard as other complaints. The force acknowledged this, and had identified ten local police inspectors who received additional training to improve their knowledge and performance when handling local resolutions.

The force dealt with complaints and misconduct fairly and investigations were free from bias. There was a potential for inconsistent decision-making in the same cases involving both police officers and police staff but the force recognised this and was working hard to overcome this issue.

Summary of findings



Outstanding

Kent Police had developed successfully an inclusive and ethical culture and had established comprehensively the Code of Ethics.

The Code of Ethics meeting and force-wide culture boards had been welcomed by staff and were helping to encourage an almost universal sense from officers of feeling empowered to challenge decisions they perceived to be unethical. The force had a thorough understanding of the views of the workforce in respect of their wellbeing and provided for the wellbeing of its officers and staff. The force's decision to retain and supplement occupational health resources to meet the increased demand to support wellbeing was notable.

The force had worked hard to ensure that all staff have been trained and had a comprehensive understanding of the Code of Ethics. The training was described by staff as a "quality product".

The widespread understanding and implementation of an ethical culture across the force was having a positive effect on the service to the public, as officers were motivated and felt supported to do the right thing in all their activities.

The force dealt with complaints and misconduct robustly and fairly and investigations were free from bias. We found a potential for inconsistent decision-making in the same cases involving both police officers and police staff but the force recognised this and had put in place a process to overcome this difficulty.

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,¹⁶ 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.

¹⁶ 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.

Kent Police has a comprehensive understanding at a strategic and local level of the importance of engagement, and chief officers emphasise their commitment to an ethical culture, which values the quality of service for victims and witnesses. To improve transparency, some force governance meetings are held in public and made available to view live online. The force publishes on its website the documents used at these meetings, so they remain available for people to see.

The force encourages local teams to engage with their communities and some officers are provided with individual Twitter accounts to do so. Specialist media officers based in each of the three policing areas also make good use of Twitter Facebook and other social media to communicate with local communities. Newly recruited officers are required to complete a one week community engagement placement with a local organisation, for example domestic abuse charities, migrant centres or victim support, and they present their experiences to their student officer colleagues in order to share learning. Around 300 organisations within the county provide opportunity for these student officer placements.

The force promotes understanding of communities across the county through a network of ten police community liaison officers attached to each policing district. These officers' role is to engage effectively with local minority groups and develop links within communities that are used to support local policing operations. They are also used to improve awareness of community groups among staff, for example through briefings and training courses.

Kent Police uses the Mosaic software package which provides a social and economic profile of communities and indicates their probable concerns. Force analysts use this information to develop local information, which may reflect changes in communities, for example, due to the force location, and its policing responsibility for the channel tunnel and ports.

Kent Police has developed crime profiles containing local information and demographic data. The force regards these profiles as a replacement for traditional neighbourhood profiles although it is not yet clear how well they contribute toward an improved understanding of local neighbourhoods.

Nevertheless, the force monitors community tensions effectively. Community liaison officers scan overnight incidents to identify concerns within the community. Emerging issues are then discussed and actions are raised at local daily meetings and

community impact assessments (CIA) are used effectively to record and monitor tensions. The police response to each CIA is managed by local inspectors and agreed by the relevant district chief inspector. There is a network of 44 independent critical incident advisors who are volunteers with specialist knowledge of a local area or an identified group, such as those with protected characteristics, for example disabled or elderly people. They receive training on the role from the force with detailed written guidance and they contribute to the police response to incidents of concern.

Of the 878 survey responses from the area covered by Kent Police, 44 percent agree that the police understand the crime and anti-social behaviour issues within their force area and 18 percent disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, of the responses from all forces across England and Wales, 49 percent agree versus 14 percent who disagree.

Officers and staff have a comprehensive understanding of the people they serve and they understand that the way they engage with the public affects police legitimacy.

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. The force uses several robust and well-established methods to engage with local people. These include traditional face to face meetings and a range of digital social media. For example, each neighbourhood has a dedicated page on the force web site which is used to advertise local meetings and events. We found a strong and effective social media presence and the force uses a tailored and well-focused range of popular social media streams. Notably, during an extended closure of the M20 motorway, the force used these methods well to provide updates to motorists and address their concerns and questions.

Face-to-face contact with people and communities is provided by, for example, mobile police stations staffed by police community support officers (PCSOs) which visit each district in rotation. The timetable is advertised and the mobile stations make around 325 local visits each month. Officers also hold regular ward surgeries and support engagement by attending community events like parish council meetings and farmers' markets.

The force consistently ensures that its engagement methods are inclusive and, where required, tailored to specific communities. Community liaison officers (CLOs) work closely with a range of groups, including Roma, Jewish, Muslim, Nepali and the lesbian, gay, bisexual, and transgender (LGBT) communities. In addition, CLOs are involved with support groups who represent the interests of mental health service users, young persons and vulnerable people.

Kent Police also operates a 'safety store' at the Bluewater shopping centre to engage with greater numbers of people. The 'safety store' provides a contact point with officers and it is also used to carry out public surveys.

A community email messaging system keeps people informed, and the force uses its website effectively to provide useful information including policies and procedures, events and news items. To reach a wider audience the force provides some information in spoken word including in different language versions.

An annual open day draws local residents from all over the county to the force training school in Maidstone. The event attracts up to 12,000 visitors, and the force uses it to explain and demonstrate various operational policing roles. The event also provides the force with an opportunity to work closely with local people and discuss their concerns.

The force continually encourages people to participate as volunteers. It has recruited over 800 volunteers in diverse roles and works closely with other volunteer services for example, the Blue Bus which provides shelter for vulnerable people in city centres and organisations which support search and rescue operations.

Special constables are involved in almost all aspects of policing, including marine and roads policing, mounted operations and the dog section. The force deploys them in both rural and urban areas and can access additional training including advanced driving and specialist search which equips them for a wider range of duties. The Special Constabulary received the Queen's Award for Voluntary Service in 2014 in recognition of its achievements.

From the survey, 29 percent of the respondents from the area covered by Kent Police speak highly of the police in their local area while 19 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.

Kent Police engages and communicates consistently well with the communities it serves and the level of involvement of local people in policing activities is extremely positive.

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 (NDM),¹⁷ the framework by which all policing decisions should be made, examined and challenged. The Code of Ethics is a central component of the NDM.

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 Kent Police, from the 40 calls assessed, we found that call-handlers are polite, respectful and effective and that they appropriately assess the needs and vulnerabilities of callers.

During our fieldwork we also observed front counter staff in their interaction with visitors at police stations. These staff are consistently polite and dealt with the issues in a sensitive and effective manner.

¹⁷ *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 found a clear commitment from chief officers to establish fully the National Decision Model (NDM) and the Code of Ethics within the force's policing style. The force provides all officers with some training in the NDM and the model underpins force procedures and policies.

The NDM is included as part of annual officer safety training and staff clearly understand and apply the model. Posters highlighting the Code of Ethics are also displayed at prominent locations within police buildings. The force has also provided training on the NDM to PCSOs and other police staff, and the chief officer team use leadership seminars to reinforce the importance of the NDM in structured decision-making.

The force uses the Code of Ethics to focus on behaviour. There is a clear evidence of a vibrant ethical culture led by the chief officer team. Officers feel valued and involved in decision-making and clearly understand and welcome the vision of the chief officer team. We saw examples of staff being commended after using the NDM effectively, and it is clear that the force recognises the importance of professional conduct by its staff.

In addition to the regular national surveys of victims of crime, the force uses telephone research to conduct public surveys about the quality of service it provides. The force recognises that body-worn video enables it to review the service it provides, and staff are positive about its introduction. The cameras are not yet available to all frontline officers in Kent, but its distribution, once the necessary funding is in place, is imminent.

From the survey, 52 percent of respondents from the area covered by Kent Police agree that the police in their local area treat people fairly and with respect versus 7 percent who disagree. The remainder neither agree nor disagree or do not know. Although not directly comparable because of the small force sample size, across all forces in England and Wales, the figures are 54 percent and 7 percent respectively.

Kent Police has trained its staff in the NDM and it also carries out surveys to assess the quality of service it provides. The force treats members of the public fairly and with respect.

Summary of findings



Outstanding

Kent Police understands comprehensively the importance of engagement with the people it serves. Chief officers have developed and communicated a culture of inclusivity and ethical behaviour that is understood across the force. Staff understand that the way they engage with the public affects police legitimacy. The force invests in specialist staff and systems to understand communities and identify people's concerns which enables the force to respond effectively.

The force has developed crime profiles containing local information and demographic data, and the force monitors community tensions effectively, with community liaison officers scanning overnight incidents to identify concerns within the community.

The force uses different methods to ensure effective engagement and the public are kept informed through updates at local meetings and a range of social media channels. Kent Police recognises the need to encourage participation and it successfully attracts volunteers in a variety of useful roles. Similarly, Kent's Special Constabulary is active and its positive support has been recognised in a national award.

Kent Police trains its staff in the National Decision Model and it also carries out surveys to assess the quality of service it provides. Officers and staff have a clear understanding of the model and use it in their day-to-day decision-making. The force is working hard to engage with communities and ensure that members of the public are treated fairly and with respect.

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.¹⁸

In autumn 2015, HMIC assessed the use of Taser and stop and search powers (specifically, compliance with the Best Use of Stop and Search scheme¹⁹ 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.

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 *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,²⁰ 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 Kent Police – Stop and search by volume

In the 12 months to 31 March 2015, Kent Police carried out 9,407 stops and searches. The table below shows this number per 1,000 population for Kent 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.

²⁰ *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 Kent 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

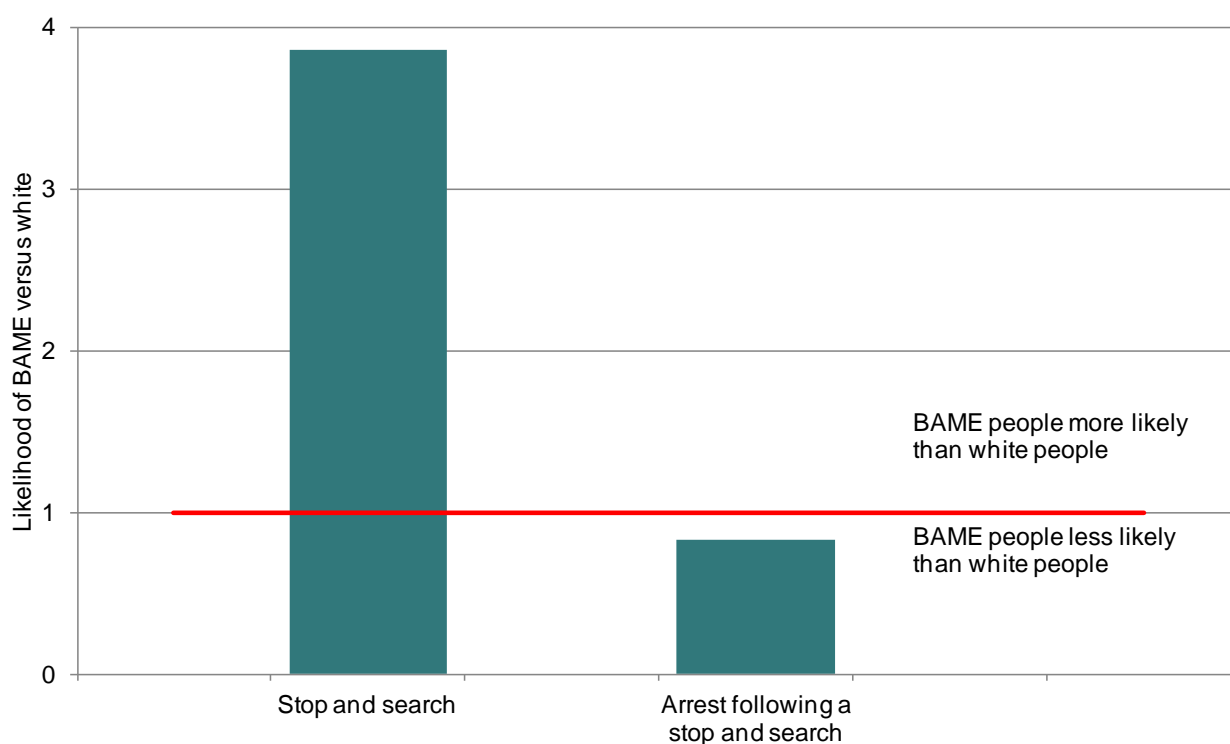
	Stops and searches per 1,000	Change from previous year
Kent	5.3	4%
Kent's MSG average	5.7	-37%

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 Kent 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 Kent Police than white people. However, of the individuals who had been stopped and searched, BAME people were statistically less 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 Kent 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 Kent Police, the 2013 inspection showed that 64 of 200 records reviewed (32 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. In Kent Police 94 of the records we reviewed had been endorsed by a supervisor and 13 of the 100 records (13 percent) did not have reasonable grounds recorded of which 12 had been endorsed by a supervisor.

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

Compliance with the Best Use of Stop and Search scheme

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

The force provides training to all officers about the NDM, requiring them to complete a computer-based training package. It is clear that officers know the NDM and understand its application in a range of policing situations. Some officers explained that the model is used routinely, and a check of crime reports shows entries are structured around the NDM. Overall, officers apply the model when dealing with stop and search encounters.

Following a stop and search officers are required to complete an electronic record by contacting a central department, which then supplies the officer with a unique reference number. This number is provided to the person stopped together with details of how they can obtain a copy of the search record. The electronic record is automatically sent to the officer's supervisors for checking. However, it is clear there are gaps in this process as some of the records examined are not checked by a supervisor and some do not contain sufficient details of the grounds for the search.

Kent Police collects a range of data on stop and search and this includes an analysis of encounters by reference to the ethnic origin of the person stopped. This information is made available to the public on a dedicated stop and search internet page. The force recognises the figures are disproportionate when compared with the population census data. Research by the force shows that almost 40 percent of persons stopped do not reside in Kent, and that almost half of these identify themselves as BAME people.

Kent Police is finalising a new monthly analytical product which will incorporate information about the outcomes of searches. The force already makes information available to local supervisors and divisional commanders to enable them to identify local trends.

Independent oversight of stop and search is provided through independent scrutiny panels at force and district levels, and includes discussions on any community trigger issues. This is a process which allows members of the community to ask the police and their partners to review their responses to complaints of anti-social behaviour.

Although plans to implement a 'ride along scheme' to provide an opportunity for members of the public to view police activity first hand are well-advanced, the force has not yet introduced this scheme. However, panel members include members of the youth panel who attend stop and search training to assist their understanding and provide feedback to students. Data on stop and search is provided to the panels every three months and any disproportionate use of stop and search is highlighted.

The panel also reviews body-worn video footage of stop and search encounters and details of any stop and search-related complaints. Any concerns from the district scrutiny panel are discussed at a force-level panel meeting which then makes recommendations to the force. These arrangements are robust.

The force complies with most elements of the Best Use of Stop and Search scheme, although in some instances officers are not recording the grounds for stopping and searching a person.

Feature of the Best Use of Stop and Search scheme	HMIC assessment of compliance
Recording and publishing the outcomes following a stop and search	<p>The force does not comply with this feature of the scheme.</p> <p>Kent Police 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 data published by the force makes reference to arrests and other ‘positive’ outcomes but does not yet link the outcome to the original grounds for search. The force has a dedicated stop and search page on its internet site which provides general information about stop and search powers, details of how to complain about an encounter and links to recent force data. The page does not yet include a link to the police.uk web site as a further source of data and so members of the public are unlikely to find it.</p>
Providing opportunities for the public to observe officers using the power	<p>The force does not comply with this feature of the scheme.</p> <p>The force has not yet implemented a ‘ride along’ scheme to provide an opportunity for members of the public to view police activity first hand, although its plans to do so are well-advanced. However, the force has implemented the use of body-worn video footage as a means of allowing members of the public (Youth scrutiny panel) to review stop and search activity.</p>
Explaining to communities how the powers are being used following a “community complaint”	<p>The force complies with this feature of the scheme.</p> <p>The force receives few public complaints in relation to its use of stop and search powers. The force monitors and discusses relevant complaints which it receives, including community trigger issues, during the independent scrutiny panel meetings.</p>

Reducing the number of people stopped and searched without suspicion under Section 60 ²¹ of the Criminal Justice and Public Order Act 1994	The force complies with this feature of the scheme.
Monitoring the impact of stop and search – particularly on young people and black, Asian and ethnic minority groups	The force complies with this feature of the scheme.

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

Background

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

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

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

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

When police are required to use force to achieve a lawful objective, such as making a lawful arrest, acting in self-defence or protecting others, that force must be reasonable in the circumstances.

²¹ '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

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.²²

Use of Taser in Kent Police

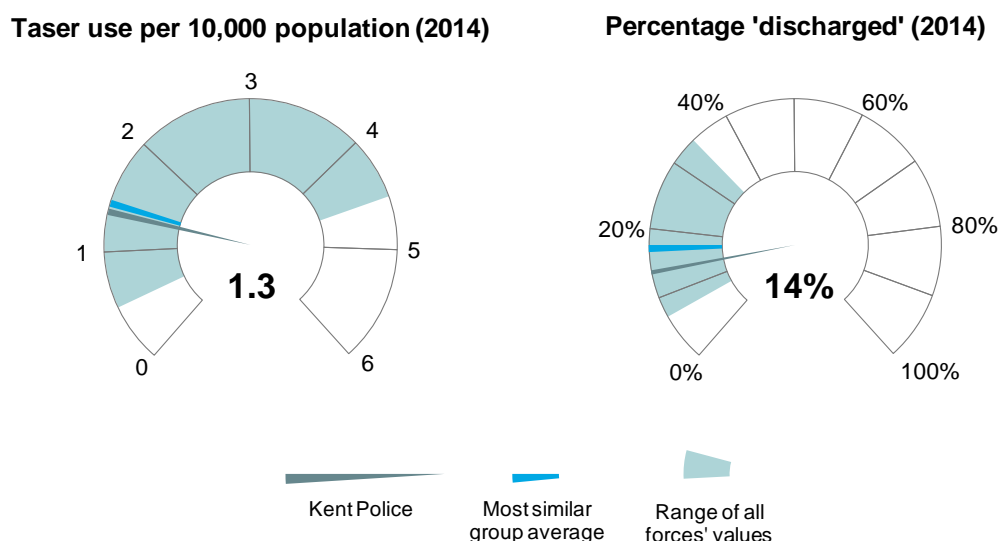
Every time a Taser is used in some capacity (this includes a full range of use from being drawn to being 'discharged') a police officer makes a record of its 'highest use' on a Taser deployment form.

Between 1 January and 31 December 2014, Taser was used in some capacity 240 times by Kent Police, representing 1.3 times for every 10,000 people in the force's area. This was broadly in line with the average for Kent Police's most similar group of forces, which was 1.4 times per 10,000 population.

During the same time period, Taser was 'discharged' on 33 occasions (out of the 240 times it was used in some capacity). This equated to 14 percent of overall use, less than the force's most similar group average of 17 percent. The following figure shows the comparisons.

²² *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 Kent Police, 12 months to 31 December 2014²³



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

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

Before the fieldwork stage of our inspection, we conducted a review of 20 Taser deployment forms provided by Kent 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 on 5 occasions. See Annex D for an explanation of the types of Taser usage.

Overall officers used Taser to protect themselves or others from a range of weapons, including several knives, a samurai sword, and a hypodermic needle.

The 'brief details' and the NDM sections of the forms provided us with evidence to suggest that the use of Taser was appropriate, except a case where it was unclear why the officers had to force entry to the house where the person was located.

²³ 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.

Where officers are required to record their rationale in the NDM section of the form, some are unclear about how to record the threat assessment in accordance with the College of Policing training. However, in all cases the use of Taser did appear to be lawful.

Kent Police use the nationally provided forms. None of the forms contain any mention of the Code of Ethics, 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.

Work is carried out to determine the necessary number and location of Taser-trained officers and following a review the force strategic firearms board recently decided to increase the number of trained officers available by training more officers.

We found an effective process for the selection of Taser officers. Applicants must be recommended by their supervisors and be qualified as a police driver. Complaint records are reviewed before final approval is given for an officer to attend training. The initial Taser course and refresher training provided by the force are compliant with College of Policing recommendations.

Taser-trained officers understand the importance of the NDM and of the need for the special considerations in relation to the use of Taser described within the Authorised Professional Practice, which is national guidance for the police service developed with the police service by the College of Policing.

Local supervisors effectively oversee Taser devices and when officers 'self-deploy' their Tasers as a result of a spontaneous incident then local supervisors and the inspector within the force control room are involved. The force deals robustly with any mishandling of Taser, removing officers from the authorised list until a full investigation is carried out.

Use of Taser is reported in accordance with Authorised Professional Practice. The officer responsible is required to complete a national use report form as well as a 'use of force' report form and to provide either a statement or copy of their police notebook entry.

Senior Taser instructors from within the force review these documents and details of any Taser discharge use are included in the chief constable's daily briefing report. Information about the use of Taser is reviewed by the force's strategic firearms board which includes a number of independent lay members and is chaired by an assistant chief constable.

We found a link between each district and the independent critical incident advisers such that, where necessary, community engagement can take place if there are community concerns about an incident which involves the use of Taser.

The force does not publish information on its use of Taser to the public as fully as it might. Policy documents are available, but it does not make available details of its operational use of Taser.

Based on our assessment of the Taser forms and fieldwork findings, Kent Police is using Taser fairly and appropriately.

Summary of findings



Good

The force has adopted the principles of the Best Use of Stop and Search scheme but it does not comply with all the elements.

The force provides training on the scheme but officers and their supervisors do not record the grounds for stopping and searching a person.

Taser-trained officers apply the National Decision Model in their decisions about use of the device. We found monitoring of Taser use at a senior level, and that qualified staff conduct reviews. Any use of Taser is reported in accordance with national guidance and we saw evidence of some external independent oversight. Kent Police's use of Taser is fair and appropriate.

Areas for improvement

- Of the records reviewed that did not have reasonable grounds recorded, almost all had been endorsed by a supervisor. The force should ensure the processes for recording reasonable grounds are understood by both officers and those supervising them.

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 Kent Police's MSG: Nottinghamshire, Essex, Staffordshire, Avon and Somerset, Northamptonshire, Derbyshire and Hertfordshire.
- 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 Definition²⁴

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.

²⁴ *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.