

RESPONSE DATED 12TH APRIL 2021 TO ‘DISPROPORTIONATE USE OF POLICE POWERS – A SPOTLIGHT ON STOP AND SEARCH AND THE USE OF FORCE’ PUBLISHED BY HMICFRS ON 26TH FEBRUARY 2021

This report contains six recommendations for the Chief Constable which are set out below.

Recommendation 1

By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation

Recommendation 2

By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

Recommendation 3

By September 2021, forces should:

- ensure that officers record on body-worn video (BWV) (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;
- have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and
- provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing’s Authorised Professional Practice.

Recommendation 5

By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action

Recommendation 6

By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken.

Recommendation 7

With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

In response to these recommendations, I can confirm the following.

Recommendation 1

Avon and Somerset Police (the Constabulary) are one of the pilot forces that will implement the College of Policing two day training on Conflict Management which will be largely scenario based. Representatives from the Constabulary, and other forces, recently reviewed the proposed training with the College and further refinements were agreed. The Constabulary were due to start this training in April 2021 but due to the agreed changes this is anticipated to start in September 2021 instead. The College are considering adding a third day to this training which will be specifically for de-escalation. In the interim the Constabulary has moved to an annual two day training package for all officers which contains elements of conflict management and de-escalation.

Recommendation 2

Over the past two years continued professional development (CPD) training in relation to stop and search and communication skills has been delivered to all Patrol, Neighbourhood and Op Remedy (proactive team) officers. Further CPD days will be planned for 2022. The training included:

- stop and search legislation;
- use of BWV;
- data quality – focussing on correct form completion and use of the records management system;
- safeguarding – recognising vulnerability, especially when dealing with stop search;
- community impact – delivered by the Chair of the local Lammy Review group; and
- file quality – delivered by a speaker from the Crown Prosecution Service.

In relation to supervisors' routine and frequent debrief of officers' skills, the Constabulary is currently rolling out a short package to supervisors of front line officers which sets out what is expected of them in relation to reviewing and debriefing stop searches performed by their teams. This expectation includes reviewing BWV footage of any stop searches, identifying any issues and providing appropriate feedback to the officers and sharing good practice across the team.

The Constabulary also provide a quarterly update on stop and search to all front line officers and this starts with a good work section providing the opportunity to share good practice with all front line officers.

Recommendation 3

The Constabulary have a mandatory policy for all stop and searches to be recorded on BWV and there is approximately a 90% compliance rate with this. However this compliance monitoring does not yet include traffic stops but work is underway to implement this.

The Constabulary have a well-established internal scrutiny team that consists of two Inspectors and 70 officers that review 400 stop and search records every three months. The team is currently working on a process to better record and monitor the feedback from this scrutiny.

An external scrutiny panel is coordinated by my office and was cited in this HMICFRS report as positive practice.

“Avon and Somerset Police has a well-attended scrutiny panel with a diverse membership, offering a broad range of views. The force provides the panel with comprehensive information and data in advance of each meeting. Panel members view body-worn video footage of randomly selected incidents and then split into smaller groups to consider them and report concerns. Learning is shared with relevant officers, supervisors and the organisational learning team. Chief officers and other leaders attend, to reinforce the importance of the meetings and drive any resulting action. The panel members are well informed and have received training to help them in their roles. They are provided with regular updates from the force on action taken. The minutes of panel meetings, including recommendations, are published on the Office of the Police and Crime Commissioner website and members share their considerations with the communities they represent.”

Recommendation 5

At the time of writing the Constabulary are in the process of establishing an internal scrutiny panel for the use of force; this will be structured in the same way as the, aforementioned, stop and search panel. The internal scrutiny panel will be led by a police Inspector and consist of a team of officers and staff from across the organisation. They will look at BWV footage and review a selection of chosen incidents where force has been used. The focus will change each quarter and will either focus on an issue identified by the external scrutiny panel or through internal analysis of performance. The findings will feed into the established scrutiny panel process that will allow for learning to be captured and actioned.

Recommendation 6

The external panel cited above is actually a Scrutiny of Police Powers Panel which focuses its reviews of incidents on stop and search as well as use of Taser; they do not review individual incidents of use of force other than Taser. However the Panel are provided with a detailed use of force performance report. This report covers a number of areas, such as overall use trends, the subject concerned (including a breakdown of age, ethnicity and gender), the tactic used, the outcome and comparisons with national averages. This provides detailed insight which also highlights disproportionality. The Panel then have the opportunity to ask further questions and discuss this report.

Recommendation 7

Improving data quality is a recognised priority for the Constabulary and this includes the proper recording of ethnicity. Data relating to stop and search is visualised through Qlik which will highlight to officers and supervisors when there is an error, such as missing ethnicity, and it will prompt them to correct this. Over the last year only 3% of stop and search records had no ethnicity recorded.

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