

# Chief Constables' Council

## Review of the authorisation of officers to carry conducted energy devices

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### **1. PURPOSE**

- 1.1 Currently the use of conducted energy devices (CEDs) is limited to officers that have completed their probationary period and been confirmed in rank. This requirement was discussed at the National Police Chiefs' Council in January 2016 as part of a discussion on the wider role out of CEDs. This discussion resulted in an action being generated for the current position, in terms of the authorisation to train probationers in CEDs be reviewed. This action was accepted by the College of Policing by CC Alex Marshall as the Chief Executive of the College.
- 1.2 A review has been conducted within the Firearms and Less Lethal Weapons team of the College in consultation with the Initial Learning Manager at the College. This paper summarises the review considerations to date and makes a recommendation in respect of the policy for CED authorisation.

### **2. BACKGROUND**

- 2.1 In 2004, following a trial in five forces, it was agreed to allow chief officers of all police forces in England and Wales to make CEDs available to authorised firearms officers (AFOs).
- 2.2 In July 2007 authorised firearms officers were allowed to use CEDs in a broader set of circumstances. These officers were now able to deploy CEDs in operations or incidents where the use of firearms was not authorised but where the use of a CED was proportionate.
- 2.3 Following successful trials, from 1 December 2008, CED use was extended to specially trained units (STUs), i.e. non-firearms officers.
- 2.4 As CEDs were initially issued to AFOs student officers were excluded by default. There was considerable discussion at the time and political sensitivities, amongst other considerations,

determined that the extension of CEDs to STUs adopted similar principles. It was mandated that officers be confirmed in rank as a qualifying criteria.

### **3. CURRENT POLICY**

- 3.1 CED is a weapon to which the Code of Practice on the Police use of Firearms and Less Lethal Weapons (2003) applies and as such is classed as work related equipment rather than personal protective equipment. There is no requirement to train or issue CEDs to all front line officers.
- 3.2 As a less lethal weapon under the Code and current authorised professional practice, CEDs are subject to review and authorisation under the 'systems approach'. This means the entire system (the device, policy, training, technical testing, medical evaluation, supporting infrastructure, reporting and review etc.) is evaluated and approved by a number of parties and ultimately by the Home Secretary. Any change in the system, including to whom it is issued, would require review by these parties and reevaluation of the system as a whole.
- 3.3 From its inception with specially trained units the then ACPO policy (2008) required candidates wishing to undertake CED training to have displayed 'maturity of action' in relation to their conflict management skills, this being supported by their line supervisor and 'signed off' at Superintendent level. This was largely to answer the concern, including from the then Home Secretary, that CEDs should only be given to the more mature and responsible officers. Clearly maturity is not always linked to age, hence the phrase 'maturity of action'. This policy has remained to date.
- 3.4 Student officers undertake the IPLDP programme during their first two years' service, typically being confirmed in rank towards the end. During this period they build a portfolio of evidence against identified competencies and are assessed against key competencies at regular intervals. As well as providing opportunities to demonstrate competence this period also provides time for officers to demonstrate any incompetence they may have in conflict related and other decision making.
- 3.5 Student officers undertake officer safety training during their initial training (phase 1), which typically includes the use of the national decision model (NDM), baton, handcuffs, irritant spray and empty handed skills. Before officers undertake independent patrol, they must evidence in their portfolio one incident of conflict management, during their supervised patrol (phase 3) typically by 28 weeks service. This minimum standard is defined in the Police Action Checklist (PAC) (2015). This evidence takes the form of the officer's account of what they experienced, articulated against the competencies and corroborated by their tutor.
- 3.6 They must evidence a total of three different conflict management incidents before the conflict management competencies can be completed and assessed during their independent patrol (phase 4). Typically this may be achieved with approximately 12 months service. It should be noted that this evidence can be the officer's account of what occurred, corroborated by such things as pocket note book entries and does not necessarily require another officer to have seen or verified the officer's performance. Whilst many may achieve the conflict management competencies within 12 months, on average, recruits will have between 14-19 months to complete the remainder of their portfolio of evidence. Once completed the portfolio can be assessed towards a diploma in policing.
- 3.7 Conflict management only forms a small part of the professional development of a police officer and the above summary does not include all the other demands required of student officers' development to achieve completion of their portfolio.

#### **4. REVIEW CONSIDERATIONS**

- 4.1 Whilst undoubtedly fit for purpose for the current position, the conflict management element of the existing IPLDP system on its own does not provide an appropriately broad foundation on which to base the decision to authorise the issue of CED. Depending on the role(s) undertaken by the officer, their quantitative and qualitative experience of conflict management could vary enormously and could amount to as little as three incidents, only one of which is actually corroborated during tutored patrol. The process also does not allow experience acquired prior to joining the police to feature in any assessment. However, by the time the officer has completed their full portfolio of IPLDP evidence there has been more time and opportunity to demonstrate competence in a broad range of decision making situations.
- 4.2 Consequently if CEDs were made available to student officers prior to completion of the IPLDP there would need to be an additional elective element of assessment that required officers to collect evidence to show they have demonstrated an ability to use legitimate force in an appropriate manner.
- 4.3 Such an approach would require more recording which has raised concerns on the impact it might have on their broader development, given the volume of other competencies that they must meet during IPLDP. It has also been argued that the burden of additional training, and requirement to evidence conflict management, could be at the expense of other skill sets such as de-escalation and communication and negotiation skills, which could be argued as more important areas of focus in an officer's formative period of development.
- 4.4 In reviewing the current prerequisite criteria to CED training it would be prudent to consider the following implications and considerations:
- CEDs are subject of the systems approach, any change in the system may need other parties such as the Home Secretary and SACMILL to consider their position, advice and policies.
  - Taser remains a publically and politically emotive issue, with real scrutiny from the likes of Amnesty International, the Children's Rights Alliance for England and Black Mental Health UK, to name but a few. The extension of CEDs to student officers could undermine the position of restricting CEDs to a limited number of experienced, selected, specially trained officers.
  - The Police Federation has called for the wider roll-out of CEDs to all front line officers. At this time this has not been supported by the NPCC, who maintain this could undermine the concept of policing by consent and that the current threat and risk assessment does not support such a roll-out.
  - It should be noted that two forces, The Civil Nuclear Constabulary and the Ministry of Defence Police as permanently armed forces, do extend firearms training and CED training to student officers. However, this is generally in their core specialist guarding role (with a very low incidence of use) rather than in response policing. It should also be recognised that training in CEDs is in support of the mandatory firearms training and that these officers undergo extensive and robust firearms and less lethal weapons training and assessment, far above that required for IPLDP conflict management.

- In some forces over 40% of response officers are in their probationary period, making it difficult to recruit sufficient Taser officers.
- The decision to use force, under the NDM, can be complex and difficult and the complexity increases when CEDs become a tactical option. CEDs are also typically deployed at more challenging incidents. In such situations, which demand a calm and rational approach, there are clear benefits from officers having experience, in both a qualitative and quantitative sense, to draw upon and inform their decision making. Such experience often comes with longer service.
- Incidents where CEDs are involved are often subject to the most in-depth post incident scrutiny. The College of Policing subject matter expert lead on CED has extensive experience of supporting enquires, independent investigations and inquests as an expert witness in relation to CEDs. It is his experience that on every occasion a key aspect of scrutiny has been the officer's experience and suitability for the role as a CED user. To date this has not been an issue where the current policy has been followed.
- Although the current system has some inadequacies in terms of providing clear evidence of maturity of action it has been found to be effective to date. However, change would require the introduction of an alternative assessment system that could be shown to meet robust criteria.
- Whilst a key requirement for some posts, CED training is strictly voluntary and no officer should be compelled to undertake such training.

## **5. OPTIONS AND RATIONALE FOR RECOMMENDATION**

5.1 The review to date has identified three broad options:

- i. No change. Retain the current policy.
- ii. Allow student officers to apply for CED training when the conflict management competencies have been assessed under the current version of IPLDP.
- iii. Develop a new elective module within IPLDP, only accessible once the conflict management competencies are completed, which must be successfully completed before student officers are permitted to apply for CED training.

5.2 It is the view of the College that the current conflict management element of IPLDP is insufficient of itself to assess an officer's maturity of action. The broader assessment that comes with the completion of the full portfolio of evidence necessary for confirmation in rank provides a more reliable measure and has so far proven to be adequate for the purpose.

5.3 The current IPLDP programme was not designed to be a foundation for CED training. It is the view of the College that student officers already have considerable development to undertake during their first two years of service and having a CED too early, in this essential formative period, could be to the detriment of their broader development.

5.4 If CEDs were to be extended to student officers this should only be during phase 4 and as a result of successfully completing a new elective module within IPLDP. Such a module would require further research and development by both those responsible for the relevant standards in

IPLDP and less lethal weapons. It may also transpire that undertaking such an additional module would not significantly hasten student officer's access to CEDs, as they would likely to be approaching the end of their probationary period by the time it is completed.

- 5.5 Under the current IPLDP programme the amount of recording would have to increase to form a basis for application for CED training, adding to the burden of student officers' portfolio completion. Further demand would also be placed on supervisors, and those responsible for assessment, to evaluate such work.
- 5.6 There is an argument that if student officers have to undertake a specific module in order to elect to be trained in a CED then all officers who carry CED should have to complete it. This would have implications for all officers who have qualified under the current policy.
- 5.7 There has been limited demand for change to the current policy on authorising officers for CED use. Such demand would need to be supported by a Strategic Threat and Risk Assessment (STRA) that demonstrated that threats requiring access to CED could only be met through issue to probationers.
- 5.8 Changes to the current policy would require a significant commitment of resource and time to be invested by the College to develop a new mechanism to assess 'maturity of action'; consult with interest groups, the public and stakeholders; and manage the political implication of any proposed changes. The College does not currently have the resources to carry out this work.

## **6. RECOMMENDATION**

- 6.1 That option i, the current policy, is retained but that this decision is kept under review in the event that changes to the national STRA provide clear evidence of the need for Chief Constables' Council to support a different approach.

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