

Use of Force

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Policy Statement

Summary

West Yorkshire Police (WYP) complies with Authorised Professional Practice (APP) which contains information to assist policing, where this WYP provides additional guidance to Police Officers on a local level.

Force purpose is to attack criminality, reduce crime, protect the vulnerable and provide reassurance. This is to ensure that the people of West Yorkshire can go about their everyday lives in a peaceful environment.

It is accepted to achieve this that during every day Policing that trained officers will be required to use force to achieve the objective of resolving incidents they are dealing with.

This policy explains the circumstances when force can be used, how to resolve conflict, how to present evidence as well as how the National Decision Model (NDM) is applicable when deciding on using force.

Scope

This policy applies to all Police Officers, Special Constables, Police Community Support Officers (PCSOs) and Detention Officers (DO's)

Principles

General

- The Criminal Law Act 1967, Section 117 of the Police and Criminal Evidence Act 1984, Common Law and Section 76(7) of the Criminal Justice and Immigration Act 2008 must be adhered to and referred to when making decisions on use of force.
 - Any equipment used as part of the use of force on a person will depend on each individual case, it must be used in accordance with training procedures.
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Recording

- A record must be completed as soon as practicable and preferably within the tour of duty the force was used. It must be completed before any periods of leave.
- Body worn video should be used in accordance with training to capture instances where force has been or is likely to be used.
- It is the responsibility of the officer to complete their own use of force record. One must be completed for every time force is used on a person. If force is used on more than one person, a new report must be complete for each person on whom force was used.
- A record must be completed for all situations where force has been used over a period of time against person(s) not subsequently apprehended, for

example public order. It is accepted that there may be occasions where there is a lack of detail in such circumstances.

- Where the incident doesn't occur in the officers home force area, they must still complete their own Forces records.
 - A record must be created when one of the following techniques or tactics are used:
 - Handcuffing (compliant and non-compliant);
 - Unarmed skills (including pressure points, strikes, restraints and take downs);
 - Use of dogs;
 - Drawing or use of baton;
 - Drawing or use of irritant spray;
 - Limb/Body restraints;
 - Spit guard;
 - Shield;
 - Conductive Energy Device (C.E.D currently TASER)(in any of the 7 categories of use);
 - AEP: drawn or discharged;
 - Firearms: drawn or discharged; or
 - Other/improvised
 - Where there is a use of a Taser, there is still a requirement to complete a form FA4 alongside the use of force form, as per previous instructions and training.
 - This includes force applied by custody staff.
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Conflict Resolution

Principles

- In order to resolve conflict the following should be considered:
 - The persons behaviour and their level of resistance;
 - If the persons is not compliant, the impact factors which apply to both parties; and
 - The appropriate level of response in accordance with the reasonable officer response options and in conjunction with the NDM.
- The persons level of resistance affects their behaviour:
 - *Compliance*: The person offers no resistance and complies with requests;
 - *Verbal and Gestures*: The person refuses verbally to comply or exhibits body language indicating non-compliance;
 - *Passive*: The person sits or stands still and will not cooperate;
 - *Active*: The person pulls away from or pushes. There is no deliberate attempt to strike or cause injury;
 - *Aggressive*: The person physically fights back; or
 - *Serious or Aggravated*: Any assault where there exists the possibility of great bodily harm or death. This includes production of a weapon by the person.
- The term 'impact factors' relates to the officers assessment of the situation, own ability to deal with the incident and the threat posed.

- The factors that may influence assessment include, relative strength, skill level, exhaustion, alcohol or drugs, imminent danger, mental derangement and own perception of willingness to resist. These factors aren't mandatory to consider and there isn't an exhaustive list.
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Reasonable Officer Response Options

Principles

- The NDM has been adopted for the police service which is designed to assist operational officers, commanders, planners and advisors to manage their response to a situation in a reasonable and proportionate way, providing a simple logical and evidence based approach to making decisions suitable for whether an incident is spontaneous or planned.
 - In relation to use of force, the model should be adopted when being able to justify the decision made when considering use of force. It can be adopted for situations where use of force may have been considered but not needed, allowing for the reassessment where required.
 - Using the NDM, any of the reasonable officer responses can be considered as 'tactical options'.
 - *Officer Presence*: Example includes method of approach, uniform or plain clothes.
 - *Tactical Communications*: Can be verbal and non-verbal, with or without batons.
 - *Primary Control Skills*: Can be use of empty hand skills, escort position, arm and wrist locks, compliance techniques, use of handcuffs or use of baton for restraint techniques.
 - *Secondary Control Techniques*: Example being incapacitant spray if and when available CED (Taser)
 - *Defensive Tactics*: Blocks, strikes and takedowns. Empty hands and batons followed by control techniques.
 - *Deadly Force*: Any action which may cause serious bodily injury.
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Reporting Use

Principles

- It's important that all officers inform the custody officer when the detainee is initially brought into the custody area about the type and level of force used.
- A pocket notebook entry must be made about the use of force as soon as possible after the incident as well completion of the use of force reporting form.
- A MG 6C (non-sensitive material) and a use of force form, if used, must be attached to any subsequent file.
- Actions may need to be defended in both the criminal and the civil courts.

- Once a PAVA irritant spray has been used, it must be removed from circulation. The canister does not need to be entered on Niche as an occurrence and subject to any civil action or complaint against police relating to its use, may be disposed of after a period of 28 days.
- Once a CED (Taser) has been used, the Taser extended operational use policy procedure for the post incident procedure must be adhered to.

Additional Information

Compliance

This policy complies with the following legislation and guidance:

- APP Operations
- APP Public Order
- Criminal Law Act 1967
- Police and Crime Evidence Act 1984
- Common Law
- Section 76(7) of the Criminal Justice and Immigration Act 2008

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