

## Use of Force

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## Policy Statement

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### 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 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 everyday Policing 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.

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### Scope

This policy applies to all Police Officers, Special Constables, Police Community Support Officers (PCSOs) and Detention Officers (DOs).

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## Principles

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### General Legal Compliance

- 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.
  - The Police (Conduct) Regulations (2012).
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### Legitimacy of Policing

- West Yorkshire Police recognises that to achieve its objectives that it requires the support of the public and so must preserve public trust and confidence.
  - West Yorkshire Police recognises and understands concerns about inequalities in the use of force and that these are more likely to exist from ethnic minority and other marginalised communities where there are often legacies of police action that require ongoing appreciation.
  - West Yorkshire Police will endeavour to understand how to identify inequalities, influence and inform perceptions of proportionality and work with communities to reduce any inequalities discovered.
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## Conflict Resolution

### Principles

The National Decision Model 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 must 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.

In order to resolve conflict, the following must be considered:

- The persons behaviour and their level of resistance;
  - If the person 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 police decision making:
    - *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' refer to situational or relative descriptions of people or circumstances that may inform or influence the subjective decision making of officers through dynamic risk assessments which lead to the decision to apply force or not.
  - Such factors may include, but are not limited to: relative strength or size, skill level, exhaustion, alcohol or drugs, numbers, mental illness, the nature or severity of the offence, own perception of willingness to resist and cultural issues (e.g. urban street gang or OCG influences).
  - Using the NDM, any of the officer responses can be considered as 'tactical options' as long as they are reasonable and proportionate in the circumstances.

- *Officer Presence*: Example includes method of approach, uniform or plain clothes.
  - *Tactical Communications or verbal de-escalation*: Can be verbal and non-verbal, with or without batons.
  - *Defensive/Offensive Skills*: Can be use of empty hand skills including blocks, strikes and takedowns, arm control techniques, any use of police equipment such as baton, PAVA, handcuffs, TASER etc.
- Any of the above-mentioned skills/options must be used proportionately but may extend to deadly force (serious bodily injury/death).
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## Reporting Use and Scrutiny

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### Reporting

- 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. It is expected that records will always be made on:
  - Arrest;
  - Detention under a mental health focussed power;
  - In order to conduct a stop and search; and/or
  - In custody (this includes custody staff)
- Where post incident procedures are initiated the record of officer actions will be as per the APP for such procedures.
- A record must be created when one of the following techniques or tactics are used:
  - Tactical communication or verbal de-escalation skills
  - 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);
  - AEP: drawn or discharged;
  - Firearms: drawn or discharged; or
  - Other/improvised
- **It must be emphasised that the above are not listed in a hierarchical order in any way and that the tactics are simply a group of options that must be selected according to necessity and proportionality.**
- 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. For individuals using an electronic pocket notebook, the use of force

form will double up as the entry so there is no requirement to do a separate electronic record.

- A record must be completed as soon as practicable and in any case within the tour of duty the force was used. This can be done on the hand-held Galaxy device or on desktop Pronto Manager.
  - 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.
  - Where the incident doesn't occur in the officers home force area, they must still complete their own Forces records.
  - It is 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 MG 6C (non-sensitive material) and a use of force form, if used, must be attached to any subsequent file.
  - 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 Conductive Energy Device policy procedure for the post incident procedure must be adhered to.
  - Body worn video must be used in accordance with training to capture instances where force has been or is likely to be used. Please refer to the policy for more information.
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### Scrutiny

- The decision to apply force and the application of force by an individual will be subjective; to ensure those actions are proportionate, accountable and legitimate the accounts of officers are open to scrutiny which involves testing or checking the records made in the decision to apply force.
  - WYP has developed processes to accommodate the need for scrutiny to be proportionately applied, with a recognition that feedback as part of the individual's own development is key to enhance police effectiveness and legitimacy.
  - The actions of police officers and police staff are subject to scrutiny from line managers through to criminal investigation, and community scrutiny panel.
  - Governance for the scrutiny of the use of force is with the Use of Force Gold Group and the appointed Chief Officer. This Gold Group will examine performance, training, equipment and the community impact of the police use of force.
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## Additional Information

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### Compliance

This policy complies with the following legislation, policy 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
  - Conductive Energy Device policy
  - Body Worn Video policy
  - Data Protection Act 2018
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