

COMMUNITY OUTCOMES MEETING

MAKING SURE CRIMINAL JUSTICE WORKS FOR COMMUNITIES

26 September 2018

SUBJECT: USE OF FORCE
Report of the Chief Constable

<p>PURPOSE OF THE REPORT</p> <p>1. This report outlines the West Yorkshire Police update in relation to the Use of Force.</p>
<p>RECOMMENDATION</p> <p>2. That the Police and Crime Commissioner uses this report to scrutinise Force performance in respect of Use of Force matters.</p>
<p>POLICE AND CRIME PLAN</p> <p>3. The Use of Force by West Yorkshire Police officers and staff is of vital importance to our efforts of keeping West Yorkshire safe and feeling safe. It directly links to the outcomes of tackling crime and anti-social behaviour and often safeguarding vulnerable people and is also crucial for maintaining public confidence in the police.</p>
<p>KEY INFORMATION</p> <p>4. The Police and Crime Commissioner (PCC) appreciates that Use Of Force can be a concern by the public but that West Yorkshire Police Officers are required at times to use force in order to achieve our Policing purposes which include protecting the vulnerable, attacking criminality and reducing crime.</p> <p>5. The PCC first backed a campaign called 'Protect the Protectors' in February 2017, which incorporated protecting all emergency services colleagues from assaults.</p> <p>6. The PCC is aware of the WYP requirement with regards to the use of Bite and Spit Guards for frontline officers. Body Worn Video was funded by the PCC in September 2016. He invested £2 million pounds from a 'Transformation Fund' to support the project and promised to put victims of crime, in particular the most vulnerable first, and the use of body worn cameras provides increased support to victims and witnesses and reduces the number required to attend Court. Their use also means increased benefits for police accountability and transparency which will help resolve complaints and increase confidence in the police all round.</p>



Chief Officer Team Briefing for COM

Title: Use of Force

CoT Sponsor: ACC Kingsman

SUMMARY

1. This report outlines the requirement placed on all Forces by the Home Office to record the Use of Force by officers and staff and submit the data to the Home Office. It details the tactical options available to officers and the records submitted in relation to their use.

REPORT DETAILS

2. Like all forces WYP were required to commence the recording of Use of Force (UOF) from the 1st April 2017. The first Annual Data Return (ADR) to the Home Office for all data relating to UOF was required by the 31st March 2018. 12 months of data has been forwarded to the Home Office.

The Home Office are now in the process of examining data from all UK forces and identifying any issues which need to be addressed to ensure a consistent approach has been taken by all forces.

WYP continues to engage in communication with the Home Office as part of this process and the App on the mobile device continues to be revised to ensure that we complying with the requirements of the ADR.

Recommended practice for all forces is to release locally details of quarterly data that relates to UOF. This will be conducted again following confirmation from the Home Office that they have confirmed data sets from each of the UK forces. This is likely to be in the autumn of 2018.

Officer and Staff Requirements

3. West Yorkshire Police Officers and Police Staff are required to submit reports via the UOF App on the mobile device or via the pronto manager on a desk top computer.

Officers are required to submit UOF reports in a number of circumstances which includes the application / use of:

Tactical Communications - this includes officer presence and communication skills to resolve conflict at an incident.

Handcuffing – both compliant and non-compliant handcuffing

Baton – this includes drawing and striking with the Baton

Spit and Bite Guards – in a custody setting or outside of custody

CED – Conducted Energy Device or Taser as it is commonly known, used in prescribed modes of drawn, aimed, red dot, arced, fired, angle drive stun.

Firearms – both aimed and fired

Use of Force Data 1st April to 2017 to 31st March 2018

4. 16,165 use of force reports were submitted by Officers and Staff in this 12 month period. This can be seen as being under reporting in the context of their being circa 4,000 arrests per month. This is still a relatively new process after many years of use of force not being recorded. Communication has and will continue to take place to increase the number of reports.

It should be noted that the Officers / Staff are required to record all of the tactical options that they used at an incident and rank them in terms of order of use and their effectiveness in resolving the situation. This can be broken down into the following areas:

Tactical Communications

5. Tactical communication was recorded as being the effective 1st tactic on 9,889 occasions. This is the most effective 1st tactic which resolves conflict during operational incidents. This indicates that our officers and staff are focussed on using dialogue effectively to promote de-escalation.

Handcuffing

6. Compliant Handcuffing was recorded as being the effective 1st Tactic on 4,110 occasions. This ranks 2nd behind Tactical communication as being the most effective 1st tactic. Non-compliant handcuffing was recorded on 2099 occasions as being the effective 2nd tactic. This indicates that other tactics are adopted firstly (such as tactical communications and compliant handcuffing) before non-compliant handcuffing is required to resolve the incident)

Baton

7. A Baton being drawn was recorded as being the effective first tactic on 25 occasions. A Baton being used in a striking manner was recorded as being the effective 2nd tactic on 12 occasions. 17 uses of the Baton in this manner features as being the 3rd tactic used which resolved the situation faced. This shows that other tactics are adopted before a baton is used in a striking manner which as we know carries a higher risk of injury being caused.

Spit and Bite Guards

8. Spit and Bite Guards have been a valuable addition to the front line officer's equipment which they carry. The COT agreed in 2017 that they could be used outside of a custody setting. This was due to the significant evidence base of our Officers and staff being assaulted by spitting.

In terms of use of force reports they were recorded as a total on 132 occasions. They were recorded as being used in Custody on 41 occasions. They were recorded as being used outside of custody on 91 occasions. On 9 occasions they were recorded as being the effective 1st Tactic. On 38 occasions they were recorded as being the effective 3rd Tactic used. Again this shows that other tactics are being attempted before resorting to use of the guard.

It should be noted that there were 341 recorded instances of Police Officers and Staff being spat at during the 12 month period 1st April 2017 to March 2018. 324 of these were Police Officers and PCSOs. The remaining 17 were other Police Staff members such as Detention Officers. As such spitting as an assault remains a threat towards our Officers and Staff.

In terms of operational learning there has recently been a survey conducted in relation to the views regarding effectiveness of Spit and Bite Guards. The response from Officers and Staff was largely positive with 507 responses overall. 93.9 % of those who had deployed a Spit and Bite Guard stated that they were satisfied with its effectiveness. 89.8% of all respondents felt that it was an effective Officer Safety tool.

There have been some negative comments regarding the resilience of the guard in terms of occasions when some people have managed to spit through the fabric of the guard. As a result of this other Spit and Bite Guards being used in their forces are to be examined to establish if a superior product can be sourced.

CED (Taser)

9. Taser was recorded as being used a total of 446 occasions. It was recorded as being used in a non-firing capacity alone on 382 occasions. On 252 of these occasions it was used in a red dot mode. It was recorded as being used in a firing capacity on 64 occasions. Taser continues to be used proportionately in WYP which mirrors closely data from recent years.

Firearms

10. Firearms data is captured and sent to the Home Office in a separate ADR to the Use of Force ADR. In the 12 month period Armed Officers were authorised and deployed on 896 occasions. Out of this number 476 deployments concerned Armed Response Vehicles – ARV's. There were 0 (zero) discharges of conventional firearms in this time period.

In terms of use of force reporting in relation to Firearms deployments there are 148 reports submitted which relate to Firearms being pointed at subjects who have been detained / arrested.

Officers Injured whilst using force

11. The Use of Force reporting process gives Officers the opportunity to note whether they were injured or not during the process. There are 856 records of Officers being injured during incidents where force was used. This is out of a total of 16,165 reports, which is circa 8% of all use of force reports.

STRATEGIC RISK IMPLICATIONS

12. West Yorkshire Police has a responsibility to protect staff exposed to risk as part of their duties under the Health and Safety at Work Act (1974). This duty further extends to people in our care

13. Officers Must be able to justify their use of force in accordance with
 - Criminal Law Act 1967 Section 3
 - Common Law
 - Human Rights Act 1998
 - Police and Criminal Evidence Act, Section 117
 - Criminal Justice and Immigration Act 2008, Section 76
 - National Decision Model

EQUALITY, DIVERSITY AND HUMAN RIGHTS CONSIDERATIONS

14. Policies and procedures are in place to ensure that the police have a legitimate aim to use force only when and where appropriate and officers are accountable for any use of force on any member of the public.

15. The use of force must be justified in accordance the Human Rights Act it is accepted that use of force may interfere with rights of individuals however this is only permitted on a legal and legitimate basis and any forced used must be reasonable, proportionate and necessary in the circumstances.

16. The enhanced recording of use of force will Improve the ability to monitor use of force against each charectorisic, improve and identify disproportionality gaps and allow the appropriate accountability and transparency to the public.