

COMMUNITY OUTCOMES MEETING

23 May 2018

**SUBJECT: USE OF FORCE**  
**Report of the Chief Constable**

**PURPOSE OF THE REPORT**

1. This report outlines the West Yorkshire Police update in relation to the Use of Force.

**RECOMMENDATION**

2. That the Police and Crime Commissioner uses this report to scrutinise Force performance in respect of Use of Force matters.

**POLICE AND CRIME PLAN**

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.

**KEY INFORMATION**

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.
5. The PCC first backed a campaign called 'Protect the Protectors' in February 2017, which incorporated protecting all emergency services colleagues from assaults.
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.



## Chief Officer Team Briefing for COM

**Title: Use of Force**

**CoT Sponsor: ACC Kingsman**

---

### **SUMMARY**

1. This report provides an update on the Use Of Force reporting requirements placed upon all Forces by the Home Office.

### **REPORT DETAILS**

2. Like all forces WYP were required to commence the recording of Use of Force (UOF) from the 1<sup>st</sup> April 2017. The first Annual Data Return (ADR) to the Home Office for all data relating to UOF was required by the 31<sup>st</sup> March 2018. 12 months of data was forwarded to the Home Office by WYP and this data was made public on the 13<sup>th</sup> December 2018. The data can be accessed via the WYP website.
3. The latest data set will be forwarded to the Home Office on the 30<sup>th</sup> April 2019. It is anticipated that this information will be made public during the Summer of 2019.

### **Officer and Staff Requirements**

4. 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 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019**

5. 15,821 use of force reports were submitted by Officers and Staff in this 12 month period. This compares to 16,165 reports submitted in the previous ADR. It should be noted that arrest figures have fallen slightly in the past 12 months so the UOF reports for 2018/2019 are viewed as being comparable to 2017/2018

This data is still viewed as being an under reporting in the context of the arrests and incidents that have taken place in the past 12 months.

Following this internal audit have been requested to prepare a report on UOF reporting and its recommendations are being considered and will be reported in the future.

ACC Kingsman has raised this as an issue with District Commanders and an intranet video has been produced to explain the importance of this process. All Officers who attend Officer Safety Training will be receiving an input on the requirement to undertake UOF reporting and Mr Kingsman's video will be played as part of this.

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**

6. Tactical communication was recorded as being used on 10,966 occasions. This is the most effective 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**

7. Compliant Handcuffing was recorded as being used on 6,952 occasions. This ranks 2<sup>nd</sup> behind Tactical communication as being the most used tactic. Non-compliant handcuffing was recorded on 4305 occasions. 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**

8. A Baton being drawn was recorded as being the effective first tactic on 122 occasions. A Baton being used in a striking manner was recorded as being used on 72 occasions. 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**

9. 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 248 occasions. They were recorded as being used in Custody on 35 occasions. They were recorded as being used outside of custody on 213 occasions. In the context of the thousands of detainees per year this remains a low number but the issue of Officers and Staff being spat at remains a concerning one. On average there are 20/30 recorded incidents of Officers and Staff being spat at every month.

In terms of operational learning, a previous survey was 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.

All deployments of Spit and Bite Guards are subject of an operational review by the on duty Chief Inspector Cadre.

### **CED (Taser)**

10. Taser was recorded as being used a total of 784 occasions. It was recorded as being used in a non-firing capacity alone on 702 occasions. On 501 of these occasions it was used in a red dot mode. It was recorded as being used in a firing capacity on 82 occasions. Taser firings attract the highest levels of scrutiny and all are reviewed by the on duty Firearms Cadre Chief Inspector. In the context of the thousands of emergency calls that the force deals with, Taser is fired on average only 7 times a month.

### **Firearms**

11. In terms of conventional firearms, there were 380 use of force reports for firearms being aimed at subjects during incidents / arrests. There were no discharges of conventional firearms in this period.

### **Injuries to Police Officers**

12. There were a total of 880 Police Officers who as part of the reporting process noted that they were injured during the incident that they deal with. 871 noted as minor injury and 9 noted as severe injury. This is an increase of 24 from 856 reports in the previous year.

## **STRATEGIC RISK IMPLICATIONS**

13. 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.
14. 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
- Decisions are made using the National Decision Model

## EQUALITY, DIVERSITY AND HUMAN RIGHTS CONSIDERATIONS

15. 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.
16. 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.
17. 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.