

WILTSHIRE POLICE FORCE POLICY



Use of Force

Date of Publication: March 2020
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POLICY STATEMENT

Wiltshire Police complies with Authorised Professional Practice (APP) which contains information to assist policing activity across a range of different areas such as Public Order and Firearms. Wiltshire Police also provides additional guidance to Police Officers on a local level where it is considered necessary to do so.

The Force's purpose is to attack criminality, reduce crime, protect the vulnerable and provide reassurance. This is to ensure that the people of Wiltshire can go about their everyday lives in a peaceful environment. In order to achieve this it is accepted that during every day policing trained officers may be required to use force when resolving the 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.

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.
- Where force has been used the officer is to complete the USE OF FORCE FORM (Electronic Form on Niche). It is the responsibility of the officer to complete their own use of force record. One must be completed every time force is used on a person. If force is used on more than one person, a new report must be completed 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.
- In situations where the subject of the use of force is not identified or is unknown, the process detailed in [appendix A](#) will be used.
- 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 takedowns);
 - 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); Drawing or use of the Taser;
 - AEP: drawn or discharged;
 - Firearms: drawn or discharged; or
 - Other/improvised
- This includes force applied by custody staff.

Conflict Resolution

In order to resolve conflict the following should be considered:

- The persons behaviour and their level of resistance;
- If the person is not compliant, the impact factors which apply to both parties;
- 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;
 - the possibility that the person is suffering (or believed to be suffering) from Acute Behaviour Disorder (ABD). Any ABD should be treated as a medical emergency and the subject be transported to hospital.
 - officers and staff must be mindful when considering the use of force on persons perceived to be vulnerable due to medical conditions, mental health history or age.

Reasonable Officer Response Options

The NDM has been adopted for the police service and is designed to assist operational officers, commanders, planners and advisors manage their response to a situation in a reasonable and proportionate way. The NDM provides a simple logical and evidence based approach to making decisions whether an incident is spontaneous or planned.

The NDM should be adopted when considering the use of force. It can be adopted for situations where use of force may have been considered but not needed, allowing for a 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 plainclothes.
- *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.
- *Defensive Tactics*: Blocks, strikes and takedowns. Empty hands and batons followed by control techniques.
- *Secondary Control Techniques*: An example being PAVA spray and if and when available CED (Taser).
- *Deadly Force*: Any action which may cause serious bodily injury.

Reporting Use

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 as completion of the use of force form.

An 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, double bagged, exhibited and booked into SPR through NICHE. The canister will be forwarded to Force Operations and may be disposed of after a period of 28 days subject to any civil action or complaint against police relating to its use.

Once a spit and bite guard has been used, it should be disposed of as Bio-Hazardous waste, unless needed as evidence. A replacement spit and bite guard can be obtained from custody or the HQ Supplies department. See [Spit and Bite Guard Procedure](#) for more information.

Once a CED (Taser) has been used the [TASER X2](#) or [TASER X26](#) Standard Operating Procedure should be referred to and the post deployment of Taser procedure adhered to.

POLICY AIM

The aim of this policy is to ensure that there is an efficient and consistent approach adopted across Wiltshire Police in regard to the use of force.

The **Code of Ethics** published in 2014 by the College of Policing requires all officers and staff to do the right thing in the right way. It also recognises that the use of discretion in Policing is necessary but in using discretion, states that you should, *"take into account any relevant policing codes, guidance, policies and procedures into consideration."*

APPLICABILITY

This policy applies to all Police Officers, Special Constables, Police Community Support Officers (PCSOs), Detention Officers (DOs), Local Crime Investigators (LCIs), Enquiry Officers and Prisoner Transport Teams.

LEGAL BASIS AND DRIVING FORCE

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.

RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS

[Spit and Bite Guard Procedure](#)

[TASER X2 Standard Operating Procedure](#)

[TASER X26 Standard Operating Procedure](#)

[Dogs Standard Operating Procedure](#)

[Firearms Standard Operating Procedures](#)

AUTHORISED PROFESSIONAL PRACTICE

[Operations](#)

[Public Order](#)

[Armed Policing > Use of Force](#)

[National Decision Model](#)

[Detention and Custody > Risk Assessment](#) > 3.7 Acute Behavioural Disorder

DATA PROTECTION

Any information relating to an identified or identifiable living individual recorded as a consequence of this policy will be processed in accordance with the Data Protection Act 2018, General Data Protection Regulations and the [Force Data Protection Policy](#).

FREEDOM OF INFORMATION ACT 2000

This document has been assessed as suitable for public release.

MONITORING AND REVIEW

This policy will be reviewed every two years in the light of any national policy or procedural change or due to changes to law or Force strategy or at such other times as may become necessary.

WHO TO CONTACT ABOUT THIS POLICY

The Head of HQ Operations and Contact Management is responsible for this policy. All queries relating to this policy should be directed to the Head HQ Operations and Contact Management or the Force Policy Officer.

Adding a Use of Force form where offenders details are unknown

When adding a Use of force form for an unknown offender, either open the Pre-Planned event: (e.g. Football match) occurrence or for Non Planned events: an occurrence must be created by one of the officers involved.

Create person record as per the Niche Data Quality Minimum standards for Unknown Suspect.

Unknown Suspect	Detailed description (Minimum of four including height (correct format), build, ethnicity, hair and clothing). May also include identifying features such as accent, eye colour, scars or birthmarks etc.)
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Please see [Niche RMS Minimum Data Quality Standards](#) for full details.

Link the created person record to the occurrence.

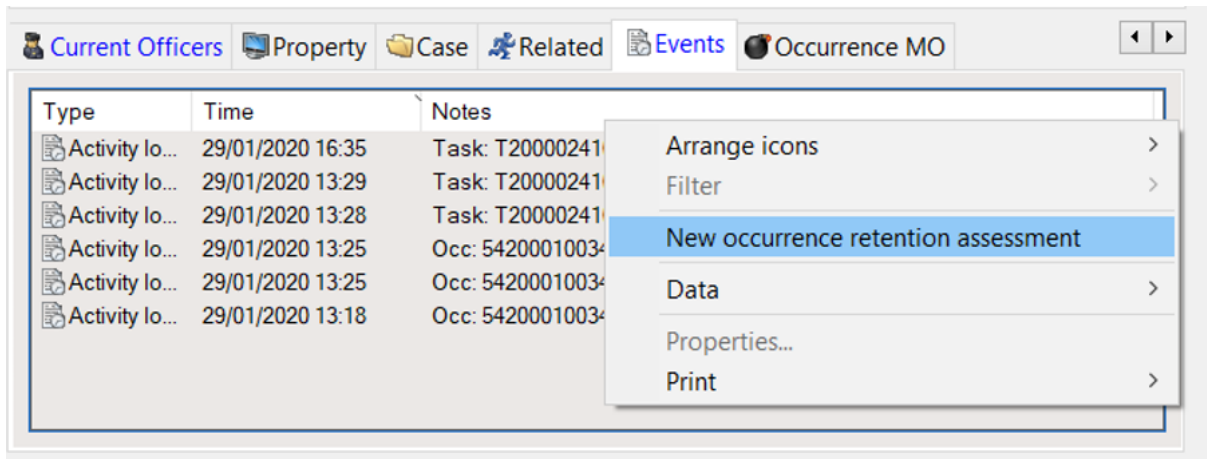
Then open the person record within the occurrence and go to the occurrence events/reports. Right click in the grey area, click New, then scroll and find the Use of Force report and click on it, this will bring up the report for you to complete.

The screenshot displays the Niche RMS interface. On the left, a form for a person record is visible, with fields for Id #, PNC Id, Decd, Name, Gender (Female), DOB (01/01/1982), and Description (Height: 165cm, Weight, Build: Medium, Hair colour: Dark brown, Eye colour: Blue). Below the form is a table of occurrence events/reports. The table has columns for Type, Author, and Time. A right-click context menu is open over the table, showing options like 'Arrange icons', 'Filter', 'New', and 'Data'. The 'New' option is highlighted. On the right side of the screen, a list of report types is displayed, including 'Mental health monitoring form', 'MG11 witness statement', 'Misc. legal document', 'Missing/absent person report', 'NRAC', 'Offender detection report', 'PDF / SCANNED PRECONS FROM PNC', 'Person RTC report', 'Person stop/search Report', 'PHOENIX INFO FORM', 'PND1 CHECK REQUEST/RESULT', 'Public protection notification report', 'Retention assessment', 'RISK ASSESSMENT SEX WORKER THREAT SWITCH/REPEAT OFFENDER PROFILE FORM', 'TESTING DO NOT USE SW MG11', 'Use of Force report' (which is highlighted in blue), 'Victim/witness contact management', 'VIPER BOOK', 'Voluntary attendee', 'VRA - Risk Assessment', and 'Warrant'.

Type	Author	Time
Use of force	#7850 HITCHCOX, C.	12/02/2020 11:31

- Mental health monitoring form
- MG11 witness statement
- Misc. legal document
- Missing/absent person report
- NRAC
- Offender detection report
- PDF / SCANNED PRECONS FROM PNC
- Person RTC report
- Person stop/search Report
- PHOENIX INFO FORM
- PND1 CHECK REQUEST/RESULT
- Public protection notification report
- Retention assessment
- RISK ASSESSMENT SEX WORKER THREAT SWITCH/REPEAT OFFENDER PROFILE FORM
- TESTING DO NOT USE SW MG11
- Use of Force report**
- Victim/witness contact management
- VIPER BOOK
- Voluntary attendee
- VRA - Risk Assessment
- Warrant

Once this has been completed then go back to the occurrence scroll along the tabs to the Events tab, right click in the grey area and click on New occurrence retention assessment.



Which will bring up this box.

Occurrence retention assessment:

File Edit View Help

Outcome severity: [dropdown] Assessment time: [text field]

Outcome details: [text field]

Remarks: [text area]

Ready

Then complete the Outcome severity by selecting Group 3, add the date of the Use of force form in the Assessment time and enter Use of force in the Remarks box as below.

Occurrence retention assessment:

File Edit View Help

Outcome severity: Group 3 Assessment time: 14/02/2020 07:28

Outcome details: [text field]

Remarks: Use of Force

Ready

Ensure that you have added yourself as the OIC in the current officer tab, or the officer that has completed the form.

Then close.

DOCUMENT ADMINISTRATION

Ownership:

Department Responsible: HQ Operations and Contact Management
Policy Owner/Author: Supt. Gavin WILLIAMS / Insp. Martyn SWEET
Technical Author: Andrew IRVING / Graham McLAUGHLIN
Senior Officer/Manager Sponsor: ACC Local Policing and Partnerships

Revision History:

Revision Date	Version	Summary of Changes

Approvals:

This document requires the following approvals:

Name & Title	Date of Approval	Version
Continuous Improvement Team	18.03.2020	1.0
Chief Constable	17.03.2020	1.0
JNCC (Not required for all policies)	By email March 2020	1.0

Distribution:

This document has been distributed via:

Name & Title	Date of Issue	Version
E-Brief		
Email to relevant affected Staff/Officers		
Other: (state method here)		

Diversity Impact Assessment:

Has a DIA been completed? If no, please indicate the date by which it will be completed. If yes, please send a copy of the DIA with the policy to the Force Policy Officer.	☐ Yes ☐ No Date:
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Consultation:

List below who you have consulted with on this policy (incl. committees, groups, etc):

Name & Title	Date Consulted	Version
Sarah SOMERS, Paul DREVER, Police Federation, UNISON	20.05.2019	0.2
IAG's (Via Peter FOSTER, Dan GREEN, David TIPPETTS, Lucy THORN, Caroline BURT,	20.05.2019	0.2
Emma SLADE, Molly DUFFY, Martyn SWEET and Zoe TURRELL	12.02.2020	App A

Implications of the Policy:

Training Requirements

Wiltshire Police staff receive regular Personal Safety Training in line with the College of Policing requirement for officers and identified police staff.

IT Infrastructure

No additional IT infrastructure is required to implement this policy.