



**Chief Officer Team
Paper for COM**

Title: Community Outcome Paper - Use of Force

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Summary

West Yorkshire Police is committed to developing its understanding of how officers and staff use force in the execution of their duties. West Yorkshire Police recognises that the intrusive nature of police powers must be proportionate to their legal aim, and that when using force to apply those powers the need for transparency, legitimacy and accountability are essential to maintaining public trust and confidence.

This Community Outcome Paper provide an update on West Yorkshire Police's Use of force, in terms of:

- Governance
- Review procedures
- Public scrutiny of use of force
- Officers and staff safety
- Home Office data submission
- Demographics and inequalities
- Public Complaints

REPORT DETAILS

1. West Yorkshire Police Governance

Recognising the critical role the use of force has by police on policing legitimacy the Chief Constable approved a new governance structure which sees ACC (Specialist Operations) have a strategic leadership of the theme; they run quarterly Gold meetings where strategy and performance are reviewed, and there are then quarterly Silver meetings chaired by a Chief Inspector where changes are driven and consistent approaches to overcoming challenges are discussed. The structure also has a frontline user forum where officers are engaged in the practical issues affecting performance, included in this are specific groups where the voices of ethnic minority officers can be amplified.

The first areas of work have been:

- A review of policies surrounding the use of force and compliance in reporting and review; we are not just looking for minimal use of force but for the need to use force at all to be minimised
- A review of the taser (extended use) policy with a much more detailed level of scrutiny and review
- Digital innovation to make the completion of use of force forms easier
- An innovative approach in conjunction with the Cambridge Centre for Evidence Based Policing which is offering a new insight into accurately understanding inequalities in the use of force
- Looking at the use of force in mental health-based detentions
- Engagement with the Independent Scrutiny and Advisory Group on Race, Inequality and Police Legacy Issues

The governance structure has raised areas of work that have since been adopted by HMICFRS as expectations on this area of policing:

- the workforce needs to understand how to use force fairly and proportionately
- the Force needs to understand and improve the way it uses force
- forces should ensure supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage (new)
- forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action (new)

2. Use of Force by Police –

Relevant legislation, common law and case law are hyperlinked for further information:

- [Section 3 of the Criminal Law Act 1967](#)
- [Section 117 of the Police and Criminal Evidence Act 1984](#)
- [Section 76 of the Criminal Justice and Immigration Act 2008](#)
- [Common Law](#) (CPS guidance covering use of force and police powers)
- [College of Policing Guidance](#) – conflict management

3. Reviewing a Use of Force

a. Internal accountability

Officers are taught to use the National Decision Model to proportionately manage conflict.

When assessing this from a third party perspective it is important to recognise that while the subject's behaviour and the officer's response can be categorised with some ease, the decision as to what is proportionate must take into consideration relative impact factors that will significantly affect what force was necessary in the circumstances. Such factors will include, but are not limited to: age, gender, nature and severity of offence suspected or committed, emotional, possession of weapons, numbers involved, intoxication through drugs or alcohol, cultural pressures (e.g. from gang culture).

It is also important to consider that the use of force is not a binary decision (like whether to use stop and search powers) but a graduated response, and that it can be pre-emptive to prevent officer injury as well as reactive to an immediate threat to officers.

Uses of police firearms, taser and spit/bite guards are reviewed by our Chief Inspector Force Critical Incident Cadre and these are probed daily by the Duty ACC and wider Chief Officer Team. Processes are being developed through the summer (and will be in place by the time of this report being presented) for consistent local reviews on wider uses of force, all of which are subject to public scrutiny through our local Scrutiny Panels.

Linked discussions to the work done in Scrutiny Panels are held in local and force-wide Independent Advisory Groups and the Independent Scrutiny and Advisory Group on Race, Inequality and Police Legacy Issues.

b. Public Scrutiny

Around a year ago West Yorkshire Police launched a revised model of public scrutiny with greater use of technology supporting remote scrutiny through online facilities. As social distancing rules relax we will return these meetings to the physical format too.

Our Scrutiny Panels are essential to understanding community opinion but also measuring community understanding of policing and by addressing these in balance we seek to demonstrate the legitimacy of policing and secure public support. A refreshed question set that accommodates views on legitimacy has been produced.

For scrutiny purposes panel members may be provided one or all the following:

- Written records of use of force encounters redacted of personal information to enable analysis of individual encounters.
- Un-redacted Body Worn Video footage to facilitate real world understanding and appreciation of use of force encounters (controlled by a strict Code of Conduct and Ethics, Disclosure and Confidentiality Arrangement, and a comprehensive Data Protection Impact Assessment).
- Management Information that provides a holistic overview of use of force data for the force and particular districts that facilitates an understanding of various aspects of use of force.

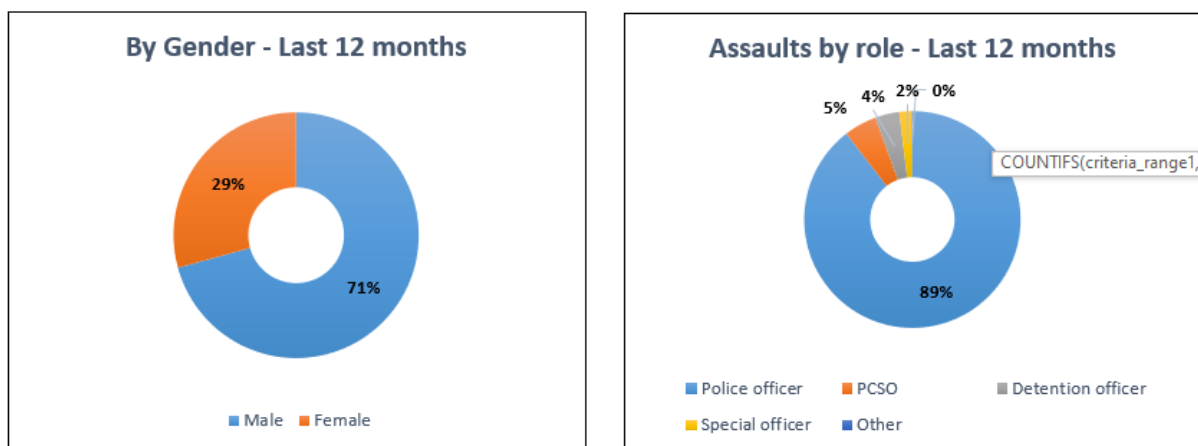
4. Officer and Staff Safety

Assaults on officers/staff have been steadily rising over the past few years.

NOT PROTECTIVELY MARKED

Between 1st July 2020 and 30th June 2021, 2,421 assaults on officers / staff were recorded. This is a 16.6% increase on the previous 12 months.

The below charts show the breakdown of officers/staff assaults by gender and role for the period July 202 to the end of June 2021.



- The most common assault types suffered by officers and staff are kick, spit and hit/punch with kicking seeing the largest increase (15.9%) comparing 2021 to 2020.
- 71% of assaults are suffered by male officers and 29% by females.
- The most prevalent places for officers to be assaulted are: street or highway (39.3%), in a domestic dwelling (30.2%) and in a custody area (12.2%).
- Police officers are the victim in 89% of assaults on WYP people, 5% of victims are PCSOs, 4% are detention officers and 2% are Special Constables.

Officer Safety Training consists of a 7-day initial course and an annual one-day refresher course. Current training is in line with College of Policing Authorised Professional Practice and it is anticipated that College of Policing guidance will change in the next year and increase the annual refresher training to two days.

Use of force data and feedback from our review process inform the training cycle so that the training content goes above and beyond the manual. We are introducing situational judgement scenarios that are subject to group discussion to improve officer safety and reductions in the amount of force used.

5. Data Submission on the Use of Force

There is an expectation that all officers complete a use of force form and that the incident is captured on Body Worn Video. This footage has proven to be of incredible value in demonstrating the legitimacy of officer actions, with the perspective it gives offering insight into the pressures the officer was under and the necessity of their actions.

As of the 1st April 2017 all Police Forces were required to record and submit to the Home Office annual data regarding use of force.

Officers and staff are required to record all the tactical options used at an incident ranking them in the order of use allowing identification of those that are most effective in defusing and de-escalating a situation. Where force is used prior to a person arriving in police detention the officer MUST report to the Custody Officer (SGT) and the use of force must be recorded in the circumstances of arrest

The use of force is categorised as follows:

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Tactic	Further Comment
Tactical Communications	Including officer presence and communication skills to resolve conflict at an incident.
Handcuffing	Both compliant and non-compliant handcuffing
Unarmed Skill	Including strikes or restraints
Irritant Spray (PAVA)	Drawn or used
Baton	Including the drawing and striking
Spit and Bite Guards	In a custody setting or outside of custody
Conducted Energy Device (Taser)	Used in prescribed modes of drawn, aimed, red dot, arced, fired, or drive stun.
Dog bite	As described
Shield	Shields are a protective measure
Attenuating Energy Projectile	Aimed or fired
Firearms	Aimed and fired
Other / Improvised	As described.

Between 1st July 2020 to 30th June 2021 33,977 UOF forms were submitted an increase of 32.2% on the same period for 2019 to 2020 (22,770 UOF forms).

In the 33,977 forms officers have recorded using 64,649 tactics and they are distributed as follows:

- tactical communication skills or compliant handcuffing techniques consistently as the first tactic in 85-90% of the incidents where force is used
- unarmed tactics are used consistently as the first tactic in approximately 6% of the incidents where force is used
- non-compliant handcuffing techniques are used consistently as the first tactic in 2.2-3% of the incidents where force is used
- the use of the baton, incapacitant spray, ground restraint, spit / bite guard and taser all account for 1% or less (each) of first tactics used at incidents where force is used
- of all tactics used tactical communication skills or compliant handcuffing techniques account for 60-65% of reports, unarmed skills for 17-19% of reports, non-compliant handcuffing for 10% of reports, and use of the baton, incapacitant spray, ground restraint, spit / bite guard and taser all account for less than 2% of all reported tactics.

The recording of the use of tactical communication skills is an area of development as we develop officers' understanding that while no force is applied, methods of verbal communication can still have an impact on people's perception of the police. As such delivering feedback to officers on their communication skills is a central feature of our review and feedback processes.

6. Demographics and Inequalities

Based on the use of force submissions the following demographic distributions are noted

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Age	52% aged 18-34, 29% aged 35-49, 10% aged 11-17, 7% aged 50-64, 0.6% aged 65 or over, 0.1% aged 11 or under.
Gender	81% of detail force being applied to male subjects, and 17% to female subjects (2% not recorded).
Ethnicity	73% white subjects, 14.5% Asian subjects, 6.5% black subjects, 2.3% of mixed ethnicity, 1.2% other ethnicity, 1.9% not recorded.

A new approach to understanding inequalities in police action is being pioneered by the Cambridge Centre for Evidence Based Policing, which was published at the start of the year. Several forces are exploring how to apply this to different areas of policing such as stop and search, ARV deployment, arrest and charge rates, use of surveillance authorities. West Yorkshire Police have forged and approach to using this to understand the use of force, gaining some attention of HMIC and are presenting it at the NPCC Self Defence, Arrest and Restraint conference in September. It

The “Risk Adjusted Disparity Index” approach offers much greater clarity to the analysis and addresses the systemic discrimination that exists in the traditional model of analysis. It measures the proportionality of police action to the threat faced and not the population data (which is out of date very quickly and can result in poor risk management. This is a preferred approach as we can more accurately highlight inequalities in police action that require review and remedy – and we are seeking the support of our scrutiny panels, IAG and others to understand why it is happening.

The table below shows 10 of the uses of force we record and the data shows how much more or less people from ethnic minorities (other than white ethnic minorities) are subject to that use of force: white = 1, less than 1.0 shows the force is used proportionately less than on white people, more than 1.0 shows the force is used proportionately more than on white people:

	White	Asian	Black	Mixed
Taser (contact use)	1.0	1.1 – 1.4	1.8 – 1.9	2.0-2.2
Contact use details incidents in which a subject is exposed to the electric current produced by the device, either through direct contact or through discharge of the barbs.				
Taser (non-contact use)	1.0	1.0 - 1.2	2.2 – 2.3	0.9 – 1.0
Non-contact use includes drawing the taser and making its presence apparent, aiming the taser or demonstrating the electric charge visually to a subject.				
Limb restraints	1.0	0.6 -0.8	1.6 – 1.7	0.6 – 0.7
These are Velcro straps secured around the ankles and knees (only when handcuffs are applied) to limit the movement of the legs and so reduce risk caused by kicking etc.				
Spit / bite guard	1.0	0.6 – 0.7	1.2 – 1.3	0.4
This is a semi-transparent and transparent head covering which prevents a subject from spitting at or biting people without obstructing breathing; when applied the subject is under constant supervision.				
Incapacitant spray	1.0	0.5 – 0.6	1.3 – 1.4	0.6 – 0.7

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WYP use PAVA which is something similar to a pepper spray which caused pain to the eyes, forcing them to close and so limits the subject's ability to cause injury to another person.				
Compliant handcuffing	1.0	1.2 – 1.5	1.4 – 1.5	0.6
Handcuffs are used as a general method of restraint by limiting dexterity of the subject and preventing them from accessing prohibited items or causing injury to any person.				
Non-compliant handcuffing	1.0	0.7 – 0.9	1.5 – 1.6	0.6 – 0.7
As per above this category is when they are applied when the subject is resisting.				
Ground restraint	1.0	0.7 – 0.9	1.7	0.8
This involves limiting the ability of a subject to cause injury to themselves or another by pinning them to the floor until other methods of restraint can be used, and then they are returned to a sitting or standing position.				
AEP	1.0	1.4 – 1.9	1.2 – 1.3	0.8 – 0.9
Attending energy projectiles are a less lethal option carried by armed response vehicle officers only. They have not been discharged at all – this data relates to the pointing of the item only.				
Firearms	1.0	1.5 – 2.0	1.2 – 1.3	1.0 – 1.2
The use of police firearms is tightly controlled. We have initiated an equalities based review of the assessments for the deployments of armed officers, but our initial work also highlights that the submission of use of force forms relates to the planned drawing of firearms when conducting arrest enquiries – when we have five arrest enquiries five reports are submitted, and so the data can be affected significantly by a protracted “man-hunt” as the overall numbers are small. We are trying to reform our recording practices to show the complexity of the deployments. There have been no discharges of police firearms in the last year.				

The above relates to racial inequality alone, but we keenly recognise the intersectionality of this with age and gender and so have developed an innovative approach to presenting the data in demographic charts that allow us to view the distribution of the use of force by age and gender within racial identities.

Our analysis shows a consistent inequality for men aged 20-29, and then less so for those aged 30-39 and 10-19. While these inequalities are consistent we also see that they are generally greater for black men in those aged groups and less consistently for white, Asian and mixed race people in those age groups.

Inequalities for women are not frequent but when they do feature it relates to ground restraint and the use of either limb restraints or a spit guard (this is not unexpected as ground restraint is needed to apply either of the two other pieces of restraint).

The result of this work is highlighting very specific sections of our demographics to add additional scrutiny to. We are generating the data at local levels so that we can address any cultural approaches to using certain uses of force in conjunction with groups we use force on disproportionately. This work will increase our knowledge, inform our training and reflection and enhance our legitimacy.

7. Public Complaints

Between 1st July 2020 and 30th June 2021, West Yorkshire Police received 416 complaint allegations of inappropriate use of force. Of these reports, 167 were resulted as:

- No further action required
- Not determined if service was acceptable
- Withdrawn
- Service provided was acceptable
- Service provided was not acceptable

The remaining 249 are currently shown as live, under subjudice or in a review period. Of all the allegations 132 were linked to females and 281 were linked to males with the remaining 3 are not recorded.

The below ethnicity data shows that of the complainants linked to these allegations:

- 41 Asian
- 28 Black
- 12 Other
- 53 Unknown
- 285 White