

**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Use of Force and the Monitoring of the Compliance of Officer Safety Training (OST)**

**Panel Members’ Findings & Feedback**

**December 2023**

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# **1.0 Overview, Background, Purpose and Methodology**

The Quality Assurance handbook, available on the [PCC’s website](http://www.dyfedpowys-pcc.org.uk/media/6081/002qualityassurancepanelhandbookjune18.pdf), states the background and purpose of the Panel along with how the dip sampling is carried out and what the Panel is asked to consider.

On the 6th of December 2023, members from the Quality Assurance Panel met at Dyfed Powys Police Headquarters to review a selection of Use of Force forms and their accompanying Body Worn Video (BWV) footage. The Panel reviewed 7 Use of Force incidents in total.

A Specialist Operations Trainer, who delivers training to police officers on Use of Force, gave an input to the Panel and advised that the purpose of Use of Force for police officers would be to keep the peace and to uphold the law.

Police Officers may use a range of techniques, including:

* Handcuffing
* Shield
* Unarmed skills
* Irritant spray
* Ground restraint
* Body restraint
* Taser
* Firearms
* Spit and bite guard
* Dog deployment
* Baton
* Tactical communication
* Other / improvised

The College of Policing Authorised Professional Practice states:

*“The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and common law apply to all uses of force by the police and require that any use of force should be ‘reasonable’ in the circumstances. Reasonable in these circumstances means:*

* *Absolutely necessary for a purpose permitted by law; and*
* *The amount of force used must also be reasonable and proportionate (i.e., the degree of force used must be the minimum required in the circumstances to achieve the lawful objective) otherwise, it is likely that the use of force will be excessive and unlawful.”*

Officers are asked to consider the National Decision Model when applying use of force which focuses on:

* Gather information and intelligence.
* Code of Ethics- sets and defines the exemplary standards of behaviour for everyone who works in policing.
* Assess threat and risk and develop a working strategy.
* Consider Powers and Policy.
* Identify options and contingencies.
* Take action and review what happened.

In February 2021, the HMIC published a report outlining the way that police use their powers and their decision making influences the trust and confidence of the public [HMICFRS (dyfedpowys-pcc.org.uk)](https://www.dyfedpowys-pcc.org.uk/en/accountability-and-transparency/force-performance/hmicfrs/). With the Home Office introducing the Uplift Programme, which will increase the number of police officers by 20,000 by 2025, this provides a significant opportunity for forces to recruit officers who are more reflective of the communities they serve. The report highlights that in general, how forces train their officers to use force is considered to be good; however, there are training backlogs in some forces well over 12 months. It is considered that good and regular training is important as officers need the skills to protect themselves and the public.

The Panel were asked to consider the type of force used by officers and whether they felt from viewing the footage that the force was necessary, appropriate and proportionate. The Panel were also asked to take into consideration whether the police officer(s) had received their annual Officer Safety Training (OST). In addition to the Body Worn Video footage the Panel reviewed the accompanying use of force forms to check that the form was reflective of the incident witnessed and that all details had been recorded correctly.

# **Review of Use of Force Incidents**

Case 1 – 23000737962

*Police were called to a Domestic incident whereby the victim has alleged that their partner has seriously assaulted them.*

Positives

* Officers dealing with this incident were considered to be of a high standard. The Panel believed that the officers dealt with the incident well by speaking to the agitated alleged offender calmly and appeared always in control. The Use of Force applied, in this case handcuffs, was considered proportionate due to the allegations of violence made and by the agitated manner the alleged offender conducted themselves with the officers.

Feedback

* The Panel were concerned that the alleged offender in this instance was allowed to continue to drink alcohol whilst discussing the circumstances of the incident with one of the officers outside of the address. Given that the alleged offender was known for alcohol and substance misuse, the Panel considered this to be questionable.
* The alleged offender was swearing profusely whilst discussing the circumstances. The Panel felt that as the person was discussing the circumstances outside the address in a public place, in the early hours, that the officer should have advised the alleged offender to moderate their language. The Panel also observed that the officer, in an attempt to highlight that they were listening used the technique of mirroring (a conversation technique that illustrates that you are listening to what is being said by repeating the dialogue directly back to the communicator) was repeating the bad language back, which was considered to be unnecessary and poor public service to neighbouring families.
* The Officer Safety Training (OST) for this officer exceeded the 12 months requirement. Their last OST was in excess of 2 years and five months to this recorded incident.

Queries Raised

* The officer attending this address was taser trained but did not carry a taser with them. Given that officers were attending a domestic incident with the potential of violence from an alleged offender who was known for being intoxicated, it would be reasonable and proportionate to have the availability of a taser available. Is there a reason why an officer who is taser trained would not carry a taser?

Case 2 – 23000923850

*A child of concern has gone missing on many occasions within a period of an hour and a half. Refusing to stay with the parent and advising officers that they intended to self-harm, the child was later arrested for a criminal incident at the home address.*

Positives

* The OST for this officer was in date and the officers involved treated the child with dignity and respect.
* This was a complex circumstance whereby the child has complicated mental health needs. With this in mind, the officers displayed a very understanding and caring approach, which the Panel were appreciative of.

Feedback

* The clip shown to the Panel did not show the full extent as mentioned in the use of force forms. The short footage the Panel observed was edited to the point that the child was arrested, as this showcased the application of use of force of handcuffing was administered. Due to this, many of the Panel members did not feel they had sufficient context surrounding the circumstances to determine whether handcuffing the child was proportionate. The rationale provided was to prevent escape; however, the child appeared compliant and was heard advising officers that they did not intend to run.

Queries Raised

* The Panel would like to know whether there are any specific guidelines for minors and the use of force?

Case 3 – 23001031320

*Member of the public has approached the police advising that there is an individual in possession of a knife.*

Positives

* OST training for the officer was in date of this incident.
* Use of Force on this occasion was taser (not actioned) and rear handcuffing for the purpose of searching the individual. The Panel felt that due to the potential level of risk to the individual and themselves, also accounting for the individual’s aggressive demeanour, that this was reasonable and proportionate.
* Officers were heard explaining the purpose of the handcuffing, were calm in repeating instructions to the individual and took the time to explain the circumstances of what was happening and going to happen whilst the individual was being searched. Officers were also considered to be in control of the situation throughout the incident whilst the individual appeared both aggressive and intoxicated.

Feedback

* Officers were not heard advising the individual of the purpose of being handcuffed immediately as they were applied. Much later in the footage, the individual asked the officers why they were being handcuffed, at which point one of the officers were heard explaining that this was for the purpose of being searched. The Panel queried whether this should be done at the point of application?
* The use of force form completed does not highlight some of the additional learning needs that the individual had expressed including having autism and ADHD.

Queries Raised

* Should officers declare the purposes of handcuffing immediately when applying them on an individual?
* Given that this incident occurred in the early hours of the morning in a residential area, there was a query from certain members of the Panel whether the police’s blue lights from their vehicles needed to remain flashing whilst the individual was handcuffed and searched for the courtesy of the local residents.

Case 4 –23000956662

*A minor has runaway from their home and had been subsequently arrested for committing a criminal offence. The minor became violent and agitated at the point of arrest and proceeded to assault the arresting officer, who required support to restrain the minor to the ground.*

Positives

* One of the Panel members advised that prior to receiving their induction presentation for the use of force in this meeting; as a member of the public witnessing this incident, they would have found this incident quite distressing. There were a number of officers present restraining the minor on the ground which was acknowledged to be as much for the safety of the minor as it was for the officers. It was therefore judged that the application of ground restraint was proportionate given the escalation of the minor’s aggression, distress and hysteria.
* The minor was considered to be very troubled, exasperated and became hysterical very quickly. Attending officers showed the utmost concern for the child’s safety whilst also displaying excellent communication skills throughout whilst constantly using a calm tone.
* The OST for the officer’s BWV observed and concerned was found to be within the 12 month requirement period.

Feedback

* The Panel felt that the officers involved should be commended. Officers were observed calmly reasoning with the minor in an attempt to explain what was happening despite the difficult circumstances of the minor’s behaviour.

Queries Raised

* Certain members of the Panel had felt that this incident led to broader questions surrounding the responsibility of other agencies to support and follow up with the minor following police involvement. As a result, the Panel would like to understand what would standard procedure surrounding medical and social care services look like after an incident like this with regards to protecting this minor?
* The minor was observed being questioned at the beginning of the clip in the van. The Panel would like clarification should an appropriate adult have been present at this point, and if not, when would it be applicable for an appropriate adult to be present?
* Certain members of the Panel had noticed that the officer involved was taser trained. Acknowledging that this incident may not have required the use of a taser, the Panel would like clarification on whether a taser could be used on a minor and what are the considerations that prohibits the use of a taser.

Case 5 – 23001063158

*An individual had been involved in a physical altercation in a public house and had attempted to drive away despite being intoxicated. The individual had crashed their vehicle into other vehicles parked at the public house and attempted to flee. Officers had located the individual who had received incapacitant spray from supporting officers. Whilst incapacitated, the individual refused to get to their feet for officers arriving at the scene.*

Positives

* The officer attending had in-date OST training.
* The Panel conceded the difficulty of the situation for the officers, given that the individual was clearly intoxicated and non-compliant. The fact that the individual was also using their bodyweight on concrete steps, made this even more challenging.
* Officers were considered to have good communication with the individual throughout, repeating instructions calmly despite the resistance and non-cooperation of the individual involved.

Feedback

* Officers appeared uncertain how to move the individual. They attempted to use the handcuffs as a method. The Panel queried whether this was entirely the most appropriate method, as the officer’s hands and arms were in the periphery of the individual’s mouth. Given that the individual was considered intoxicated and had committed a number of offences prior to officers arriving, it was felt that might indicate potential and realistic harm should this individual intend to bite the officer in an attempt to escape.
* Officers were witnessed discussing and attempting to lift the individual on several occasions for a prolonged period of time. Only towards the end of the clip did officers begin to put on their latex gloves on. The Panel considered that the application of the gloves should have been on much sooner, especially as the individual’s mouth appeared to be bleeding.

Queries Raised

* The use of force form identifies that the individual was displaying active resistance despite lying on the floor. The Panel sighted that protestors who use a similar tactic might be considered to be offering passive resistance. What is the distinction between passive and active resistance?

Case 6 – 23001090288

*An intoxicated individual had been witnessed becoming disorderly and aggressive in a public space. On police attendance, the officer made numerous attempts to take this individual home only to result in an arrest for drunk & disorderly as the individual refused to comply.*

Positives

* OST for the officer concerned was current.
* Officer displayed great patience in dealing with an uncooperative and intoxicated individual. The officer made significant attempts to contact the subject’s parents and attempted several times to take the individual home.

Feedback

* The Panel raised concerns with the way the individual entered the police van. Early in the footage, it was clear that the individual already had an injury to their face; and therefore, may already have suffered a collision to their head.
* Later in the video, after being arrested and escorted to the police vehicle, it was unclear whether the subject was thrown or whether they had jumped into the van which resulted with them banging their head and lying on the floor whilst also being handcuffed to the rear.
* The van door was subsequently closed by the officers as they proceeded to the hospital without propping up or assisting the subject to sit up.
* The Panel were concerned for the individual’s safety at this point, as due to their level of intoxication, lying on their front with possible multiple head collisions and with their hands handcuffed behind their back. This appeared restrictive and potentially dangerous.
* Despite the officers driving the individual to be assessed at the local hospital, on the basis of the video, it was felt that there was potential of further harm to the individual by the manner the officers not ensuring that the individual was sat upright and potentially handcuffed to their front.

Queries Raised

* What considerations are there for vulnerable people when being handcuffed and escorted to custody?

Case 7 – 23000899132

*Responding to a domestic incident whereby the alleged offender held a knife to the partner’s throat and making threats to stab them.*

Positives

* The use of force of a taser and handcuffing for the protection of the officers and individual involved was considered to be proportionate.
* Officers arriving displayed a justifiably cautious approach in the circumstances and used assertive language until the alleged offender had handcuffs applied, which was considered to be proportionate.
* Officers on the scene displayed great communication and a genuine sense of empathy towards the alleged offender’s perceived plea for help in relation to their mental wellbeing.
* The OST for this officer was current.

Feedback

* The use of force form declares that the alleged offender did not suffer from mental health issues, when in the BWV, the communication regarding their mental health was clearly discussed between the officers and the individual.

Queries Raised

* What are the reasons for applying handcuffs to the front or the rear? Majority of BWVs observed has shown that the application of handcuffs have been applied behind the individual’s back.

# **General Comments and Observations**

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| **Observations** | **Force Response** |
| Only one of the seven cases observed by the Panel had expired OST. Has this been a focus for the Force and has the officer since received the relevant training? | During the later part of 2023 there was significant resources put into Public Protective Safety Training (PPST) in order to get officers back into ticket. The PPST training program will commence again in March and those out of ticket will be placed on the early courses by Resource Management Unit. |
| What are the reasons for applying handcuffs to the front and the rear? Majority of BWV observed has shown that the application of handcuffs have been applied via the rear of the subject’s body. Other than case 2, the consensus amongst the Panel believed that the use of handcuffs was proportionate. | The principal reason for handcuffing a detainee is to maintain control of the individual and to minimise the possibility of a situation escalating to a point that would necessitate using a higher level of force or restraint. The decision to use different handcuff techniques depends on the situation that an officer finds themselves in.  The decision to handcuff a detainee is not based on a rigid criterion. It is determined by the nature of each situation as perceived by the officer. To ensure the effective and appropriate use of handcuffs, it is necessary to place the responsibility for handcuffing with the involved officers. Officers should evaluate all available facts and circumstances concerning each person prior to determining whether or not to use handcuffs.  The varied nature of each situation makes it unrealistic to provide specific and detailed guidelines for handcuffing. When determining whether or not to handcuff a person, the following factors should be considered: the possibility of escape or the incident escalating, the potential threat to the officers and other persons, the positional advantage or disadvantage of the officer during searching procedures, the size, relative strength, and skill level of the officer versus the person, and the knowledge of the individual’s previous encounters with the police.  Generally handcuffing a person to the front is considered when a person is relatively compliant. Placing a detainee in a front stack places an officer in a position where they are more vulnerable to attack from the prisoner when applying and removing the handcuffs. Using handcuffs to the front also increases the ability of the detainee to use their hands in a way that could remove hidden items from clothing meaning they could dispose of evidence, swallow drugs or conceal a weapon. It is therefore not advised to handcuff people who are violent in this manner.  Handcuffing to the front also decreases the number of options that are available to officers in custody if the prisoner where to become violent either in the cells or out on the street. Where a prisoner does become violent with the handcuffs in front then techniques such as a cell procedure become extremely difficult to undertake because it would involve lying the suspect on their front. If the handcuffs are positioned in the front, then this is not possible resulting in officers having to potentially fight a suspect at a standing or sitting position rather than controlling them safely on the floor.  Therefore, handcuffing a prisoner from the rear is a safer option for an officer. If an officer handcuffs from the rear with the prisoner standing it takes the officer out of the suspects fighting arc. It allows the officer to push the suspect away from them and safely disengage and gives them time to re asses the situation and to consider increasing the level of force required to detain a suspect safely. Often officers will take a violent offender to the ground and place them into a ground pin. If this is the case, then handcuffing to the rear is the only option available to them.  Handcuffing to the rear also places a detainee off balance. This is important where a detainee is violent. It allows the officer to place an arm between the prisoner’s body and arm and bend them forward where there is a risk of spitting for example. It also allows an officer to lower a detainee to the ground where there is a need to do so for example if they are going to conduct a cell procedure.  Officers are trained in their Officer Safety Training to predominantly handcuff suspects to the rear because it is safer for the officer, for the suspect and allows the officer to have a greater range of self defence techniques should they be required. |
| The Panel would like to know whether there are any specific guidelines for minors and the use of force? | In short yes, an officer can use force upon a child.  Whenever the use of force is necessary, both the general public and members of the police service expect police officers to:   * respect and protect human life and minimise damage and injury. * exercise restraint in such use and ensure that their responses are proportionate and necessary in the circumstances and consistent with the legitimate objective to be achieved. * ensure that assistance and aid are rendered to any injured or affected persons at the earliest practicable opportunity.   When using force officers must be cognisant of the level of force to be used and must always seek opportunity to seek opportunities that prevent the use of force particularly when minors are involved. However, where the use of force is a possibility should always conduct themselves so as to minimise, to the greatest extent possible, recourse to the use of force.  There is no doubt that Police officers face situations on a daily basis where they may be required to use force. The primary responsibility for using force rests with individual officers. Officers are trained to ask themselves,   1. Would the use of force have a lawful objective (e.g., the prevention of injury to others or damage to property or effecting of a lawful arrest) and if so, how immediate and grave is the threat posed. 2. Are there any means short of the use of force, capable of attaining the lawful objective identified? 3. Having regards to the nature and gravity of the threat and the potential for adverse consequences to arise from the use of force (including the risk of escalation and the exposure of others to harm) what is the minimum level of force required to attain the objective identified and would the use of that level of force be proportionate or excessive.   The proportionate use of force is governed through:   * the rights and freedoms contained in the ECHR, which govern the police use of force * Criminal Law Act 1967 * PACE 1984 * common law as supplemented by the Criminal Justice and Immigration Act 2008)   This legislation and these questions are central to the PPST training that officers receive.  When using force against a child officers must consider a number of factors relating to the child including the age, size and vulnerability of the child when deciding to use force. The circumstances in which the officer finds themselves will also be a key factor in deciding on the type and level of force to be used. Let’s not forget holding a child’s hand to prevent them from running away can be considered a use of force. But there are times where the use of force against a child is unavoidable and necessary for the safety of the child, members of the public, officers, and the protection of property.  Officers are also required to use force in situations where a child’s welfare is at risk and the child is at risk of serious harm.  Powers to return a child home include:  1) Common Law Duty of Care - where the police have a legal duty of care under the Common Law, they can do what is reasonable, necessary, and proportionate to prevent that child suffering foreseeable harm. This may justify using force to return a child home if they are in a dangerous situation, but not if the child is in a safe location.  2) Delegation of Parental Responsibility - Anyone with parental responsibility for a child has a right to control a child’s movements to protect the child from harm. This may include using reasonable force to return the child to their home address. One option is for the officer to request the person with parental responsibility to attend the location to collect the child. Where the person with parental responsibility is unable to attend the location to recover their child, the person with parental authority may delegate parental responsibility to the police. However, before using force, officers should confirm that the person with parental responsibility has consented to force being used.  3) S46 Children Act 1989 - the police have an emergency power to take a child into police protection where it is necessary to act immediately to protect a child. Where a child refuses to co-operate, this statutory power gives the police a very clear power to remove a child to a place of safety when this is necessary to prevent them suffering significant harm. Even where the use of force could be justified under the common law duty of care or delegated parental responsibility, in most cases it will be preferable to rely on S46 where grounds exist to use this power, rather than rely on the common law duty or delegated parental responsibility. The circumstances when it is appropriate to exercise this power will generally coincide with the circumstances when intervention relying on common law could be justified. Where a child refuses to co-operate, it is therefore prudent to rely on the statutory power under S46, as this gives the police a very clear power to remove a child to safe accommodation when this is necessary to prevent them suffering significant harm. |
| Should officers declare the purposes/rationale of handcuffing an individual, and if so, when should this occur? | In relation to the query around the handcuffing there is no immediate obligation for an officer to inform the suspect as to why they have been handcuffed. Handcuffing a person on arrest is perceived within the UK population as a regular, and even unremarkable, aspect of police practice. It signifies the reality that the person has been deprived of his or her liberty, and it prevents them from contesting that reality through violence or flight.  PACE 1984 places a legal obligation on officers to inform a suspect that they have been arrested, for what offence and to issue the caution. There are circumstances here where they don’t have to do so immediately if a specific set of circumstances exist. However, there is no obligation to inform the suspect that they are being placed in handcuffs. But Officers do regularly inform suspects that they are handcuffed out of courtesy and to gain co-operation.  When using handcuffs it is important for officers must consider a number of factors and these can be summed up in the A,B,C,D,E approach to handcuffing  (a) - Apply the handcuffs  (B) - Be sure to ask if the handcuffs are too tight  (C) - Check the handcuffs for tightness  (D) - Double lock the handcuffs  (E) - Evidence the justifiable use of handcuffs on a person  The use of handcuffs constitutes a use of force, and any intentional application of force on another person is an assault. Therefore, it must be justified through establishing a legal basis and that it is reasonable, necessary, and proportionate.  Handcuffs should be applied for no longer than is reasonably necessary and will be removed in custody once safe to do so. The custody Sergeant must view the handcuffs on the detainee and make a note on the custody record as to the use of handcuffs and any injuries sustained as a result of their use.  Only in "exceptional circumstances" will their continued use be necessary, such as to undertake further searches or obtain further evidence.  Officers must document that they have used handcuffs and a Use of Force form will need to be submitted by the officer using force as soon as practicable but within 24 hours of an incident where force has been used. |
| Certain members of the Panel feel that such incidents involving use of force with minors ask broader questions surrounding the responsibility of other agencies to support and follow up alongside the police. As a result, the Panel would like to understand what standard procedures are there in place, including those with medical and social care requirements, to look after vulnerable people/juveniles after an incident has taken place? | Following the arrest of a juvenile and or vulnerable adult there are a number of things that officers are required to do to ensure that they receive the right wrap around support both during and post arrest. However as much as we can push this information through to our partner services there is a feeling right across the police service that we are the last caring profession.  A juvenile or vulnerable adult presented at custody will automatically trigger a phone call to their parents and or carers. They will be asked to come into custody to act as an appropriate adult. Where there is refusal to do so or an impossibility due to the parent, carer being a victim or material witness the question will be asked around the availability of another family member or a trusted friend of the family.  Where there is no family available then social services will be nominated by the custody Sergeant to come to assist with the juvenile.  All juveniles will be assessed by the Custody Health Care Provider for a fitness to detain and a fitness to interview.  Where the juvenile is a female then there will be a female member of staff nominated to look after the detainee. This allows the juvenile to feel free to discuss any menstrual and other feminine issues they may have.  Following an arrest of a juvenile a Multi-Agency Referral Form (MARF) will be submitted which is a referral to social services. This will flag up with social services any issues that may be occurring with the family. |
| Certain members of the Panel had noticed that certain officers were taser trained but did not have a taser weapon on their possession. The Panel would like clarification on what considerations should an officer have that prohibits the use of a taser for the general members of the public and whether a taser could be used on a minor or a vulnerable member of society? | An officer’s decision to utilise a Taser is their decision and their decision alone. They can not be ordered to Taser a member of the public by another officer regardless of seniority.  I have discussed the use of force previously in this document and that applies to the use of Taser as much as it would the use of handcuffs.  It is important to remember that officers are trained to ask themselves,   1. Would the use of force have a lawful objective (e.g., the prevention of injury to others or damage to property or effecting of a lawful arrest) and if so, how immediate and grave is the threat posed. 2. Are there any means short of the use of force, capable of attaining the lawful objective identified? 3. Having regards to the nature and gravity of the threat and the potential for adverse consequences to arise from the use of force (including the risk of escalation and the exposure of others to harm) what is the minimum level of force required to attain the objective identified and would the use of that level of force be proportionate or excessive.   A police officer who asks themselves each of these three questions and acts according to the answers will likely identify the correct considerations governing the use of force and therefore be acting lawfully.  If the level of force required to arrest a juvenile or vulnerable adult is such that a Taser is required then officers can Taser a juvenile or vulnerable adult. The process post Taser discharge is as follows.  Where a Taser has been discharged and there are signs of adverse or unusual physical reaction at the scene then the subject must be taken straight to hospital rather than custody.  However, where there are no visible adverse reactions then custody is suitable place to bring them where there is a Health Care Professional (HCP) working.  The custody officer must be informed that a Taser has been discharged.  A HCP should always be made aware at the earliest opportunity by the Custody Officer, that a detainee subjected to a Taser discharge requires an assessment for their fitness for detention.  The HCP should triage such cases as a high priority on that person’s arrival at custody suite.  However, being tasered is not an immediate automatic referral to hospital.  The HCP should discuss with the Custody Officer any relevant information disclosed by the detainee during the risk assessment. The suitability of where to conduct the examination should also be agreed. Alongside the examination of the detainee, it may be beneficial to gather additional information from the arresting officers (If available) to establish:   * Where the probes penetrated * Number of probe strikes / drive stuns or discharges of the Taser * Have the probes been removed? * The direction the detainee landed and onto what surface (e.g. pavement). * Other uses of force – restraint/PAVA * Any findings from the assessment by Paramedics (if attended the scene). * Any comments by the detainee during transit such as injuries sustained or medical complaints they have. * Any observations by the officers such as increased drowsiness, sudden changes in behaviour, presentation & demeanour.   The HCP should undertake their own examination of the DP and make a decision on the suspects fitness to detain.  But it remains the case that being subjected to a Taser discharge is an automatic referral to hospital.  However there are a number of factors that would mean a HCP making a mandatory referral to hospital.  Indicators for mandatory referral to hospital are listed below.   * Threat to airway, breathing or circulation. * Suspected Acute Behavioural Disturbance. * Chest pain, palpitations, irregular pulse. * Pacemaker/ internal cardiac defibrillator or another implanted device. * Head injury symptoms. * Pregnancy. * Probe in situ in a sensitive area such as neck, face, eye genitalia axilla (arm pit). * Reduced GCS (Glasgow Coma Scale). * Drunk and incapable * Probes/barb that may have been swallowed.   There are other indicators where a HCP **may** consider a referral to hospital following a clinical assessment at custody.   * A significant burn injury at the probe site. * Children and young people (<18). * Previous spinal or neurosurgery. * Skeletal injury. * Wounds requiring closure. * Where a probe has penetrated, but no longer remains embedded in a sensitive area.   HCP’s should, however, wherever possible refer direct to an appropriate specialty (e.g. Obs & Gynae for pregnancy, pediatrics for juveniles, medicine/cardiology for pacemaker checks) rather than simply defaulting to an accident and emergency transfer.  In all cases, the HCP must handover to the Custody Officer any relevant findings from their examination & clear decisions made on the detainee`s subsequent fitness to detain & interview with a suggested level of observation. This must be provided in verbal & written form. If there are no other risk factors, the minimal level of observation advised should be level one & a frequency of every thirty minutes whilst they are in custody.  The detainee should be advised of potential worsening symptoms & how to request the HCP whilst they are in custody. Considerations should be made by offering analgesia (if appropriate). The detainee should be provided with a post CED advice sheet.  Where the barb has not penetrated the skin, due to thick clothing or has fallen out, or indeed been removed by the suspect (never to be advised or attempted by officers) then there is no need to take the detainee to A&E regardless of whether the HCP has had training in removing the barb or not.  In this event where the HCP has not received the necessary training the HCP will still need to be advised and the detainee will still need to be examined and a decision made on a fitness to detain or sent to A&E will be made by the HCP. |
| The Panel has witnessed arrested individuals taken into a police vans in place of police vehicles. Are police vehicles no longer used for this purpose? | The transport of prisoners is a high-risk area of business for police officers for a number of reasons from prisoners welfare through to prisoner escape. Though police vehicles (I assume here that police vehicles are referring to police cars) can still be used to transport prisoners, due to the distances that officers have to now travel to get to a custody unit or indeed hospital then a caged police vehicle is the preferred option.  Officers responsible for any movement of a detainee should be fully cognisant on any heightened risk or increased vulnerabilities that have been identified for that detainee prior to departure. There must be constant supervision and monitoring if officers and staff have any concerns relating to the detainee’s physical or mental health, including where the detainee:   * is drunk and incapable. * is believed or known to have swallowed or packed drugs. * is violent or known to be violent. * is believed or known to be at risk of suicide or self-harm. * has increased susceptibility to positional asphyxia.   An ambulance must be called for any detainee who appears to be unconscious or requires urgent medical assessment.  Prior to moving the prisoner, the transport officers must undertake a risk assessment to determine the level of restraint and number of escorting officers required to convey the detainee. This risk assessment should include.   * established actions of the person prior to police attendance * actions after contact with the police and in particular considering their level of violence and any PNC warning markers. * Level of intoxication and type of intoxication (Drink / Drugs) * Local intelligence. * Allegations by others about the detainee * Information from friends and family * Condition of the detainee * History of violence in addition to the above sources * Extent and result of search of the detainee * Detainee’s use of weapons on this or previous occasions * Assessment of escape risk * Length of journey * Vehicles available * Physical disability   This list is not exhaustive and transport officers should consider all relevant factor so that the most appropriate control measures can be adopted.  Every detainee must be properly supervised and monitored at all times during transport. Officers and staff should take particular care with individuals who have been subject to force upon arrest, particularly where they are restrained with handcuffs or leg restraints, as this can increase the risk of injury.  The following principles should be followed when transporting detainees.   * An officer must observe and monitor the detainee and react to any situation that may arise. In order to assist in this all HDPP caged vans have their rear seats facing the cage. * Officers who are working alone must not transport detainees on their own unless they are completely satisfied that they can do so safely – if they are in any doubt, they must obtain additional support. * No more than one detainee must be conveyed in an unmodified police car – in these circumstances, the detainee must be accompanied in the rear of the vehicle, in the seat furthest from the driver. * Detainees who have struggled violently should not be placed in a vehicle unrestrained or unsupervised – to ensure appropriate control during a journey, the detainee should be seated upright where possible. This isn’t always possible due to the level of violence that has been used to get the prisoner into the vehicle. Intoxication is also an issue. Often it is safer to sit an intoxicated detainee on the floor of a cage rather on the side benches. Wedging them onto the floor in an upright position prevents the prisoner from falling forward and banging their head on a steel cage. This would form part of the risk assessment.   Seat belt**s**  The requirement to wear a seat belt does not apply where a vehicle is being used for police purposes or for carrying a person in lawful custody. See Regulation 6(1)(f) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993. Wearing seat belts is, however, encouraged and should be considered on a case-by-case basis.  Cages and containment  Officers should use a cage or containment facility if the vehicle has one. When a cage designed for more than one detainee is already occupied, officers must consider whether placing a second detainee in the cage would present an increased risk. Detainees who are or have been violent and are assessed as presenting a continuing risk, and those experiencing mental health issues, must not be placed in a cage or containment area with another detainee.  A detainee must never be handcuffed to a vehicle or restrained to it in any way. Officers must exercise extreme caution where a detainee who is already restrained by handcuffs and/or other limb restraints is considered to require additional restraint. Owing to the risks of positional asphyxia, the prone position should not be used during transport. If it is unavoidable, officers must constantly monitor the detainee.  If a detainee becomes violent, staff should, where practicable, stop the vehicle, regain control, and only then resume the journey. It may be necessary to call for assistance and to change to a more suitable vehicle. |
| What considerations are there for vulnerable people when being handcuffed and escorted to custody? | Please see previous entry on handcuffing and use of force which will answer this question. |
| What is the distinction between passive and active resistance? | Resistance is categorised in a number of ways by the College of Policing  **Compliant**: No resistance to instructions  **Verbal resistance**: Verbal abuse or gestures made but does not offer any physical resistance e.g., verbally swearing, offensive finger gestures.  **Passive resistance**: Resistance that is not physical in nature but is intended to stop an officer or the general public from leading their day-to-day activities e.g., sitting in the road, refusing to move.  **Active resistance**: A form of resistance or obstruction that is mildly physical in nature e.g., pushing, shoving.  **Aggressive resistance**: A stage above active resistance where physical resistance is more pronounced but has no intention to injure an officer e.g., struggling against an officer.  **Serious/aggravated resistance**: Use of violence against police with the intention to seriously injure or evade arrest e.g., striking with a weapon, punching. |