



**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 provides an update on West Yorkshire Police's Use of force, which highlights the success of the governance arrangements detailed in the last paper on this issue:

- We have a 43% rise in the submissions of use of force forms
- We are using lower uses of force more often and are reducing inequalities in its use
- We have embedded the use of Body Worn Video
- We conduct around 400 reviews of use of force per month with feedback recorded and sent directly to officers
- We have a projected reduction in the number of complaints by 3-4% and of those received more are being resolved as acceptable behaviour (78% last year to 86% so far this year)
- Assaults on our officers have declined slightly

Report Contents:

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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 (Operational Support) have 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.

Achievements thus far:

- a use of force review process has been established and is providing feedback directly to officers and their supervisor
- the Use of Force policy has been reviewed with demonstration of our understanding of the effects of inappropriate use of force or inequalities in the use of force may have on public trust and confidence
- the Taser policy has been reviewed and is now the Conducted Electronic Device (CED) policy (Taser is a brand name of CEDs) which adopts refined NPCC and College of Policing language, criteria for deployment, offers guidance and expectation on appropriate circumstances of use, and details a more extensive and rigorous review process

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
- All of the above is compliant with the Human Rights Act (1998) and ECHR articles:
 - Article 2 – the right to life
 - Article 3 – prohibition from torture
 - Article 16 – prohibition from discrimination

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 have been developed through the summer that provide consistent local reviews on wider uses of force, all of which are subject to public scrutiny through our local Scrutiny Panels.

A use of force review mechanism was established in mid-November 2021; by mid-January 2022, 800 reviews had been conducted. We have encouraged reviews of uses of force on ethnic minorities to be prioritised to reflect recent legitimacy concerns. The summary of the reviews is as follows:

- Ethnicity: 64% white, 19% Asian, 6% black, 3% mixed race (others or not stated account for 8%)
- Age: 94% adult, 6% under 18
- Type: 93% general use of force, 3.5% taser (contact use) (17 incidents), 3.5% spit guard (18 incidents)
- Use of force form compliance: 63%
- BWV compliance: 93%

Outcomes of assessments:

- Positive feedback 65%
- Areas of discreet development 32%
- Practice requiring development (under the guidance of a subject matter expert) 2%
- Areas of significant concern (PSD referral) 1%

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. We will return these meetings to the physical format as social distancing guidance is withdrawn.

Our Scrutiny Panels are essential to understanding community opinion but also measuring community understanding of policing, and by addressing these in balance we will 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:

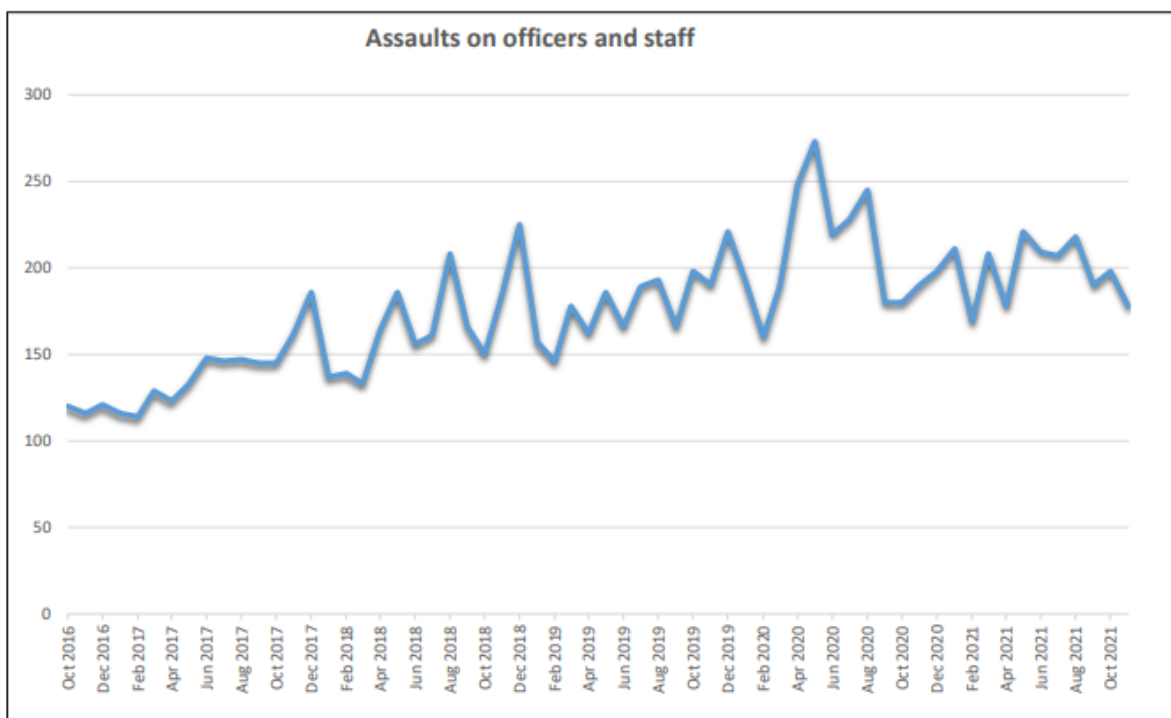
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- Written records of use of force encounters redacted of personal information to enable analysis of individual encounters.
- Un-redacted Body Worn Video footage to facilitate real world understanding and appreciation of use of force encounters (controlled 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.

Use of force data sets have been provided to Local Policing Districts in January 2022 to start the public accountability process.

4. Officer and Staff Safety

Assaults on officers/staff have been steadily rising over the past few years. The complications of the social impact of the coronavirus pandemic and the need to police associated regulations need to be recognised as creating some potential temporary instability in data, but we are pleased to see a general plateau of this formerly increasing trend.



Summary data is as follows:

- The projected comparison from 2020/21 to 2021/22 is a 3.2% reduction in assaults on officers. There is a greater reduction in assaults causing injury by 9.2% and a reduction in assaults with no injury of 1.9%. Most of the reduction relates to those on police staff, with just a 0.9% reduction to police officers.
- A 20% reduction in spitting is noted, along with a 10% increase in headbutting and a 40% increase in the use of vehicles to cause harm through collision (a rise from 48 to 64 incidents)
- The gender variation of officers being assaulted is stable with just a 1% change in distribution: Males 72%, females 28%
- The ethnicity variation is very stable with just a 0.1% change in distribution: 92% white, 6% ethnic minority
- Positive outcome rates for assaults on officer and staff have dropped by 1% to 70%

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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.

A table explaining each use of force can be found at [Appendix A](#) (hyperlinked).

Significant improvements have been made in use of force recording:

	2020/2021	2021/2022 (Apr-Dec)	2021/2022 projected
Total forms	33977	36493	48657 (+43%)
Average per month	2831.4	4054.8	
Under 18s	9.4%	10.1%	
Females	16.5%	16.5%	
Ethnic minority	24.8%	24.8%	

We recognise the concerns raised by the Howard League for Penal Reform but would exercise caution in comparing 2020/21 with 2021/22 – in the first of those years the most stringent restrictions in movement were most acutely felt by younger people whose attendance at school, colleges and work all reduced significantly, reducing crime as a result and so too then the force used to arrest them.

The use of force forms submitted over the last 12 months show the following distribution for first tactic used:

	2018-2019	2019-2020	2020-2021	Last 12 months
Tactical communication	64.3%	66.0%	63.6%	67.2%
Compliant handcuffing	20.0%	19.9%	23.5%	20.9%
Unarmed skills	6.2%	6.3%	6.5%	6.3%
PAVA irritant spray drawn	0.1%	0.2%	0.2%	0.2%
PAVA irritant spray used	0.3%	0.3%	0.2%	0.2%
Baton drawn (no recorded uses)	0.1%	0.1%	0.1%	0.1%
Non-compliant handcuffing	3.9%	3.1%	2.9%	2.7%
Spit guard	0.1%	0.2%	0%	0%
Ground restraint	0.4%	0.4%	0.3%	0.3%
CED/Taser	1.4%	1.4%	0.8%	0.7%
Police dog deployment	0.2%	0.1%	0.1%	0.1%
Firearm	1.6%	0.8%	0.5%	0%

When considering all tactics used in a given incident, we report the following:

	2018-2019	2019-2020	2020-2021	Last 12 months
Tactical communication	33.4%	33.7%	33.9%	35.3%
Compliant handcuffing	21.1%	21.1%	27.7%	27.0%

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Unarmed skills	18.4%	19.8%	17.6%	18.3%
PAVA irritant spray drawn	1.3%	1.2%	1.1%	1.0%
PAVA irritant spray used	2.2%	2.1%	1.5%	1.4%
Baton drawn (no recorded uses)	0.4%	0.3%	0.2%	0.2%
Non-compliant handcuffing	13.1%	12.6%	10.6%	10.0%
Spit guard	0.8%	0.8%	0.7%	0.5%
Ground restraint	2.0%	2.0%	1.9%	1.8%
CED/Taser	2.6%	2.5%	1.3%	1.3%
Police dog deployment	0.2%	0.1%	0.1%	0.1%
Firearm	1.2%	0.6%	0.4%	0.4%

Very encouragingly this demonstrates a general movement towards using verbal de-escalation skills at the first point of contact which improves legitimacy and lawfulness of action by demonstrating this approach before force is used. The tactics which are considered to have a less intrusive impact or run a lower risk of injury are an increasing proportion of our use of force.

The Home Office Annual Data Return no longer requires the recording of the use of tactical communication skills but we are continuing to keep local recording practices as it gives a measure to compare situations resolved through no force to those where force is used and helps to quantify the efforts undertaken to not use force. There are changes planned to the way in which use of force is recorded and we are actively participating in these discussions so that we can maximise transparency and improve confidence.

6. Demographics and Inequalities

As briefed in the last COM Use of Force report, alongside census demographic data West Yorkshire Police uses an approach called Risk Adjusted Disparity to assess inequalities in the use of force. This approach is preferred as it compares the use of police powers or tactics in proportion to a threat faced rather than inaccurate population data. In the case of use of force this is a comparison of police use of force to two threat populations based on violent crime – with the population used to compare use of taser and firearms having a higher threshold of violent crime. We can measure this based on race, gender and age, but as the primary focus of inequalities in the use of force has been racial, we have focussed on this area of inequality.

For ease of reading the following table has been constructed which shows whether there is an improvement in reducing inequalities based on race in the first three quarters of the year 2021/22 with a baseline of the full year 2020/21.

The measures used are based on a rate at which people from different ethnic groups are more likely to experience such a use of force than white people. In the table it may state there is no inequality, but this in fact means there is a comparative inequality to white people in that use of force.

The key below is present to show the area of progress we have made and areas for further improvement.

Key:

Decline	Slight	No Change	Slight	Improvement

	Tactic	Year	Asian	Black	Mixed
Population A	Compliant Handcuffing	Inequality compared to white group 20/21?	Yes	Yes	No
		Inequality compared to white group 21/22?	Yes	Yes	No
	Non-Compliant Handcuffing	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
	Ground Restraint	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
	Unarmed Control Tactics	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
	Spit & Bite Guard	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	No	No
	Incapacitant Spray (PAVA)	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
	Limb Restraint	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
Baton Used	Inequality compared to white group 20/21?	Yes	Yes	No use	
	Inequality compared to white group 21/22?	No	Yes	No	
Population B	Taser (non-contact)	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
	Taser (contact)	Inequality compared to white group 20/21?	No	Yes	No
		Inequality compared to white group 21/22?	No	Yes	No
	Firearms	Inequality compared to white group 20/21?	Yes	Yes	Yes
		Inequality compared to white group 21/22?	Yes	Yes	No

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There is a continued and generally consistent inequality in the use of force to black people, with reductions being in inequalities evident in six areas of the use of force. The use of baton relates to 8 uses and with such a low use it is important to recognise how the number will fluctuate over time. Issues around taser use and firearms remain a concern and while the taser was used just 6 times in the contact form in the last year (drawing similar issues of number variation) it will be a focus of collaborative effort of both use of force and inequalities governance structures.

There are continued and generally consistent inequalities in the use of force to white people in comparison to Asian and mixed-race people. This may suggest that there are wider social factors involved in inequalities in the use of force that affect the circumstances in which officers face subjects where force may be used, as well as the decision to use force, and if so, what type or how much force.

Focus on Taser and Firearms Use

There are three means by which firearms or taser may be used by officers trained to carry them:

- spontaneous “self-arming” by the officer carrying the item
- spontaneous assessment and deployment by an Inspector
- planned assessment and deployment by a Chief Inspector

The latter of these three is called a “silver assessment” and we have studied over 500 of such assessments.

	Asian	Black	Mixed Race	White
% of serious violent crime suspects	21%	6%	8%	65%
% of requests for silver assessment	28%	6%	8%	58%
% assessed as for conventional response	90%	90%	84%	84%
% assessed for taser deployment	4%	3%	14%	10%
% assessed for armed deployment	6%	6%	3%	5%

This analysis shows us that there is no inequality in the requests for silver assessment to black and mixed-race people, but we need to do more to understand the variation to requests for silver assessments of Asian people. There is some variation in the assessments, but the apparent variations are not consistently featured to one ethnic group, and specifically not to one minority ethnic group.

The variations found do not account for the initially found inequalities and so an effort is underway to do a comparable study on the other two means of deployment.

West Yorkshire Police have volunteered to participate in a College of Policing study which is out to tender at the moment, which will study inequalities in taser use. It will explore three different angles before an expected report in 2023. The research programme aims to move beyond simplistic individualised explanations that present either officer bias or offending propensity as the sole cause of ethnic differences in recorded police activities. Instead, the research aims to develop a socio-ecological explanation for these differences, based on a more nuanced understanding of the multitude of factors and processes at macro, meso and micro levels that are likely to affect the use of taser and other types of force.

An initial review of inequality in police use of force to young people (aged 10-19 compared to the adult population) and to females (compared to the male population) is presented in the chart below.

Where there is “no” inequality to those aged 10-19, it shows there is a comparative inequality to the adult population, and likewise for females a “no” indicates an inequality to males. The term equal refers to variations of 0.1 from equal.

Decline	Slight	No Change	Slight	Improvement

Tactic		Year (* is Q1-3 only)	Age 10-19 (compared to adult population)	Female (compared to male population)
Population A	Compliant Handcuffing	2020-21	No	No
		2021-22*	No	No
	Non-Compliant Handcuffing	2020-21	Yes	Yes
		2021-22*	Equal	Equal
	Ground Restraint	2020-21	Equal	Yes
		2021-22*	Equal	Yes
	Unarmed Control Tactics	2020-21	No	No
		2021-22*	No	No
	Spit & Bite Guard	2020-21	No	Yes
		2021-22*	No	Yes
	Incapacitant Spray (PAVA)	2020-21	No	Yes
		2021-22*	No	Yes
	Limb Restraint	2020-21	Equal	Yes
		2021-22*	Equal	Yes
Baton Used	2020-21	No	No	
	2021-22*	No	No	
Population B	Taser (non-contact)	2020-21	No	No
		2021-22*	No	No
	Taser (contact)	2020-21	No	No
		2021-22*	No	No
	Firearms	2020-21	No	No
		2021-22*	No	No

Young people aged 10-19 account for around 20% of our violent crime population.

Age is an influencing factor in the assessing the proportionality of a policing response and West Yorkshire Police recognises public interest in ensuring that our response to young people is appropriate. This table highlights that our use of force to younger people is either proportionate to the threat faced or less than the threat generally faced by that age group. We remain committed to tackling youth violence and its underlying causes with the West Yorkshire Violence Reduction Unit.

Scrutiny of the police use of force to women is essential to ensuring women and girls feel confident in approaching the police to seek help, support and investigation of the wider range of threats they face.

There are areas inequality in the use of force towards females in the form of spit and bite guard, incapacitant spray and limb restraint – but we are getting closer to equal. The particular use of force tactics where the inequalities prevail require greater insight in use as they are ones with the lower risk

of harm when used, and we must also recognise that there may be gender variations in how assaults are committed. It is also worthy of note that the population that we use to assess proportionality is based on violent crime and we have to balance that approach with an understanding that the police also use force in restraining people in the midst of a mental health crisis. Further work is needed to understand this in more detail.

7. Public Complaints

		2020/21	2021/22 (Q1-3)
Number of public complaints regarding use of force		360	260
Demographic distribution	White	63%	56%
	Black	7%	5%
	Asian	8%	12%
	Other	2%	1%
	Unknown	19%	26%
	Female	30%	32%
	Under 18	5%	7%
Sub-judice		62	43
Still active		46	107
Resolved	total	255	110
	service acceptable	200	95
	service unacceptable	15	4
	not determined if acceptable	16	3
	complaint withdrawn	21	6
	case to answer (misconduct hearing)	3	2

The trajectory suggests a 3-4% reduction in use of force complaints by the end of the financial year.

Appendix A

Tactic	Further Comment
Tactical Communications	Including officer presence and communication skills to resolve conflict at an incident.
Handcuffing	Both compliant and non-compliant handcuffing/ They work by restricting hand and arm movement to prevent escape, self-harm, assault or evidence destruction.
Unarmed Skill	Including strikes or restraints.
Irritant Spray (PAVA)	Drawn or used. This works by causing pain to the eyes but has a relatively short-lived experience during which time aftercare is provided.
Baton	Including the drawing and striking. Officers are taught to strike forcefully, and the medical implications can range according to the desired location or resulting point of impact. Strikes to major muscle areas are likely to result in bruising and soreness, to joints or bones there is a risk of fractures, with a risk of more serious injury to strikes to the body's most vulnerable points.
Spit and Bite Guards	In a custody setting or outside of custody. These are made from material that allows the subject to see and breathe through a mesh fabric which prevents the subject spotting or biting others. When applied the subject is given verbal reassurance and is consistently monitored.
Conducted Energy Device (Taser)	Used in prescribed modes of drawn, aimed, red dot, arced, fired, or drive stun. The taser uses an amperage that affects the neuro-muscular system for a few seconds at a time, offering a relatively quick recovery time.
Dog bite	As described
Shield	Shields are a protective measure
Attenuating Energy Projectile	Aimed or fired. This is projects a rubber mass towards the subject.
Firearms	Aimed and fired
Other / Improvised	As described.