



Use of Force Policy (Surrey and Sussex) (1225/2023)

Abstract

This policy applies to all police officers, Special Constables, Police Community Support Officers (PCSOs) and Custody Detention Officers in relation to Use of Force.

Policy

1. Introduction

1.1 Each day Surrey Police and Sussex Police respond to thousands of incidents and calls across the communities we serve as we fulfil our role of upholding the law and keeping the peace. Most of these matters are resolved without requiring any form of conflict. However, on rare occasions there is a necessity for our officers to use force to safely diffuse a situation to protect people and themselves from harm.

1.2 In all our interactions we have a duty to act professionally and only use force that is proportionate, legal, accountable, and necessary for the circumstances. These interactions must also be in accordance with the principles provided by the Code of Ethics fairness, leadership, accountability, selflessness, honesty, respect, objectivity, openness, and integrity.

1.3 It is important to recognise that each use of force incident involves a unique set of circumstances, with the officer's decision making based on a subject's actions, together with a range of other possible impact factors.

1.4 Throughout any incident, officers must continuously reassess the circumstances and adjust their response as appropriate to the evolving situation, using the [National Decision Model](#) (NDM) to achieve this.

1.5 The use of force must have a lawful objective, such as the prevention of injury to others or damage to property, or the effecting of a lawful arrest.

1.6 Responsibility for the use of force rests with the officer exercising that force.

1.7 Officers are trained to use force proportionately, lawfully, and only when necessary and in accordance with the principles of the use of force, available from the [College of Policing](#).

2. Scope

2.1 This policy and associated procedures outline the core principles relating to the Use of Force. These principles provide the foundation for the governance, application, review, and scrutiny of uses of force.

3. Policy Statement

3.1 Surrey Police and Sussex Police seek to ensure our uses of force are proportionate and lawful by:

- Recording all uses of force including the circumstances of the incident, grounds and justification for the force used.
- Performing analysis of the full range of data to ensure use of force powers are being used appropriately and that there is no disproportionate use of powers.
- Effectively supervise uses of force through internal and external scrutiny and accountability, to ensure the tactical response by the police to the subject's behaviours was appropriate and lawful.
- Members of the public are invited to join an independently chaired and public Use of Force Scrutiny Panel.

Procedure

1. Legislation

1.1 When using force, officers are governed by the following legislation:

[Police and Criminal Evidence Act 1984 \(PACE\)](#)

- Any power conferred under PACE including (but not limited to) Section 1 searches (PACE Code A Paragraph 3.2), Section 18 and 32 searches, Section 19 seizures, and custody procedures.

[Section 117 Police and Criminal Evidence Act 1984](#)

- When an arrest is made force may be used. This use of force is specific to a warranted police officer.

[Section 3 Criminal Law Act 1967](#)

- A person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders, or of persons unlawfully at large.

Common Law

- Common Law is the legislation that gives an individual the powers to use force against another to protect yourself or another. Common Law would cover the use of a pre-emptive strike, if there is an honestly held belief that it is necessary. The force used must be measured and must stop as soon as the threat no longer exists. If you have an honestly held belief that you or another, are in imminent danger, then you may use such force as is reasonable and necessary to avert that danger.

[Human Rights Act 1998](#)

- Whenever the use of force is necessary, both the public and members of the police service expect police forces 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.

Section 76(7) Criminal Justice and Immigration Act 2008

- This sets out two considerations that should be considered when deciding whether the force used was reasonable. Both are adopted from existing case law. They are:
 - That a person acting for a legitimate purpose may not be able to weigh to a nicety the exact measure of any necessary action.
 - That evidence of a person's having only done what the person honestly and instinctively thought was necessary for a legitimate purpose constitutes strong evidence that only reasonable action was taken by that person for that purpose.

1.2 'Reasonable' – A person may use such force as is reasonable in the circumstances for the purpose of:

- Self-Defence; or
- Defence of another; or
- Defence of property; or
- Prevention of crime; or
- Lawful Arrest

1.3 'Reasonable in the Circumstances' – means:

- Absolutely necessary for a purpose permitted by law
- 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.

2. Definitions

2.1 • Detained Person (DP): A person who has been detained by police under a police power for a reason, or a person under arrest.

• Vulnerable Adult (VA): A person aged 18 or over who may need community care services because of a disability (mental or other), age, or illness, or if they are unable to look after themselves, protect themselves from harm or exploitation, or are unable to report abuse.

• Child or Young Person (CYP): A child is a person under the age of 14; a young person is a person who has attained the age of fourteen and is under the age of 18.

• Subject: The person the Use of Force relates to, not necessarily involved in a crime.

- **Suspect:** The person the Use of Force relates to, suspected by police to be involved in a crime.
- **Subject Type:** The type of behaviour exhibited by the DP / VA / CYP / Subject / Suspect
- **Tactics Used:** The type of force used by police.
- **'Higher End' Use of Force:** Any uses of force apart from complaint handcuffing.

3. Profiled Subject Behaviour Types

3.1 'Subject Behaviour' is the type of behaviour(s) exhibited by the subject during the use of force incident. The highest level of behaviour displayed by the subject must be documented on the Use of Force form. Subject Behaviours are described as follows:

Subject Behaviour Box

Level of Seriousness		Description of Subject Behaviour
1	Compliance	The subject offers no resistance and complies with requests. It is important that the officer understands that this could change rapidly.
2	Verbal Resistance and Gestures	The subject refuses to comply either verbally or, by their body language, non-verbally.
3	Passive Resistance	The subject stands / sits / lies still and will not move.
4	Active Resistance	The subject pulls away or pushes the officer but makes no attempt to strike them.
5	Aggressive Resistance	The subject physically attacks the officer.
6	Serious or Aggravated Resistance	The subject commits an assault which presents the possibility of serious injury or death. This includes the use of weapons.

4. Use of Force Tactical Options

4.1 Whilst not a fully exhaustive list, Use of Force includes:

- **Handcuffing** (compliantly and non-compliantly) to the front or the rear,
- **Unarmed Skills** (physical contact) includes pushing, pulling, the use of pressure points, strikes (knee, foot, or hand), holding, pinning, takedowns, and restraining (if the restraint is not on the ground or involving the use of limb or body restraints),
- **Ground Restraint** includes restraining someone on the ground,
- **Limb / Body Restraints** includes specialist equipment to reduce the movement of arms and legs,
- **Shields**
- **Spit and Bite Guards**
- **Baton** (drawn or used)
 - A static or expandable stick

- **Conducted Energy Device (CED)** (non-discharge or discharge) a Home Office approved hand-held, electronic device which uses an electrical current to temporarily incapacitate someone, authorised for use by specially trained officers only
 - Non-discharge includes drawn, aimed, red-dotted, and arced
 - Discharge includes drive-stun, fired, and angled drive-stun
- **Irritant Spray (CS or PAVA)** (drawn or used) temporarily incapacitates someone by causing their eyes to close,
- **Dog Deployment** (deployed or bites)
- **Attenuating Energy Projectile (AEP)** (aimed or discharged)
 - An AEP is a soft nosed impact projectile fired from a single shot launcher; a form of less lethal weapon only available for use by specially trained officers, to give them an additional means of dealing with threats of serious violence.
- **Firearms** (aimed or discharged)
- **A threat or use of lethal force** (used in severe circumstances)
- **Other / Improvised** if a tactical option or piece of equipment is not listed above, then use this option. Includes the use of horse or vehicles, for example.

4.2 The Personal Safety Training and Equipment Policy (Surrey and Sussex) (586) details the relevant Personal Safety Training which is required and provided to all police officers, Special Constables, and those members of police staff who require it as part of their role due to their job description and risks they are likely to encounter. It also details the criteria to be considered when an item of Personal Protection Equipment (PPE) is used in the course of their duty. The Use of Equipment Procedure details how PPE must be used.

5. Recording Use of Force

5.1 Surrey Police and Sussex Police will maintain a 'Use of Force' database which will assist in measuring use of force.

5.2 All Police Officers, Special Constables, Police Staff Members including Police Community Support Officers (PCSOs) and Custody Detention Officers (DOs) **MUST** complete a Use of Force form when one or more of the Use of Force Tactical Options, as outlined at 4.1, is used, or an injury is caused to any police officer, Special Constable, PCSO, and/or DO.

5.3 The Use of Force form **MUST** be completed, in full, prior to the termination of duty.

5.4 The Subject Behaviour box must record the highest level of behaviour displayed by the subject.

5.5 All use of force tactics that were used throughout the duration of the incident must be recorded.

5.6 In the 'Officer Account', it must be clear to determine whether the force used was proportionate, legal, accountable, necessary, ethical, and reasonable in the circumstances. Therefore, please ensure the following is always included:

- Brief circumstances of the incident,
- Explanation of **ALL** uses of force,
- Justification / rationale for **EACH** use of force,
- Legal power,
- Any other considerations (if relevant)
- If the subject of the use of force is under 18 years of age or otherwise vulnerable, please record contact or attempted contact with a parent / guardian / carer and if a safeguarding referral was completed (see 6.2 - 6.4).

Refer to the 'Core Questions' – at 5.14.

5.7 Every officer involved in a use of force incident must complete a Use of Force form, which covers the force that **THEY** used and **THEIR** justification.

- In some incidents there will therefore be multiple Use of Force forms for one subject, each one covering the uses of force by all officers involved in the incident, covering the use of force that they used and the circumstances of the incident from their perspective.

5.8 The recording of the use of force does not negate the need for police officers, Special Constables, PCSOs and DOs to record and justify their uses of force in their Pocket Notebooks, electronic / Mobile Data Terminals (MDTs) notebooks, MG11 Statements, or Custody Logs.

5.9 The Use of Force form **MUST NOT** be a copy and paste of an MG11 Statement.

5.10 Uses of force in custody must also be recorded on a Use of Force form, whether the use of force is a continuation of force that was initiated prior to arrival at custody, and continues in custody, or if there has been no prior use of force before arriving at custody. Where the use of force at custody is a continuation, only one Use of Force form is required per officer involved, covering all force used prior to arrival at custody and all force used in custody.

5.11 If someone is taken into custody after force has been used on them, then the Custody Officer must be informed at the earliest opportunity on arriving at custody. Consideration should be given to having any injuries photographed and to having the detained person examined by a police health care professional. If the subject needs medical attention, then they should be treated as a medical emergency.

5.12 All use of force data is provided to the Home Office on an annual basis to allow for monitoring and statistical review.

5.13 Supervisors should monitor the use of force within their teams and make enquiries for any excessive use of any of the tactical options used. Use of force monitoring should form part of the officer's Focus meetings and be recorded as such.

5.14 Core Questions:

- Would the use of force have a lawful objective (for example, the prevention of injury to others or damage to property, or the effecting of a lawful arrest) and, if so, how immediate and grave is the threat posed?
- Are there any means, short of the use of force, capable of attaining the lawful objective identified?
- Having regard 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 to 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?

It is essential that these core questions are considered in line with Ten Key Principles Governing the Use of Force by the Police Service.

6. Children and Young People

6.1 Any decision relating to the use of force which may affect children, young people, or other vulnerable persons including those subject to identifiable disabilities or infirmities, must consider the implications of such status including the potentially greater impact of force on them.

6.2 Where the subject for a Use of Force incident is under 18 years of age, where practicable, the parent / carer / guardian **MUST** be informed, by telephone or in person, of the Use of Force (including circumstances, behaviour of the subject, use of force tactics used, and outcome), prior to the termination of duty.

6.3 A record of the contact or attempted contact with a parent / carer / guardian must be made on the Use of Force form, as well as rationale if no contact is made or attempted, clearly explaining the reasons why. This should be recorded at the end of the 'Officer Account'.

6.4 Where the subject for a Use of Force incident is under 18 years of age, or is a vulnerable person, a SIGNS **MUST** be completed which records the Use of Force, including circumstances, behaviour of the subject, use of force tactics, and outcome, and rated Red, Amber, or Green (RAG), prior to termination of duty.

7. Restraint in Mental Health and Medical Establishments

7.1 Surrey Police and Sussex Police will respond to calls from Mental Health and medical establishments when they relate to core policing duties, which are:

- Protecting Life and Property
- Preserving Order
- Preventing the commission of offences
- Bringing Offenders to justice

For further information please refer to College of Policing - Mental health

Surrey Police only – also refer to the Restraint in Mental Health and Medical Establishment Policy.

8. Body Worn Video

8.1 Please refer to the Body Worn Video Policy (Surrey and Sussex) (1133) for the full policy on the recording and securing of Body Worn Video (BWV), and officer's responsibilities.

8.2 BWV users will switch their devices on prior to, or upon arrival at, all Use of Force incidents, unless there is a sound operational rationale that makes it impractical or inappropriate to do so. The reason for non-recording **MUST** be documented on the Use of Force form, and the user prepared to justify any decision not to record.

8.3 It is evidentially important to record as much of the incident as possible, therefore recording must begin at the earliest opportunity from the start of an incident or once deployed to an incident.

8.4 BWV material of Use of Force incidents may be reviewed in support of complaint, misconduct, or criminal investigations to confirm or refute whether wrongdoing has occurred.

8.5 There is a clear expectation that BWV will be utilised in all incidents, and unless there is a sound operational rationale, BWV **MUST** be used in all Use of Force incidents and encounters.

8.6 Where practicable, officers should also use BWV to provide professional commentary at an early state of the encounter.

8.7 BWV from all officers involved in a Use of Force incident must upload their BWV footage to NICE to ensure it does not weed after 28 days.

9. Governance

9.1 Surrey Police:

- Quarterly Internal Accountability Meeting, chaired by the Force Leads for Stop and Search and Use of Force, and attended by the Tactical and Operational Leads, Divisional Senior Management Team (SMT) Leads, Divisional Single Point of Contacts (SPOCs), as well as representatives from Operations Command, Intelligence, Professional Standards, Personal Safety Trainers, and Foundation Trainers. The independent chair of the External Scrutiny Panel also attends. Learning from these boards is then disseminated force-wide via the SPOCs.

- Quarterly External Scrutiny Panel, chaired by an independent member of the public and attended by a diverse group of volunteers from the public. From the police side, the Force Leads attend alongside representatives from Personal Safety Training and Foundation Training. In this panel, Stop and Search and Use of Force forms are scrutinised, Body Worn Videos are reviewed and there are objective views from panel members discussed for each encounter, and any identified themes from the forms, videos, or data products are discussed, with learning later fed back force-wide through the Divisional representatives.

9.2 Sussex Police:

- Quarterly Internal Use of Force Meeting, chaired by the Use of Force Lead, and attended by the Tactical Leads, Divisional SMT Leads, Divisional SPOCs, a designated data analyst from Corporate Development Department (CDD), and representatives from Operations Command, Intelligence, Professional Standards, Personal Safety and Foundation Training. Learning from this meeting is disseminated force-wide via SPOCs. To maintain higher-level strategic oversight, this meeting also feeds upwards to the quarterly Legitimacy Board chaired by ACC of Operations Command.
- Quarterly External Use of Force Scrutiny Panel, chaired by the Use of Force lead and attended by a diverse group of volunteers from the public. From the police side, the Force Leads attend alongside representatives from Personal Safety Training, the Diversity Team, and various Divisional SPOCs. In this meeting items of national or local concern relevant to the use of force are discussed. The panel have also asked for bespoke sets of Use of Force data to be made available for discussion, and this is facilitated upon request. Body Worn Videos are reviewed, and the panel are asked for their views on the quality and legitimacy of the interaction. Any identified themes from the data, videos, or agenda items are discussed, with learning later fed back force-wide through the Divisional representatives.

Team: Operations Command