



Safer resolution – supporting officers and staff to manage conflict without force

Scope

Version 1.0

Scope for guidance on supporting officers and staff to manage conflict without force

1. Guidance title

Safer resolution – supporting officers and staff to manage conflict without force.

2. Background

The College of Policing is piloting a new approach to developing guidance (known as authorised professional practice). The guidance will be developed according to the process set out in the draft 'Manual for developing authorised professional practice guidance' (unpublished).

The guidance will provide recommendations for good practice, based on the best available evidence. This guidance is primarily aimed at police officers and staff who have contact with the public, the Special Constabulary, PCSOs, designated detention officers, designated escort officers, designated investigation officers and police personal safety training leads. It may also be of relevance to force health and safety leads, as well as others who regularly deal with confrontation.

This document is the scope. It sets out what will and will not be considered in the guidance.

3. Need for the guidance

Protecting officers from physical harm is the focus of this work. Policing is a physically demanding and potentially dangerous profession. The police routinely have to respond to and deal with conflict situations involving violent and aggressive people. In responding to such situations, police officers not only put themselves in potential danger but their actions can have serious consequences for public safety and trust and confidence in the police.

The law acknowledges that the police will sometimes need to resort to force in conflict situations, providing it is reasonable in the circumstances in preventing

crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large (section 3 of the Criminal Law Act 1967). 'Reasonable' in these circumstances means:

- absolutely necessary for a purpose permitted by law
- the amount of force used must also be reasonable and proportionate (ie, the degree of force used must be the minimum required in the circumstances to achieve the lawful objective).

The requirement is that, if possible, officers use non-violent means to resolve an incident before using force. It is therefore essential that officers are equipped to contain and de-escalate situations so that, wherever feasible, force does not become necessary. Using effective de-escalation and communication techniques during confrontational encounters may also have other benefits.

'Legitimacy in Policing: A systematic review' (Mazerolle et al 2013) examined the impact of police-led interventions to improve police legitimacy. It showed that police interactions with the public that have a least one ingredient of procedural justice are likely to increase public compliance, cooperation and satisfaction and help to reduce crime.

Ingredients of procedural justice include:

- explicit efforts to actively involve citizen participation during the encounter
- clear efforts on behalf of the police to be neutral and explain their decision making
- police demonstrating fairness, dignity and respect during exchanges
- police working hard to communicate their trustworthy intentions.

The College is seeking to ensure that our advice on techniques and tactics for managing conflict is drawn from the best available evidence of what works.

Improving our understanding of factors associated with escalating or containing conflict situations as well as effective techniques to de-escalate, diffuse conflict and 'slow down' situations is one way we can help officers to be safe.

4. Context

4.1. Key facts and figures

Using of force

There is currently no complete picture of how police in England and Wales use force due to a lack of consistent recording. According to the Independent Police Complaints Commission (IPCC) report 'Police use of force', 10 per cent (6,261) of all public complaints made to police forces in England and Wales in 2013/14 related to use of force. This figure has been decreasing. The effects of using of force will vary by individual case, but for the person who has force used against them could include minor physical injury and psychological harm through to more serious and even fatal injury. Witnessing police using force can also have implications for public perceptions of the police.

Serious and fatal injury following police use of force

For the three-month period between April and June 2014, 202 referrals made to the IPCC were about use of force or matters that involved a death or serious injury. The majority involved a physical hold, physical strike or a take-down to the ground.

For cases independently investigated or managed by the IPCC between 2009 and 2014, 17 per cent (40 people) died during or following use of force (not all were related to use of force). Of the 191 investigations carried out by the IPCC in this time, communication before force was used was considered inadequate in 10 per cent, increasing to one in four incidents taking place in custody.

Public trust and confidence

Aside from physical injury, a negative encounter with the police has the potential to damage the relationship between the police and public. More specifically, HMIC warns in their 2009 report 'Adapting to Protest' that 'Allegations of improper or excessive use of force by the police undermine the legitimacy of police action and reduce confidence in the police'.

While a general population survey conducted by the IPCC found that members of the public report high levels of trust in the police using reasonable force (83 per cent), their 'Police use of force' report makes clear there was less trust among

black and minority ethnic communities (76 per cent) and young people (71 per cent). Almost half (47 per cent) thought police use force more readily now than 10 years ago.

In their qualitative research, the IPCC found concern among the public that officers may make unfair decisions about the risk they faced based on attitudes, verbal behaviours and previous history of the person they are dealing with and that officers may stereotype an individual based on preconceived ideas about certain people or groups. The 'Police use of force' report stated that this perception was particularly held among black and minority ethnic groups.

All participants in the IPCC use of force research felt communication was important. Police said that they would use verbal commands and 'talk down' methods to manage situations and negate the need for physical force. The police shared the view that force should be part of a continuum, with communication being used initially and force being considered only as the level of risk increases.

People who had personal experience of police use of force, however, thought that talk down methods were used too rarely. There is emerging (albeit limited) evidence from recent unpublished survey work in Hampshire that some officers cite 'poor communication skills', 'not being able to talk to people' and 'aggression in officers' as possible factors that may make assault against officers more likely.

Officer safety

While police use of force can have potential consequences for the welfare of members of the public and affect the relationship between the public and police, interactions and encounters with people who are behaving violently and aggressively can, of course, also jeopardise the safety of the officers themselves. There are currently no national statistics on the number of police officers assaulted on duty, but the Home Office report on assaults against police officers estimates that there were approximately 23,000 assaults in 2015/16. This figure is likely to be an underestimate. In 2012/13, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations found that the rate of physical assault against the police is 12 times that of 'all other occupations'.

Interim findings from a recent survey being carried out on behalf of the Police Dependents' Trust suggest that 81.6 per cent of those who responded experienced at least one physical or psychological injury during their service. Not only are there physical and psychological consequences of being injured on duty, but implications for a service that is currently being stretched. The Police Dependents' Trust survey found that 76.9 per cent of injuries happened within the last five years and 44.6 per cent took a week or longer off work as a result.

4.2. Current practice

When faced with a possible threat, the police need to decide on the most appropriate response. The National Decision Model has been adopted by the police service in England and Wales to support and assist decision making as to the most appropriate response when dealing with a situation. Police have a number of tactical options available to them, including physical or mechanical restraint and using irritants or batons, but officers should always consider communication in an attempt to de-escalate any situation before using force.

Conflict management and use of force techniques are included as part of police personal safety training. The College of Policing and the NPCC SDAR (self-defence, arrest and restraint) working group are responsible for developing and maintaining all personal safety training. While personal safety training is designed to be delivered locally in forces, forces must ensure that all personal safety training delivered follows the techniques outlined in the NPCC Personal Safety Manual and that it meets the learning outcomes identified in the relevant learning descriptors.

Demonstrating the application of tactical communication skills, for instance, is a learning outcome for the 'managing conflict' module of personal safety training. Training on this is required as part of initial police learning, as well as for members of the Special Constabulary, PCSOs, detention officers, escort officers, investigation officers and police staff with public contact. Using batons and physical and mechanical restraints is covered in the module on equipment and restraint.

In practice, however, the exact content of police safety training is determined locally by forces. While some forces may ensure there is a strong focus on tactical communication, other forces may choose to focus more heavily on physical tactics and, as such, there is currently inconsistency in the content of officer safety training.

4.3. Legislation

The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984, Common Law Act 1967 and the Criminal Justice and Immigration Act 2008 and the rights and freedoms contained in the European Convention on Human Rights (ECHR) govern the police use of force. When force is used, it must be absolutely necessary, reasonable and proportionate. Excessive force is unlawful. Using physical violence against a person which has not been made necessary by their conduct is in principle an infringement of ECHR Article 3. If force is not reasonable or proportionate, the officer is open to criminal or misconduct proceedings.

In addition, under the Health and Safety at Work etc. Act 1974, police officers and staff have a duty to take care of themselves and not endanger others. The office of the chief constable should also ensure the health, safety and welfare of employees.

5. The guidance

The areas addressed by the guidance are discussed in the following sections.

5.1. Focus of the guidance

The guidance will cover managing violence and aggression during routine incidents and planned operations in the community. It will not include acts of violence and aggression during large-scale public order situations.

When responding to incidents, the police have a duty to deal with the physical threat posed to them and the public, regardless of who that threat comes from. For this reason, the guidance will include all population groups.

5.2. Responses and interventions

The guidance will focus on what is known about resolving interpersonal conflict situations without using force. The guidance will cover techniques and tactics to de-escalate and 'slow down' situations and reduce the need to use force. It will also highlight specific factors that may escalate or help contain potential conflict situations in order to support situational awareness and decision making.

The guidance will not include equipment, techniques or tactics that are available once the decision to use force has been taken. Such options include:

- restraint
- conductive electronic devices (CED or Taser)
- spit hoods
- equipment that can only be used by specialist officers (for example, firearms, police dogs/horses, baton rounds/AEP rounds).

These could be the focus of a separate piece of work in the future but will not be the focus of this guidance. This guidance will also not consider technical aspects and functionality of equipment.

6. Key questions

The overarching question the guidance will address is:

What makes it more or less likely that an officer/staff member will resolve a potential conflict situation without relying on force?

The specific evidence review questions are:

- 1) What is effective in minimising the need to use force in conflict situations?
- 2) What increases or decreases the likelihood that a conflict situation will result in the use of force?

7. Related guidance

The College has published the following related pieces of APP:

- [Public order](#)
- [Armed policing](#)
- [Detention and custody](#)
- [National Decision Model](#)
- [Mental health](#)

The NPCC and College have published the Personal Safety Manual. Its purpose is to support and inform operational decision making and training to improve safety during the policing of violent or potentially violent situations.