

USE OF FORCE REMINDER

You are about to be deployed as part of a Police Support Unit. During your deployment it may or may not become necessary for you to use physical Force.

Use of Force is an individual's responsibility to justify and no Officer will act outside the law.

There can be no justification for using force based solely on the fact you have been deployed in protective equipment, or that authority for the use of specialist tactics has been granted. In effect, the authority for such merely authorises the wearing or carrying of equipment or, the use of tactics.

A reminder of the law when considering the use of Force is as follows.

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 (R v Griffiths 1988)

Common Law recognises that there may be circumstances in which one person may inflict violence on another, without committing a crime. It recognises as one of these circumstances, the right of a person to protect himself / herself from attack and to act in defence of others and if necessary to inflict violence on another in doing so. If no more force is used than is reasonable to repel the attack, such force is not unlawful. **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.**

Police and Criminal Evidence Act 1984

Section 117 provides the authority for the use of force, when executing the powers found in the act.

Article 2 ECHR

"Everyone's right to life shall be protected by law. Deprivation of life shall not be regarded as inflicted in contravention of this article, when it results from the use of force, which is no more than absolutely necessary: -

- a) In defence of any person from unlawful violence.
- b) In order to affect a lawful arrest or to prevent the escape of a person lawfully detained.
- c) To quell a riot or insurrection.

S76 Criminal Justice and Immigration Act 2008

Section 76 is intended to clarify the operation of the existing defences above. E.g. it reaffirms that a person who uses force is to be judged on the basis of the circumstances, as he/she perceived them.

Individual Responsibility

The responsibility for the use of Force is an individual decision, which may have to be justified in legal / disciplinary proceedings.

The three core questions for police (as to when force may be used, and to what extent)

1. *Would the use of force have a lawful objective (e.g. 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?*
2. *Are there any means, short of the use of force, capable of attaining the lawful objective identified?*
3. *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 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 asking each of these three questions, and acting according to the answers, will be likely to identify the correct considerations governing the use of force, and therefore to be acting lawfully.

Establish from each officer

Do you fully understand what your role is before you are deployed?

Do you feel physically / mentally able to perform the task being asked of you?

Have you checked that you have the correct equipment for the task and that it is in operating order?

Is there any operational matter that is of concern to you?

Are there any factors you fear may affect your operational response?