

# Use of Force

National Guidance

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Owning Department: People and Development

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## Purpose

This National Guidance document supports the Training, Leadership and Development Policy and establishes the Scottish Police Authority (SPA)/Police Service of Scotland (hereafter referred to as Police Scotland), criteria for the Use of Force relative to Police Officers and Authority Police Staff for the purpose of conducting their duties.

## Application

This National Guidance document applies to all Police Officers, Special Constables and designated Authority/Police Staff.

The term individual will be used to refer to Police Officers, Special Constables and Authority/Police Staff from this point forward.

Where a provision applies to Police Officers, Special Constables or Authority/Police Staff only, this will be clearly identified.

## Human Rights Implications

The Human Rights Act 1998 confers a number of rights which will affect an individual, who may require using some degree of force in the execution of their duty.

## Definition

Use of force is defined as: Strength, power, energy, influence and anything that tends to produce an effect on the mind or will.

Any use of force by an individual must be the minimum amount necessary to accomplish the lawful objective concerned.

The overriding principle is that any force used by an individual must never be excessive. Any force used must be reasonable based on the individual person’s perception of the threat that they are immediately facing.

For force to be reasonable it must be proportionate, legal, accountable, absolutely necessary and ethical in the circumstances.

## Use of Force Considerations

### Arrest/Detention

All persons who are the subject of lawful arrest or detention mustbe physically controlled at all times, using a recognised Operational Safety technique, as so to prevent the person from carrying out any action which may be harmful to themselves or others.

For the purposes of this National Guidance document, the above instruction extends to persons who have been lawfully detained for the purposes of a search under the relevant legislation.

## Use of Force Recording

Use of Force, for the purpose of recording, is defined as: Any physical use of force, except compliant handcuffing and come along hold and includes:

* empty hand techniques;
* batons;
* irritant sprays (including draws);
* leg restraints;
* spit hoods;
* Personal Protective Equipment (PPE) shields.

Police Officers should record details of all use of force in their notebooks or police issue mobile device including the reasons why force was necessary. Additionally, all staff are required to complete the electronic Use of Force Form on System to Co- Ordinate Personnel and Establishment (SCoPE), prior to the end of their shift.

Completed Use of Force forms are automatically forwarded to the National Operational Safety Training Unit where they are reviewed. Forms may be returned to the submitting individual for clarification.

On every occasion where Irritant Spray is discharged operationally, or in the case of an accidental discharge, there is a legal requirement to record the incident and report it to the Police Investigations and Review Commissioner (PIRC) within 24 hours.

A CS-PAVA Spray Discharge Report (Form 064-001) must be completed by the individual as soon as possible but no later than the end of their tour of duty. If the individual is unavailable then a supervisor must arrange its completion.

Completed forms should be sent via email to

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs

where it will be sent to PIRC for investigation.

Records generated as a result of the Use of Force will be kept in accordance with SPA/Police Scotland’s Record Retention SOP.

## Reporting Accidents/Injuries

Where incidents involving the use of force result in personal injury or a near miss to police/SPA personnel, such incidents mustbe reported and recorded via the submission of both a Violence/Accident Form and Use of Force Form on SCOPE. Where incidents involving the use of force result in personal injury or a near miss to visitors or third parties to SPA/Police Scotland premises, such incidents must be reported and recorded via the submission of both an Accident, Incident, Dangerous Occurrence Third Party Report (Form 076-003) and a Use of Force Form on SCoPE.

## Operational Safety Training

Individuals will receive Operational Safety Training (OST) to a level as determined by threat and risk assessment of their respective roles.

Following initial training, re-certification training will be undertaken on an annual basis. All operational Police Officers and designated authority/Police Staff will be required to attend a two day Operational Safety and First Aid training course.

All individuals must re-certify in these skills within a 12 month period.

Any individual who has not been trained in operational safety techniques or has not received the required re-certification training will be removed from operational duties until training is provided.

For all OST methods and documents refer to the Operational Safety Training Intranet Site.

## Training Administration

Individuals will receive a SCOPE notification 12 weeks prior to their OST expiry date. Individuals who are on a court standby will not be permitted to attend for OST.

Individuals who are currently modified/protected duties or under the care of Occupational Health will not usually be permitted to attend for OST however, there are exceptions to this and specific, individual circumstances should be discussed with a supervisor from the Operational Safety Team.

If for any reason, individuals require to cancel their attendance for training, this request must be authorised by a supervisor prior to it being forwarded to their relevant Resource Deployment Unit (North and East Command) or Local Training Single Point of Contact (West Command). This request, when forwarded to the relevant training administration unit, must include the details of the supervisor who authorised the cancellation request.

Any cancellation request which does not include the details of the authorising supervisor, will not be granted, and will be returned to the requesting officer for suitable supervisory authorisation.

Following successful completion of OST re-certification, authorised individuals will have their SCoPE training record updated with an expiry date of 12 months.

## Key Contacts

Please refer to the Operational Safety Training Intranet Site.

For information in relation to the assessment and selection of Specially Trained Officers and the Operational Deployment of Taser, please refer to the Specially Trained Officers SOP.

## Compliance record

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Health and Safety Compliant: Yes

## Version control table

| Version | History of amendments | Approval date |
| --- | --- | --- |
| 1.00 | Initial Approved Version following conversion of Use of Force SOP to National Guidance. Reviewed and revised in line with SOP Review principals. | 20/12/2021 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, Force Form 066-014 should be used.