

1. Policy Identification:

**Policy Title:** Policy on the issue, training and use of appointments and staff protection.

**Policy Reference No:** 19/01

**Policy Ownership:** Uniform Operations

**Department Responsible:** HQ Operations

**Person Responsible:** Head of Operations.

**Policy Implementation Date:** Policy document reviewed and amended December, 2008

**Date of Next Review:** December 2009

2. Policy Statement:

This policy has been drafted and audited in accordance with the principles of Human Rights Legislation, Race Relations (Amendment )Act 2000 and the Freedom of Information Act 2000. Public disclosure is approved unless otherwise indicated and justified by relevant exemptions.

Dyfed Powys Police will ensure that all police officers and Special constables are trained in the use of, and equipped with, operational appointments in order to aid them with their role and provide for their personal protection and that of the public.

Police Staff working in contact with the public will be provided with the best means to protect themselves and others when faced with a violent person or other dangerous situation.

### **3. Legal Objectives:**

- 3.1 Dyfed Powys Police is committed to implementing procedures that protects individual's Rights under the European Convention on Human Rights as provided for by the Human Rights Act 1988.
- 3.2 The objectives of this policy is to maintain public safety and minimise crime and disorder in accordance with Articles 1- 14 of the Human Rights Act. In the exercise of any power, authority or directive under this policy, Police Officers and Police Staff will ensure that they:
- Give due regard to the welfare, safety, general well being and human rights of individuals,
  - Ensure that any action taken/not taken are justified, proportional to, and the least intrusive and damaging option to the achievement of the legitimate aims.
- 3.3 Dyfed Powys Police have a positive obligation under Article 2 to protect individuals whose lives are put at risk from the criminal activity of others. It is recognised that the responsibilities of police extend not only to taking positive action to protect these rights and freedoms but also includes a failure to act or take steps to protect them. It is therefore vitally important that all officers and police staff carefully consider the legal parameters of each of these rights and freedoms at every stage of policing. The procedures of Dyfed Powys Police uphold an individual's rights under Articles 5, 6, 8, 9 and 13 in accordance with their positive obligation to implement such procedures.

### **4. Police Objectives and Aims:**

Dyfed Powys Police has a duty and a public expectation to :

- keep the peace,
- maintain law and order,
- protect life and property'
- investigate, prevent, reduce and detect crime,
- identify, apprehend and prosecute offenders AND
- provide an efficient and effective service in the discharge of its functions.

The primary aim of Dyfed Powys Police is to ensure the safety of all staff by:

- Preventing / minimising the level of violence to which they may become subjected to during the course of their duties.
- Minimising the risk of injury to the public, police officers, police staff and suspect / detained persons.
- That where police officers carry appointments that they are provided with all the relevant personal safety training and equipment to ensure a positive outcome in relation to the reduction of crime and its fear, contributing to the delivery of justice in a manner that secures and maintains public confidence in the rule of law and the protection of life.

## **5. Legal Basis and Legitimate Aims**

5.1 The principal lawful authority and legal basis for the carrying of operational appointments are:

- Common Law
- Section 117 Police and Criminal Evidence Act 1984
- Section 6 Police Act 1996
- Section 3 Criminal Law Act 1967
- Section 54 Firearms Act 1968
- Prevention of Crime Act 1953
- Health and Safety at Work Act 1974
- The Police (Health and Safety) Act 1997
- Human Rights Act 1998 Articles 2 – 14.

## **6. Introduction:**

By virtue of the Police (Health and Safety) Act 1997, police officers are now regarded as “employees” for the purposes of the Health and Safety Act 1974. This now requires the Force and its staff to undertake risk assessments when carrying out their role especially when called upon to deal with violent situations. The Human Rights Act 1998 has increased the focus on this responsibility since in their position as “public authorities” police forces are under a duty to protect the human rights of their staff and equally members of staff are under a legal obligation to cooperate with their employer. In this respect it is essential that officers cooperate with the Force in the following:

- Having an awareness of safety measures set out in risk assessments, officers cooperate by putting them into practice.
- That officers carry out mental assessments of risks and potential risks before entering dangerous situations,
- That officers wear protective equipment where this is required and making sure that defective equipment is replaced and that regular checks are made of issued equipment to ensure that this is the case,
- Promptly report any injuries, dangerous occurrences or near misses as required under the Force’s Health and Safety policy.

The operational appointments of Dyfed Powys Police are:

- Baton – ASP expandable baton.
- Incapacitant Spray – P.A.V.A. spray (Trade name Captor)
- Rigid Handcuff.
- Limb Restraints.
- Warrant Card for police officers and Force Identification card in respect of Police Staff.

All operational officers including CID, specialist departments up to and including ACPO ranks and members of the Special Constabulary will undertake Officer Safety Training. They will be trained in the use of the rigid handcuffs, Limb Restraints, ASP and PAVA Incapacitant spray and must attend refresher training once per annum. Development Services and / or Divisional Training Officers will keep a training record of all training undertaken by staff. Once trained, officers will be issued with rigid handcuffs, Limb Restraints, ASP and PAVA Incapacitant Spray. However Divisional Commanders may grant officers an extension of no longer than 8 weeks from the expiry of the last training to allow officers for personal or operational circumstances to acquire the necessary

training. Records must be kept in relation to such events. This must be the exception rather than the rule. Custody Assistants, Traffic Wardens, Counter Clerks and Police Community Support Officers will be trained in Conflict Management and Development Services will ensure that such training is provided. Divisional Commanders and Heads of Departments are responsible for ensuring that staff are so trained and attend appropriate refresher training courses. Where an officer is not currently trained or where they have not attended all aspects of training or refresher training, consideration will be given as to whether they should be allowed to perform operational duties and continue to possess items of protective equipment already issued. Any officer who is not currently trained or does not participate in training may not only compromise their ability to protect themselves and others, but may also leave themselves liable to committing a breach of their obligation under Health and Safety legislation.

The ACPO approved Personal Safety Manual of Guidance will be referred to in relation to the following important areas:

- Use of Force
- Medical Implications
- Personal Management Skills
- Communication Skills
- Use of Force – reporting and writing skills
- Handcuff skills
- Unarmed skills
- Incapacitant skills
- Limb restraints
- Baton skills

Staff will maintain their appointments in good working order and ensure that they are stored correctly in line with this policy. Any loss of appointments will be reported to a Supervisor immediately who will endeavour to replace them before the officer resumes operational duty. The supervisor will investigate the circumstances of the loss and inform the Divisional Commander / Head of Department who will decide if any further action is required.

## **7. Carrying of Appointments**

All appointments will in normal circumstances be carried when on uniform patrol duty or when engaged in other operational duties including public order duty. In pre planned operations appointments to be carried will be contained within the Operational Order and be specified at the briefing. It is the responsibility of the individual officer to ensure that they follow the instructions given. Detective Officers or officers performing duty but not in uniform, but carrying out operational duties, will carry their appointments. In any circumstance when this is not practicable, officers must seek advice from a Supervisor who will decide which appointments are to be carried. If it is not practicable to seek such advice, officers must personally assess the risks associated with the duties they are performing and carry appropriate appointments. Officers attending Courses at HQ should carry their appointments with them apart from PAVA incapacitant spray, which will be issued by Development Services if there is a requirement for them to be operationally deployed to any incident. In addition such officers must ensure that they are in possession of full police uniform when attending such course.

When in uniform at Courts, uniform officers will carry all appointments. Officers will not generally be allowed to enter prisons whilst in possession of PAVA Incapacitant Spray.

Therefore, when attending a prison on pre arranged visits or when carrying out escort duties, officers should ensure that they have made prior arrangements for safe storage of their PAVA incapacitant spray. Where Police Officers are deployed operationally inside prisons the decision as to whether PAVA incapacitant spray should be carried will be made by the Senior Officer in command of the police operation. Where officers carrying PAVA Incapacitant spray are required to fly in the Force helicopter the sprays will be handed to the duty observer who will be responsible for its safe storage during flight. PAVA incapacitant spray will not be carried on commercial flights.

When officers are required to provide mutual aid to other Forces they should take with them all appointments unless previously informed that items are not required. The actual appointments to be carried must be specified at briefings. The use of PAVA incapacitant sprays in situations where large numbers of the public are present has the potential to cause panic. Police commanders and supervisory officers should be aware of the dangers of the use of PAVA Incapacitant Sprays under such circumstances and ensure that all officers are briefed accordingly. Officers should be reminded of the importance of using the least intrusive option and that it is proportionate to the aim. The officer carrying the PAVA incapacitant spray is the one best placed to judge whether or not its use is absolutely necessary and proportionate and it will be in the most exceptional circumstances that the use of the spray will be forbidden. The ultimate responsibility for the use of and recording of such use of PAVA incapacitant spray lies with the individual officer.

## **8. Use of Handcuffs**

8.1 Any intentional application of force upon another is an assault. The use of handcuffs amounts to such an assault and is unlawful unless it can be justified. Justification is achieved through establishing not only a legal right to use handcuffs, but also good objective grounds for doing so in order to show that what the officer did was a reasonable use of force. Legal powers to use reasonable force are derived from various sources:

- Section 3 Criminal Law Act 1967
- Section 117 Police and Criminal Evidence Act 1984
- Common Law

Dyfed Powys Police will comply with the ACPO guidelines for the use of handcuffs and Limb Restraints, which are reproduced below and are based on the legislation listed above.

- Any intentional application of force to the person of another is an assault. The use of handcuffs and Limb Restraints amounts to such an assault and is unlawful unless it can be justified. Justification is achieved through establishing not only a legal right to use handcuffs and limb Restraints, but also good objective grounds for doing so in order to show that what the officer did was absolutely necessary in the circumstances. Each case should be considered on its individual merits. Handcuffing and use of Limb Restraints can be legitimately used in order to protect the rights and freedoms of others.
- Officers should be familiar and comfortable with the circumstances in which handcuffs and Limb Restraints may be justifiably used. Handcuffing can be justified if a detained person is likely to escape or attempt to escape or is likely to offer violence. The arrest

and detention itself must of course be legal there must be an intention to bring the person before a competent legal authority. The use of handcuffs and Limb Restraints must not go beyond what is absolutely necessary in the circumstances. Moreover, officers should be able to justify the usage to custody officers, magistrates courts, crown courts, coroners courts during civil actions against the police and perhaps, to the Independent Police Complaints Commission. In the same way officers should be prepared to justify the period of time that the handcuffs were applied before their eventual removal. The period of time that a person is handcuffed for must be proportionate and necessary in the circumstances.

- In considering what action is reasonable, an officer should apply the principles of the Conflict Management Model - Impact Factors. Factors such as age and gender, respective size and apparent strength and fitness may or may not support the justification of using handcuffs, taking into account all the accompanying circumstances at the time including offender behaviour and the officer responses. (Alternatives to the use of handcuffs are found here.) The least intrusive and most proportionate option should always be chosen in the light of the circumstances. Officers should record the decision making process involved in their pocketbook and on a use of force form.
- The physical condition of a detained person is another consideration in deciding whether or not handcuffs should be applied or continued in use e.g. a detained person with an arm or wrist injury might be prone to particular risk of further injury or pain if handcuffed; this might make the use of handcuffs unreasonable. When handcuffs are used, the condition of the detained person should be monitored to ensure that there is no particular risk of injury or death e.g. if a handcuffed prisoner became physically distressed it might become unreasonable to continue to use handcuffs.
- Where handcuffs and Limb Restraints are used in a custody situation the custody officer should perform a risk assessment and details of the decision making process involved should be logged on the custody record. The situation should be closely monitored and the continued use of the handcuffs must be proportionate in the circumstances.

## 8.2 **The following advice and guidance is provided:**

- In establishing an objective basis for believing that a detained person may escape or attempt to escape, an officer may obviously react to whatever the detained person says or does, but need not wait for an actual physical act from the detained person. The officer should take into account the seriousness of the offence for which the prisoner has been arrested, as well as the possible punishment the prisoner may expect to receive. Depending on the circumstances, these can induce a level of desperation so that an attempt to escape could very well be expected. **Previous indications of the detained person's propensity to escape or attempt to escape from police custody can also be considered to establish reasonable grounds on which to handcuff.**
- In establishing an objective basis for believing that a prisoner should be handcuffed because violence is likely to be used or attempted against the officer or a member of the public, the officer need not wait for an actual physical act in this respect from the detained person. The officer should take into account the actions of the prisoner immediately before the arrest. If violence had already been displayed, in a physical context or otherwise, in the circumstances that led to the arrest, regardless of whether or not the arrest was for an offence involving violence, this could constitute adequate objective grounds for handcuffing. Verbal and non-verbal indications from a detained

person of a possible likelihood of violence can provide grounds for making an objective decision. When a detained person is known or believed to be likely to use violence, based on previous experiences of such (perhaps, particularly at the point of arrest or while in custody), this will also assist an officer to develop an objective basis for a decision to use handcuffs.

- 8.3 Officers will be issued with Rigid Handcuffs upon completion of the Rigid handcuff Course. Officers will ensure that their level of skill in the use of such equipment is maintained to a competent level. All officers up to ACPO ranks will attend an annual Officer Safety Course, which will refresh officers on the use of rigid handcuffs.

## **9. Batons**

- 9.1 Police Officers and Special Constables must always bear in mind that when it is necessary to use force, only sufficient force to achieve the objective should be used. The use of a baton is only justified when a police officer or Special Constable has no other means of protecting him / herself or others from injury or preventing a prisoner's escape from lawful custody. The use of a baton to effect an arrest should only be resorted to when other efforts have been tried and failed or have been considered and deemed to be inappropriate in line with the Conflict Management Model. Blows will only be aimed at areas as per the ACPO approved Personal Safety Manual of Guidance, which is the reference document used in the training of officers during Officer Safety Training. When a baton is used the facts must be reported to the Custody Officer when the prisoner is brought to the police station. Officers will make a pocket book entry and contain the fact in subsequent statements. A brief outline of the circumstances leading to the use of a baton will be reported on the Division's Daily State entry. A record will be kept on Divisions of use by officers of batons.

## **10. PAVA INCAPACITANT SPRAY**

- 10.1 PAVA Incapacitant Spray is the authorised appointment to be used by Police Officers and Special Constables in this Force. It is issued to officers so as to provide them with a tactical advantage in a violent or potentially violent situation. PAVA incapacitant spray can be used where lower levels of force have been ineffective or where the officer considers that lower levels of force would be ineffective or inappropriate in the circumstances. In order to decide the level of force that is necessary and proportionate the Conflict Management Model can be used. The officer should be aware that the least intrusive option should be used at all times and that whatever option is decided upon it should be justified in the light of this principle. The thought processes used by officers prior to use should be recorded in the officer's notebook and in evidence as appropriate.
- 10.2 PAVA Incapacitant Spray will only be issued to officers who have successfully completed the appropriate training course. The spray should be used as prescribed in the training course in line with the ACPO Personal Safety Manual of Guidance. Once trained all operational officers up to ACPO rank and Special Constables will have authority to carry PAVA incapacitant spray under Section 54 (1) Firearms Act 1968, which provides police officers with the authority to carry Incapacitant Spray whilst acting in his / her capacity as a Crown Servant, regardless of whether they are in uniform or civilian clothing. Officers on non confrontational or restricted duties will on transfer to operational roles be trained and issued with PAVA incapacitant spray. Refresher training in the use of this equipment will be undertaken annually during Officer Safety

Training and Development Services and Divisional Training Officers will keep a record of all trained officers in order that appropriate training takes place within one year of the last training session. However Divisional Commanders may grant officers an extension of no longer than 8 weeks from the expiry of the last training to allow officers for personal or operational circumstances to acquire the necessary training. Records must be kept in relation to such events. This must be the exception rather than the rule.

### 10.3 Issue and Storage

10.3.1 Every PAVA incapacitant Spray has a unique number and will be issued to individual officers against signature. Divisional Commanders will appoint a nominated individual in the Division to be responsible for the safe storage and issue of PAVA incapacitant spray. A stock will be held at each Division to replace those used by officers. Once a spray has been issued, police officers and Special Constables become personally responsible for ensuring that it is stored as per the manufacturer's instructions and is secure in the storage safes provided. These are prohibited weapons under the Firearms Act and must be treated as such. Officers will retain their issued PAVA incapacitant spray on transfer to another station or Division and the nominated Divisional Officer will keep a record of sprays held by individual officers. **PAVA incapacitant Spray will not under any circumstances be carried by officers off duty.**

10.3.2 Sprays should be stored in dry, well-ventilated areas. As they are pressurised devices they should not be exposed to direct light or be placed near any open flame. Smoking should be prohibited in areas where the incapacitant is stored. The area used for such storage must be clearly marked in accordance with current legislation COSHH (Control of substances Hazardous to Health 1999). The selection of sites should be carried out in conjunction with the Force's Health and Safety Advisor.

10.3.3 Divisional Commanders will cause for an audit to be carried out periodically of PAVA incapacitant spray issued and stored and for checks to be made to ensure compliance with this policy. The Operational Trainer in Development Services will keep a record of PAVA incapacitant sprays issued to Divisions.

## 11. Use of PAVA Incapacitant Spray

11.1 The use of force is regulated by Section 3 of the Criminal Law Act 1967, Section 117 of the Police and Criminal Evidence Act 1984, and Common Law. Such use of legal force distinguishes police officers from the remainder of society, and because of this, the use of force is closely scrutinised by the public and the courts. If more than reasonable force is used, the action is unlawful and a police officer may be liable to criminal and civil proceedings. The Conflict Management Model should be used to decide the degree of force that is absolutely necessary. The principles governing the use of force are:

- No more force should be used than is absolutely necessary and is proportionate to achieving the aim and is the least intrusive option available.
- Force must not be used as a punitive measure.
- Force must cease immediately the objective has been achieved.

11.2 Officers will only carry the PAVA incapacitant sprays when on duty and it will be carried in the pouch supplied. Officers performing duty in plain clothes will carry their spray in the covert harnesses already provided for such purpose.

- 11.3 PAVA incapacitant spray is dispensed from a hand held canister in a liquid stream spray pattern and has a maximum effective range of between 8 – 15 feet. The spray pattern is very directional and accurate to use. These devices should not be used at less than 3 feet from a subject if it can be avoided, and this distance should be the distance of the canister in the officer's outstretched hand from the subject to be sprayed and not simply between the officer and the subject. This is due to the risk of pressure injury to the eyes if used at close range.
- 11.4 Use of the spray will be in line with the training provided and the ACPO approved Personal Safety Manual of Guidance.
- Aim directly at the subject's face, especially the eyes.
  - Use the spray in half-second bursts – still air.
  - Use the spray in one-second bursts – moving air.
  - Repeat if necessary and stop when compliant or when it is clear that the spray is not having any effect and therefore the use of force needs to be escalated.
- 11.5 PAVA incapacitant spray does not pose cross contamination problems but it may become necessary to enhance decontamination by opening windows, doors etc for a period of 45 minutes which will be more than sufficient to remove all traces of the spray. The content of the spray is known to affect breath-measuring instruments and could lead to a positive reading. In view of this any person who is required to take a breath test will be treated as though they have just consumed alcohol and a minimum period of 30 minutes must elapse from the time of being sprayed and taking a breath test.

## 12. Initial Care of Sprayed Persons

- 12.1 It is imperative that once the subject is properly restrained the officer provides verbal reassurance as to the temporary effects of the spray and gives instructions to breath normally as per the training guidelines. Persons who have been sprayed should be advised to allow their eyes to remain closed and not to rub their eyes or face, as this will aggravate the effects. Exposure to fresh air will normally result in a significant recovery within 20 minutes. If discomfort to the eyes and face persists beyond this period, ideally cool running water should be used to flush the remaining spray from the eyes and face. However, as the eyes will recover of their own accord in around 20 – 35 minutes, it may not be necessary to provide irrigation. **Under no circumstances should warm water be used.**
- 12.2 Police surgeons will not be called out to see a person sprayed as a matter of routine. In accordance with Code C Section 9 Police and Criminal Evidence Act 1984, the Custody officer will contact a police surgeon if a complaint is received regarding unnecessary or unreasonable use of force or if the defendant appears to require medical attention or if the defendant requests medical attention. Such outcomes and the fact that the defendant has been sprayed will be entered on the Custody Record. All police surgeons will receive an information leaflet and a copy of this leaflet will be placed in all police medical examination rooms.
- 12.3 It is essential that the restraint methods used after a person has been sprayed and the physical position in which they are placed does not adversely affect breathing. Once the person has been detained the officer must take appropriate action to assist the

sprayed person to overcome the effects of the spray. Any restraint methods used after a person has been sprayed must be justified in the same way as the original use of the spray. It should not be taken for granted that additional restraint methods will be used, the officer should always remember that the least intrusive option should be chosen. Again, any decision to restrain a defendant over and above the use of Incapacitant spray must be clearly documented by the officer in their pocket notebook and on a use of force form.

**THERE IS A DANGER THAT PRISONERS RESTRAINED IN CERTAIN PHYSICAL POSITIONS MAY SUFFER FROM POSITIONAL ASPHYXIA. POSITIONS WOULD INCLUDE THE PRONE OR FACE DOWN POSITION, THEREFORE PRISONERS MUST NOT BE LEFT IN, OR TRANSPORTED IN, A FRONT OR FACE DOWN POSITION, OR WITH ANY PRESSURE APPLIED TO THE CHEST OR BACK. IF THE PRISONER SHOWS ANY UNUSUAL OR ABNORMAL ADVERSE REACTION, IMMEDIATE MEDICAL ASSISTANCE MUST BE SOUGHT. THIS MUST TAKE PRIORITY OVER TRANSPORTING THE PRISONER TO A SPECIFIED POLICE STATION.**

Training guidelines and the personal issue of Incapacitant sprays notes for officers should be **strictly** followed in all cases.

- 12.4 Where an officer is satisfied before an arrested person has reached a police station that there are no grounds for keeping that person under arrest the person will be de-arrested. If this person has been sprayed they will be offered transport to attend at a specified custody station for examination by a force police surgeon. If this is declined then transport to a hospital casualty department should be offered. Where these offers are declined a full pocket book entry will be made outlining the officers invitation to provide transport to medical attention, the officer will then ask the person to certify the accuracy of the pocket note book entry with their signature where the person declines to do so the entry should be witnessed, preferably by another officer. In every case the officer will ensure that an INFORMATION SHEET FOR PERSONS SPRAYED WITH PAVA INCAPACITANT SPRAYS is delivered to the sprayed person as soon as practicable. Where these offers are accepted the recording process will be the same. Persons other than prisoners or police officers who become accidentally contaminated should be likewise treated.
- 12.5 Officers who become affected by PAVA incapacitant spray following an incident will submit form A 324 (Report of accident/injury/assault/dangerous occurrence or near miss) as per Force Policy.
- 12.6 The subject should be carefully monitored during transportation and while in custody. Whilst in transit, vehicles conveying a sprayed person should be well ventilated. A subject should be asked if he/she is wearing contact lenses and if so, be asked to remove the as they might cause greater discomfort. On no account should an officer attempt to remove contact lenses from another person. The individual, an optician or a medical practitioner should only do this.

## **12.7 Care in Custody/Decontamination**

12.7.1 The custody officer should ascertain that PAVA incapacitant spray has been used, the condition of the prisoner and if a police surgeon is required to attend (see notes above 'Initial care of sprayed persons' for decision making and record keeping process). The detained person must be supervised until the effects of the spray have worn off and/or the police surgeon has stated that he/she is fit to be detained. He /She should then be subject to enhanced supervision similar to prisoners who are drunk or under the influence of drugs. It is acknowledged that a police surgeon is not always likely to be readily available and in a position to meet the prisoner, and it must be stressed that one is not required as a matter of course, only should extenuating circumstances prevail.

12.7.2 Where there are concerns for a prisoner e.g. where a person, does not show signs of sensibility or awareness, they should be referred immediately to hospital. The decision making process should be fully recorded on the custody record along with the outcome of any treatment. It is especially important to monitor the recovery of subjects who are:

- Obese
- Under the influence of drugs and/or alcohol
- Apparently unaffected by PAVA despite having been sprayed
- Exhibiting bizarre/violent behaviour
- Experiencing breathing difficulties.

Custody records will be suitably endorsed in all cases, as outlined in PACE. As much information as possible about the prisoner should be given and details of action taken recorded.

## **12.8 Use of Spray in Custody Suites or Confined Spaces**

12.8.1 If it is necessary to use PAVA Incapacitant spray against a violent prisoner in the custody unit or other confined space, the effects of its circulation/contamination should be considered and appropriate action taken. Consideration should be given as to whether any action taken is proportionate to the aim of ensuring injury does not occur to officers. PAVA Incapacitant spray should only be used in these circumstances when it is absolutely necessary to defend a person from unlawful violence and or to effect a lawful arrest or prevent the escape of a person lawfully detained.

12.8.2 If the prisoner is to be transferred, an exceptional Risk Form will be completed by the custody officer, and will accompany the prisoner. Except in cases of prisoners being transferred by Reliance Security when the prisoner escort record will be endorsed by the custody officer, to show the prisoner has been sprayed with Incapacitant spray.

12.8.3 Prior to the prisoner leaving the custody unit he/she will be handed an information fact-sheet for persons sprayed with Incapacitant.

## **12.9 Exhibits**

12.9.1 Following use, the PAVA incapacitant spray will be retained as an exhibit and sealed and labelled as such and will be stored in the separate storage cabinet provided until the completion of any Court case, appeal or disciplinary procedure. The Divisional Property Officer will then forward the used spray to the Operational Training Officer for disposal in accordance with instructions.

12.9.2 In cases where PAVA incapacitant spray has been used, officers should complete an MG 6(d) form endorsing it to the effect that the training manual and Force Policy

Document on PAVA incapacitant spray is “undisclosed material.” Any requests for copies of these documents should be directed to the Crown Prosecution Service. Any requests regarding any civil claim should be directed to the Clerk of the Police Authority.

### 13. **Body Armour.**

- 13.1 The Police (Health and Safety) Act 1997 creates offences that can result in criminal prosecution against the Chief Constable for any breach of health and safety legislation. As such Dyfed Powys Police issues body armour to all police officers up to and including ACPO officers, Special Constables and Police Community Support Officers for use when performing operational duties which are to be worn in line with this policy and the manufacturers instructions.
- 13.2 The armour affords protection against most common handgun ammunition, most common shotgun ammunition, knives, other sharp implements and also protects against attack by syringe. It also gives some protection against attacks to the upper body by a blunt instrument. The armour issued bears a product information label that indicates both levels of BALLISTIC and STAB protection. The label indicates that the ballistic level of protection is HG 1 and the level of stab protection is KR 2 (specialist officers may have increased levels of protection). The armour issued has been selected following extensive research and evaluation and has been issued on a personal issue basis and it is the individual's responsibility for its correct care and storage in accordance with the training given upon issue. It will not and cannot protect officers from all attacks and the fact that body armour is worn does not make individuals invulnerable. Officers should not enter situations that they would not have done so had they not been wearing body armour.
- 13.3 Officers have received dynamic risk assessment training. In general, the wearing of personal issue body armour will be at the discretion of the individual, subject to that individual's own risk assessment of the task that he or she is carrying out. There will be occasions where the risk assessment is such that body armour must be worn and in such circumstances a supervisory officer will instruct that it is worn, without exception. Officers attending to the scene of any potential firearm incident must wear body armour. The order to wear body armour can be made verbally by the supervisor, Operations Room supervisor or by way of inclusion in written operational orders for specific events / operations.
- 13.4 Officers on duty in police vehicles will ensure that they always have their body armour available in the vehicle and following a risk assessment as above will wear the equipment as appropriate.
- 13.5 During evaluation tests, some officers found that it was more comfortable to wear the utility belt attached to the armour. Inside the armour cover there are vertical Velcro straps and by releasing these the utility belt can be attached so that it hangs from the bottom of the armour. Officers will need to lengthen the belt to ensure that any weight on the belt is taken by the armour and not the waist or hips.
- 13.6 The Health and Safety at Work Act 1974, places responsibilities on employees as well as employers. Therefore, staff who do not comply with these instructions to wear body armour are not only placing themselves at risk, but similarly, their colleagues if they are unable to support them due to an otherwise avoidable injury. Contravention of an instruction to wear body armour may render the officer liable to disciplinary action and it

may well negate or reduce any subsequent claim for injuries received. The fact that a supervisory officer has made an assessment of “low risk” does not preclude any individual from taking the decision to wear body armour in any event. Specialist officers deployed as members of Armed Response Vehicles, Authorised Firearm Officers and Dog Handlers will be provided with body armour appropriate to the specific threat that those officers face. Officers must be conversant with the capabilities of the armour, when to wear it, how to wear it, its care, cleaning and maintenance.

- 13.7 Armour must be stored unfolded and not at extremes of temperature. Care must be taken to ensure that no undue wear is caused to the carrier by contact with sharp objects during temporary storage in vehicles. Officers must check each time that they have occasion to wear the armour that it has not been damaged in any way, and at weekly intervals carry out a thorough examination of the armour. Should the armour be exposed to any significant trauma by attack or accident, exposure to chemical contamination or similar or should any sign of damage be discovered then it should be checked by the manufacturer, arranged through the Supplies Department at Headquarters. Divisional Commanders and Heads of Department will ensure that body armour is stored and maintained in line with this policy and manufacturers instruction and carry out regular audit of body armour issued to his/her staff.

## **14 Airwave Equipment**

- 14.1 The Force has now migrated to the use of Airwave radio sets for its communication. All staff members who have been trained and issued with Airwave/Tetra sets WILL carry them when on duty and WILL ensure that they are switched on to the talkgroup relative to their operational duty or as instructed. In relation to pre planned events details of talkgroups will be contained in the operational order and these must not under any circumstances be changed unless directed to do so by a supervisory officer. There will be some specific operational exceptions to this ( eg. Certain covert operations) but in these cases, not carrying a live handset will be specifically authorised by a supervisor ( who must at all times be cognisant of the significant risk of doing so and ensure that steps are taken to reduce the risk insofar as possible). Divisional Commanders, Heads of Department and Supervisors will ensure that these instructions are adhered to.

## **15 LIMB RESTRAINTS**

### **15.1 Introduction**

The term “limb restraint” indicates a device that is designed and used to restrict the range of movement of the arms and / or legs. Its application should prevent a person from kicking and / or punching and allow for safe transportation of the person in a vehicle to a place of safety/custody suite.

The decision to apply limb restraints on a subject is a controversial one and is clearly based on an officer’s perception of the subject at the time, in the circumstances, whilst taking account of all facts, which must be accountable both in law and procedure. From a potential complaint point of view, subjects who allege that excessive force was used while restraints were applied, and restraints allegedly being applied too tightly are important factors to consider.

Officers must be aware of the public perception when using the device as the use of force is a sensitive issue, therefore the device needs to have an appropriate public

profile and preserve the dignity of the person , where possible, whilst maintaining operational effectiveness.

The use of Limb Restraints should be seen in the context of the Conflict Resolution Model as a whole and their use viewed as one of the many tactical options that may be available to staff in the resolution of an incident. Its use must be lawful and include a consideration of an individual's human rights. The decision to use the equipment is an individual one for which the officer will be accountable. The impact factors referred to in the Conflict Resolution Model may assist officers in making such judgements. The nature of policing is so diverse that it is impractical to document guidance to cover every eventuality or encounter. However, action, including any force used, must be proportionate and lawful, reflecting the need to balance the competing rights of individuals and society in general. In this regard, individual officers must be prepared to account for their actions and show that they acted reasonably within the law. Similarly, Chief Officers should be in a position to justify any decision or action in order to avoid or defend criminal or civil proceedings.

## **15.2 Use of Limb Restraints**

15.2.1 Limb Restraints will only be used by officers who have received the appropriate training. All officers will attend the initial training course on the use of Limb Restraints before such devices are issued for operational use. Instruction on Limb Restraints must be provided during all future Officer Safety Training which is to be provided as per 6 above. The provision of appropriate Officer Safety Training is an integral element in the use of Limb Restraints and other equipment used for self defence. The training provided has proved to be an extremely effective control measure, helping to address the risks faced by officers and police staff during their day to day activities. The level of training delivered in a structured, holistic and rotational programme will allow all staff to reach and maintain a standard that will help protect them and others when confronted by violence or the threat of violence.

15.2.2 There are a number of scenarios in which it is acknowledged that the devices may be of use. These include the following, which is not an exhaustive list :

- Moving a person from the scene of an arrest to a vehicle,
- Placing a person into a vehicle or a cell,
- Transporting a person to a location (custody suite or place of safety)
- Removing a person from a vehicle or cell.

Wherever possible a van, if appropriate, should be used to transport a person who has been restrained by means of a limb restraint device on their legs. This will enable easier access and minimise the risk of injury.

15.2.3 Limb restraints should be used based on an officer's perception of any given situation and in line with use of force legislation. One officer can apply limb restraints, however, due to the obvious officer safety issues and kinetic lifting applications two officer application (followed by lifting) is advisable. The Limb Restraints should be considered as a supplement to the use of handcuffs, and is primarily intended for use on the legs of a subject who has been taken to the ground using Unarmed Skills, Incapacitants etc. Such individual must be handcuffed and in the prone position before limb restraints are applied as per the contents contained within the ACPO Personal Safety Manual and training. Where a subject continues to violently resist, although handcuffed in the prone position, bringing the risk of injury to the subject and officers, limb restraints can be

applied to the legs as an additional restraint. Correct application of the limb restraints may reduce the chances of officer/subject injury and allow for safer movement/transportation of the subject by reducing their capability to struggle and vent their anger on vehicle windows/doors etc and most important the officers transporting them. In addition the limb restraints can be used to temporarily restrain the arms of subjects where it is necessary to take finger/palm prints by force, or where it is necessary for a subject to give a signature. Correct application could allow for the removal of handcuffs from a violent subject in the standing position and the taking of fingerprints/giving a signature while their upper arms(the source of their arm power) are still restrained.

### **15.3 Training**

15.3.1 Limb Restraints must only be used in line with the appropriate training given during Officer Safety Training and in particular in line with the contents of the ACPO Personal Safety Manual. Appropriate training must be provided to all officers who may be required to use the device. Documented standards should be used to assess competence and such details will be held by the Officer in Charge, Development Services. The techniques and tactics for the use of Limb Restraints must be covered during the training provided to police officers and members of police staff issued with such device in line with the ACPO Personal Safety Manual.

15.3.2 Training must include inputs on the medical implications (such as deep vein thrombosis) associated with the use of the device, as well as the risks related to the condition known as positional asphyxia and acute behavioural disorder. Since application of the device may restrict an individual's ability to stand up and walk freely, training should include instruction in appropriate Manual Handling techniques. It is essential that the restraint methods used after a person has been sprayed (e.g. with incapacitant spray and/or following significant physical activity) does not adversely affect their breathing. Individuals must not remain, nor be transported in the prone (face down) position and the person should be monitored at all times. If the individual experiences difficulties in resuming normal breathing then medical assistance must be sought immediately and must be given precedence over conveying the individual to a police station.

### **15.4 Operational Requirement.**

15.4.1 Devices should be lightweight and ideally stored in a pouch, which will facilitate easy carriage either in a police vehicle or as part of an officer's personal equipment. Such device should be readily deployable from a pouch and it should be possible for two officers to apply readily to a person (upper or lower body). The device should be compatible with current personal safety training regarding control and restraint of persons. It should be suitable for use by all officers and police staff with appropriate training regardless of physical size and gender. The limb restraints are easily removable in a matter of seconds, and should be removed from the subject as soon as it is safe to do so, this is likely to be when the subject arrives in the custody area or is placed in a cell or other secure area.

### **15.5 Effects required**

15.5.1 Once applied the device should:

- Restrict the movement of the arms and/or legs to the extent where the person cannot use gross motor actions,
- Render a person unable to kick, punch, offer substantial resistance or or initiate an assault,
- Permit officers to move the person by walking them (aided) or to carry them,
- Permit the removal and re application of handcuffs with a device applied to the upper body,
- With devices applied (to upper and/or lower body) permit officers to place the person safely into a vehicle, transport them, then remove them to a place of safety.

15.6 Devices should be effective and suitable for use with the maximum proportion of the population, taking into account permanent and transitory differences (ergonomics/drunkenness, disability and gender). Officers deploying the device should be able to use it effectively in all operating conditions ( poor lighting /reduced vision, inclement weather, indoors/outdoors and in restricted space. It should be possible for one officer to remove readily a device from the upper or lower body.

15.7 Officers are reminded that use of limb restraints are only approved if used in line with the training on this matter and the ACPO Personal Safety Manual.