

# MOPAC MPS Oversight Board

## 20 March 2019

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### Use of Force

*An overview of use of force in the MPS and a review of how the MPS has introduced and complied with the national use of force recording requirements, and some observations based on the initial dataset.*

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#### 1. Purpose of this Paper

- 1.1. The purpose of this paper is to update colleagues on the ongoing implementation of the national Use of Force Recording programme within the MPS.
- 1.2. It will demonstrate the ways in which this information will allow scrutiny and transparency in how the MPS uses force, and the significant increase in statistical recording compliance of use of force during 2018.

#### 2. Recommendations – that the Oversight Board:

- a. Acknowledges the significant progress that has been made in data recording compliance on the use of force recording system, and how the MPS was one of the forces which achieved full compliance with Home Office Annual Data Return (ADR) requirements for the 17/18 period.
- b. Note that the Home Office ADR on Use of Force (UoF) for the period 17/18 was published in Dec 2018 and was classified at the time of publication as ‘experimental statistics’ as nationally there was significant differences in the quality and amount of data provided by forces. It was considered by both the Home Office and NPCC that it was too early to draw any conclusions from the data submitted.

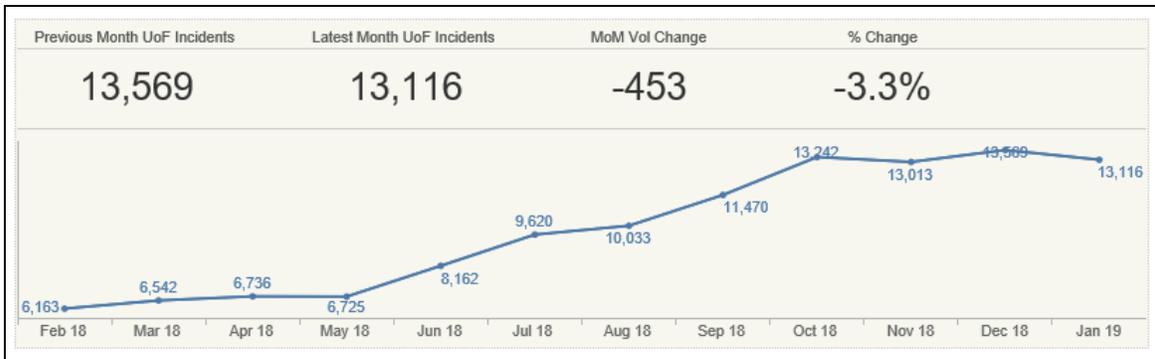
- c. Agree the intention to integrate UoF into core performance dashboards and note that all of the MPS UoF data are published publically monthly, both in a tableau format (data graphics) and as the core record data allowing public scrutiny.
- d. Note the progress that has been made in Use of Force recording in custody following the HMICFRS Custody inspection and recommendations in July 2018, leading to a significant increase in compliance across the Met.

**3. Summary**

**3.1. Overall Use of Force Recording 2018**

There has been a significant increase in the amount of uses of force recorded on the MPS UoF recording system during 2018. It was clear that at the start of the year this was a new system, and that the amount of records was not reflective of the number of occasions where force was used. A simple comparison with custody data showed that until the summer of 2018 (following the HMICFRS inspection in custody) compliance was a significant issue.

The table below shows how the numbers of use of force records have increased steadily during 2018.

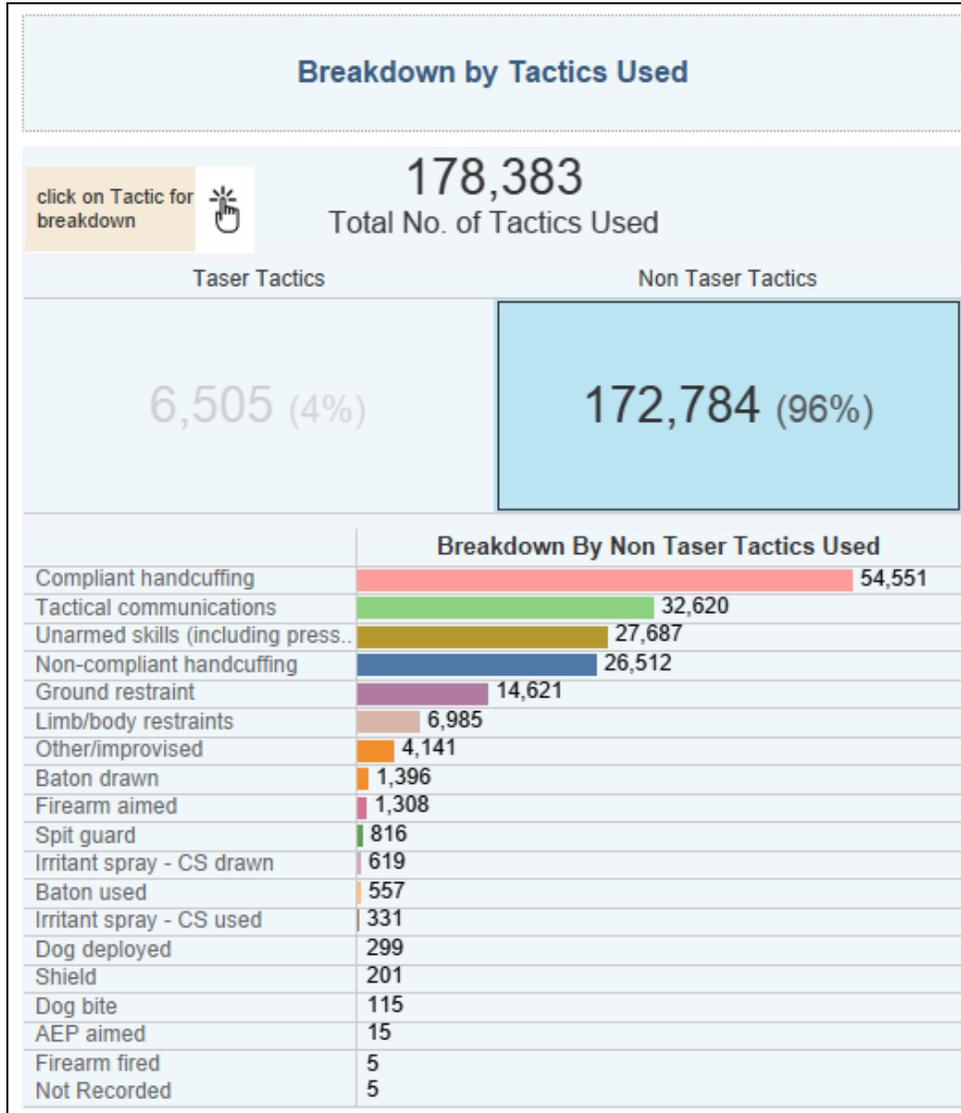


The main driver for the increase was improved supervisory effort, awareness and most importantly Met Detention’s intervention in July 2018 where custody records involving force would not be closed (and officers released) until a UoF reference number was attached. This process, whilst basic saw, a significant increase in overall records of UoF, and it is considered that whilst compliance is still an on-going issue, the figure of circa 13,000 uses of force per month is more reflective of the true MPS position.

**3.2 Summary of types of force used in 2018**

Any force used by officers and staff must be lawful, proportionate and necessary. There are a number of categories within the UoF recording form, which cover the core elements of force that might be used.

**The table below outlines numerically the types of force used in Jan – Dec 2018**



**Notes**

- i. *Tactical Communications itself is not a use of force, and would never be recorded on its own. This has proven difficult for forces and officers to understand and record.*
- ii. *These figures indicate the number of times an officer has stated a tactic was used. This does not equate to the number of incidents where force was used (as multiple tactics are often used in the same incident). Furthermore, there are occasions where more than one officer has recorded the same tactic e.g. spit and bite guard, where in fact there was only one usage.*
- iii. *Compliant handcuffing is where the suspect did not resist, and no other tactics were needed to achieve the handcuffing.*

All of the data presented has the core caveat that the dataset is incomplete, and it is clear from the uplift in compliance in recording that for the first six months of the year, recording was significantly below what would be needed to provide an accurate picture. However, as recording continues to develop, the data will become more meaningful and accurate enabling more insight to be drawn.

The breakdown of the overall tactics used indicate that the majority are at the lower end of the use of force spectrum. The use of compliant handcuffing and tactical communication accounts for over 50% of all uses of force recorded in the Met. There is also evidence of proportionality in that out of 1396 instances where batons were drawn, they were only used on 557 occasions. The pattern is similar with CS with 619 instances of drawing resulting in 331 uses.

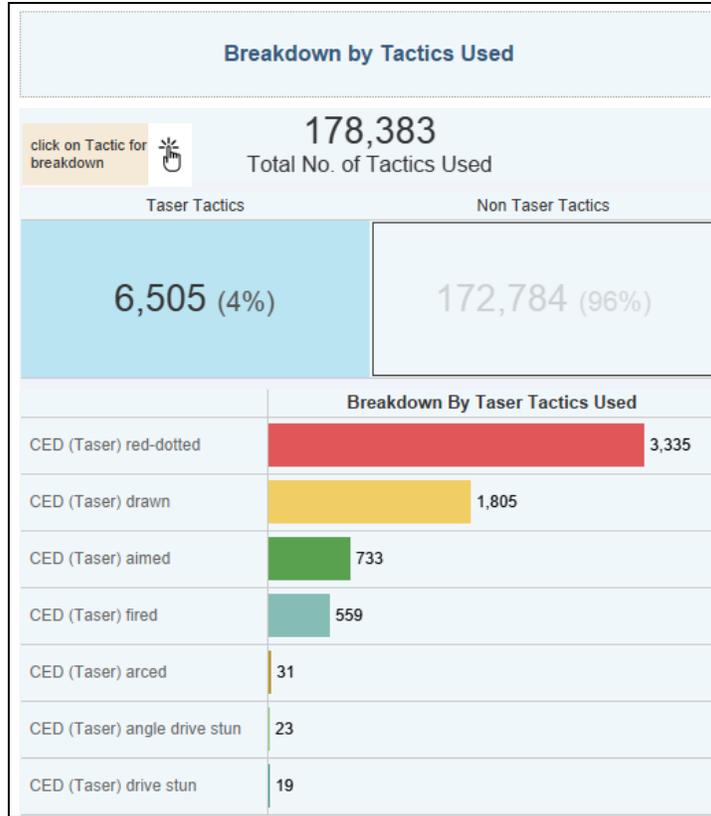
Another significant area of note is the number of occasions firearms are aimed compared to the very small number of times they are fired.

### **3.3 Taser Usage in 2018**

Taser accounts for circa 4% of all tactics recorded. There have been a number of policy changes to increase Taser availability on the frontline, and more Tasers have been purchased. The strategic aim is to achieve 20% of frontline officers trained in Taser.

As the uplift has progressed the overall number of times Taser has been 'used' has increased, but it is important to identify what that usage is.

#### **Table showing breakdown of all Taser use in 2018**



The graph demonstrates how, at a time of increasing availability, the use of Taser in any form makes up circa 4% of all uses of force. Overall, it is likely to be less than this, as there is a high degree of confidence in Taser UoF being accurately recorded over the whole period, whereas there was a significant upturn in other recording in the summer of 2018. Importantly, Taser was fired in fewer than 10% of the total uses. In over 90% of uses, the drawing, aiming, or use of red dot was sufficient to resolve the situation without further escalation of force.

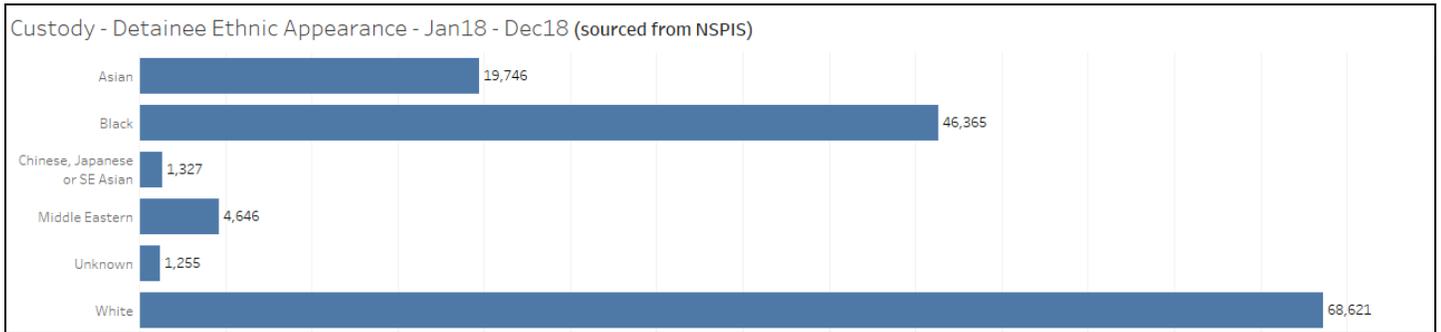
### 3.4 Proportionality in Use of Force

A more complete UoF dataset will improve our insights into the proportionality of uses of force when compared to characteristics including ethnicity, gender and age.

It is important to note that officers and staff can only use force on people where there is a legal power, and therefore the proportionality in ‘use of force’ alone could not accurately be compared to the base population of London. Force can only be used on those who have been arrested, stopped for the purposes of search under PACE or detained under the Mental Health Act. There are also circumstances where force is used to preserve life. At an individual level, force can only be used where it is lawful, proportionate and necessary to achieve the lawful objective.

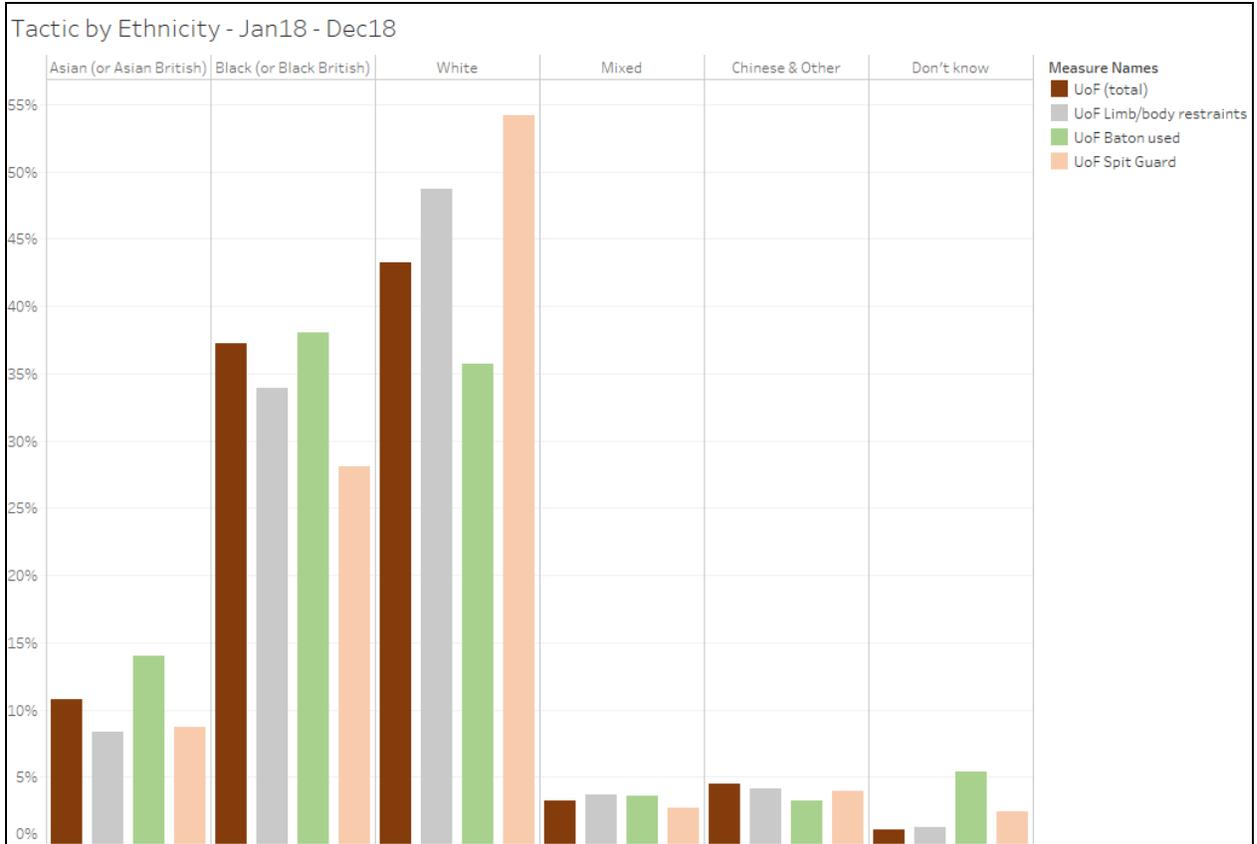
Therefore, as the data develops, whether UoF is being used proportionately will need to be determined against the population on whom force might be used (i.e. those arrested, stopped under PACE, or detained under the MHA). There is a wider question re whether this cohort is proportionate to the population of London. However UoF data will not inform this. The insight UoF data will provide is once people have been arrested, stopped or detained, does their gender, ethnicity or age have any bearing on the amount or type of force used?

**Graph showing the ethnicity of those arrested and brought into custody in 2018**



**Graph showing the overall use of force data when compared to three specific types of force, and the ethnicity of the suspects.**

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Tactic by Ethnicity - Table - Jan18 - Dec18

Subject Ethnicity	% of Total Number of Records along Subject Ethnicity	% of Total Limb/body restraints along Subject Ethnicity	% of Total Baton used along Subject Ethnicity	% of Total Spit Guard along Subject Ethnicity
Asian (or Asian British)	10.77%	8.36%	14.00%	8.70%
Black (or Black British)	37.23%	33.87%	38.06%	28.06%
White	43.23%	48.73%	35.73%	54.17%
Mixed	3.21%	3.65%	3.59%	2.70%
Other	3.99%	3.64%	3.05%	3.68%
Chinese	0.52%	0.46%	0.18%	0.25%
Don't know	1.05%	1.29%	5.39%	2.45%
Grand Total	100.00%	100.00%	100.00%	100.00%

This information demonstrates three of the higher types of force that could be used and compares the % of use against the total uses of force, enabling a view to be taken as to whether there is any difference in the use of these specific tactics aligned to ethnicity.

What can be seen at a high level is that black suspects make up 37.23% of all force recorded, however account for 33.87% uses of limb and body restraints, 38.06% uses of batons and 28% uses of spit and bite guards. Equally white suspects make up 43.2% of overall recorded uses of force, but 48.7% of the uses of limb and body restraint, 35.7% uses of batons and 54.2% uses of spit and bite guards.

These figures are by no means conclusive, and it is important to note that every use of force must be lawful, proportionate and necessary in its own right. However, as the dataset grows it does give some indication of the additional analysis that could be completed (and this can be done at a Borough by Borough level and in even greater detail down to teams and units). In the 2018 data, it is clear the margin for error is larger than any trends (when the 'don't know' category is included, and the overall recording compliance is considered), particularly when the first half of 2018 is taken into account.

### **3.5. Use of Force in Custody**

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) conducted an unannounced inspection of Metropolitan Police Service's (MPS) Met Detention (Met Det) operational command unit (OCU) in July 2018.

HMICFRS's **cause of concern**, (6.1) in relation to use of force in custody was;

*The governance and oversight of the use force in custody were not adequate to ensure that all use of force was proportionate and justified for the risk or threat posed. Not all use of force in custody suites was recorded, or the force used was not always accurately reflected in the custody record. Not all staff involved in use of force incidents completed individual use of force forms.*

HMICFRS's **recommendation** to respond to this was;

*'All use of force in the custody suites should be recorded, accurately reflect the force used, and be fully justified on the custody record. Governance and oversight of the use of force should ensure that all use of force is proportionate to the risk posed, and include comprehensive review of CCTV records.'*

### **Custody Background**

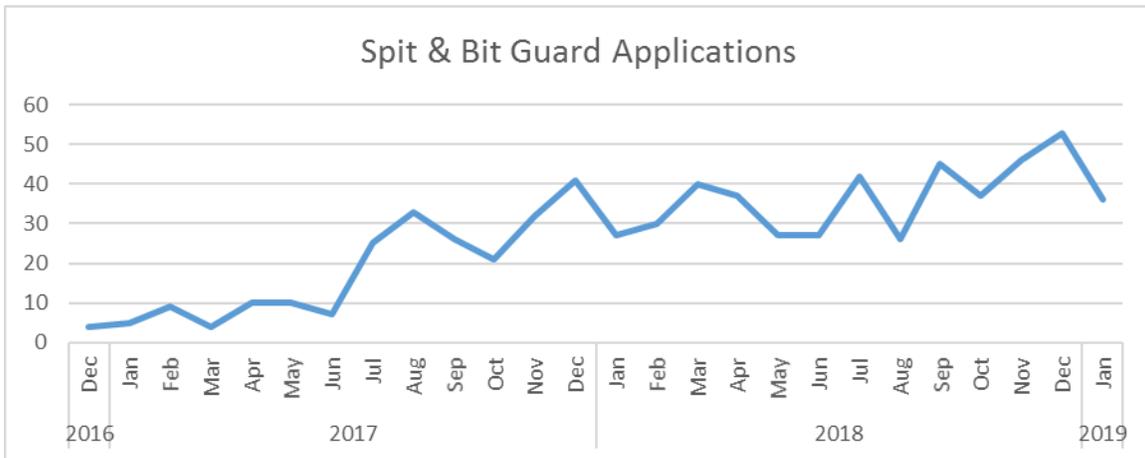
From inception of Met Detention (Met Det) January 2015 to approximately April 2018 UoF was captured by the arresting officer completing a UoF declaration which was recorded on the custody record. Whilst this data had some uses, it was not available to the public and did not however capture sufficient information for the Home Office ADR on UoF. In April 2017 the Met started the UoF recording e-form, and in April 2018 Met Det moved all its UoF recording onto this system. As has been outlined in the introduction of this report, compliance with recording was initially poor, and this was identified by the HMICFRS in their report.

**Actions to address concerns**

In June / July 2018 Met Detention took responsibility for recording the UoF data base reference number on all relevant custody records where detainee had been subject to a UoF.

This was achieved via an appropriate revision to MPS custody recording system (NSPIS) with objective of enhancing Met Detention and MPS wide monitoring of UoF via nominated Borough and Operational Command Unit leads. This led to a significant increase in the compliance for UoF recording, and achieved levels by the end of the summer 2018 which have remained stable.

Since deployment of spit and bite guard (SBG) in Met Detention custody suites a process of post deployment review has been in place. This has further been enhanced as of January 2019 with via senior management review at the daily pacesetter, recording on action tracker and CCTV review by suite’s custody manager or nominated lead. This is to capture learning and ensure appropriate use of SBG.



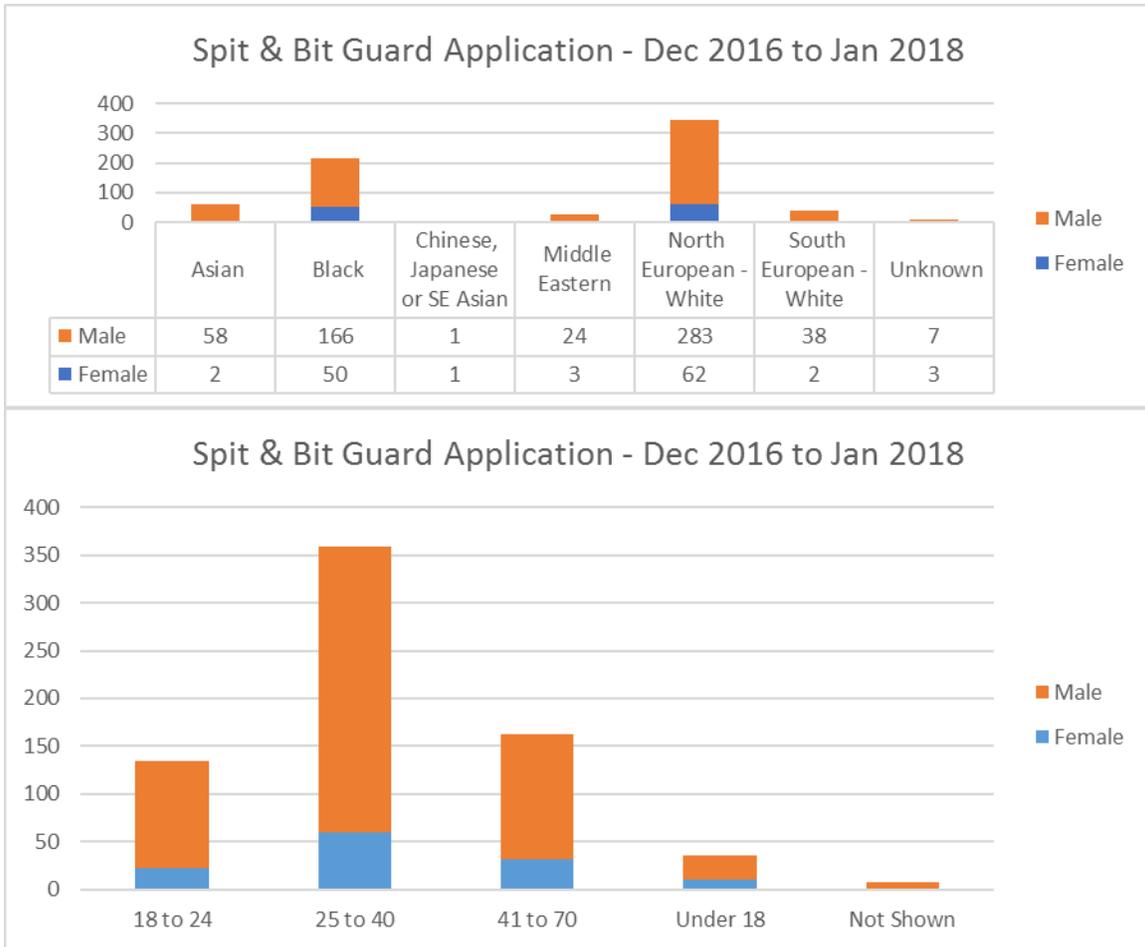
SBG was initially piloted on Met Det in December 2016, full Met Det roll out June 2017. From December 2016 to February 2019 have been total of 704 SBG deployments in Met Det custody with nil injuries caused to detainee or complaints from detainee or third parties.

In relation to all other deployments of force within custody suite e.g. cell relocation/application of restraint equipment e.g. kwik cuffs these will be brought to attention of custody officer to assess appropriateness of action, captured on the MPS UoF database, review by custody support inspector, by exception recorded on every custody suite daily return for attention of senior management, and subject to dip sample by custody managers in terms of viewing CCTV and reviewing custody record to ensure appropriate use and capture learning.

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Met Detention cared for approximately 150,000 detainees calendar year 2018. Met Detention Professional Standards Unit (PSU) is currently overseeing approximately 84 alleged complaints relating to all detainee detention of which approximately 20 relate to UoF. This is an exceptionally low figure, and reflects on the overall high standards of professional care, safeguarding, and justified deployments of UoF by all MPS officers and designated detention officers (DDOs) operating within Met Detention.

To further enhance recording of UoF, and assist analysis e.g. age, gender, ethnicity of detainees subject to UoF spreadsheet (covering details recorded on the UoF form) is being introduced into all Met Detention custody suites as of March 2019. In the case of Spit and Bite Guards there has been significant scrutiny over their use in terms of location, age and ethnicity, and this data can be simply replicated below;





The measures taken within Met Det will meet all of HMICFRS recommendation other than viewing CCTV. Due to requirements needed to access and operate CCTV equipment within Met Detention custody facilities viewing all UoF would be significantly resource intensive and may require further CCTV operating system upgrades to practically enable.

Overall it is clear that since the HMICFRS report that recording, accountability, and oversight of UoF in custody has significantly improved, with reference numbers on the detainee's custody record increasing from 23% in August 2018 to 57% December 2018.

In terms of UoF within Met Detention custody facilities there are significant processes in place as outlined above e.g. custody officer assessment, custody support inspector review, custody manager dip sample, senior management oversight at daily pacesetter.