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**Association of Chief Police Officer of England,
Wales & Northern Ireland**

Guidance on the Use Of Handcuffs

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ACPO Workbook	'A'
<i>[The public document will only contain the Diversity Impact Assessment section of the Workbook]</i>	

SECTION 1 - PREFACE

1.1 Guidelines of the Use of Handcuffs

- 1.1.1 The information contained in this document is designed to provide police officers and other police staff with an overarching, generic approach to the use of handcuffs.
- 1.1.2 The guidance should not be viewed in isolation but seen as the guiding principles and fundamental approach, underpinning the specific training provided to all staff issued with handcuffs.
- 1.1.3 The use of handcuffs should be seen in the context of the Conflict Management 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.

SECTION 2 - GUIDANCE, ADVICE AND PROCEDURES

2.1 Use of Handcuffs

- 2.1.2 Any intentional application of force to the person of 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 or member of police staff did was a reasonable, necessary and proportionate use of force.
- 2.1.3 Legal powers to use reasonable force are derived from various sources: Section 3(1) Criminal Law Act 1967, Section 117 Police and Criminal Evidence Act 1984, Common Law (Breach of the Peace), Common Law (Self Defence) and Section 76 Criminal Justice and Immigration Act 2008.
- 2.1.4 Officers and police staff should be familiar and comfortable with the circumstances in which handcuffs may be used. Moreover, they should be able to justify the usage to supervisory officers or staff, and appropriate Authorities including the Courts. In the same way officers should be prepared to justify the period of time the handcuffs were applied before their eventual removal.
- 2.1.5 In considering what action is reasonable, an officer or member of police staff should apply the principles of the Conflict Management Model, especially the 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. There must always be an objective basis for the decision to apply handcuffs.
- 2.1.6 The physical condition of a person is another consideration in deciding whether or not handcuffs should be applied or their application continued. For example, where a person has a

condition that may be aggravated when handcuffed, this might make their use unreasonable. When handcuffs are used, the condition of the person should be monitored to ensure that there is no particular risk of injury or death.

2.1.7 The following advice and guidance is provided to help clarify these guidelines:

2.1.7(i) *In establishing an objective basis for believing that a person may escape or attempt to escape, an officer or member of police staff may react to whatever the person says or does, but need not wait for a physical act. The officer or member of police staff should take into account the seriousness of the offence for which the person has been detained. Depending on the circumstances, this can induce a level of desperation so that an attempt to escape could reasonably be expected. Previous indications of the person's likelihood to escape can also be considered to establish reasonable grounds to handcuff.*

2.1.7(ii) *In establishing an objective basis for believing that a person should be handcuffed because violence is likely to be used against the officer, member of police staff or a member of the public, the officer or member of police staff need not wait for a physical act from the person. The officer or member of police staff should take into account the actions of the person prior to detention. If violence had already been displayed in the circumstances that led to the detention, regardless of whether or not the detention was for an offence involving violence, this could constitute adequate objective grounds for handcuffing. Verbal and non-verbal indications from a person of a possible likelihood of violence can provide grounds for making an objective decision. When a person is known or is believed to be likely to use violence, based on previous experiences of such (perhaps particularly at the point of detention or while in custody), this would also assist an officer or member of police staff to develop an objective basis for a decision to use handcuffs.*

- 2.1.8 There will be occasions when officers take custody of prisoners from one of Her Majesty's Prisons, usually under the authority contained in Section 41 Crime Sentences Act 1997, e.g. to facilitate attendance at an identification parade. Irrespective of the status of the prisoner the escorting officer bears the responsibility of deciding whether the prisoner should, or should not be handcuffed.
- 2.1.9 In addition to the officer's prior knowledge of the prisoner (as set out in paragraphs (i) and (ii) above) consideration should also be taken of any information available from the Prison Authorities. The Prison Service has access to intelligence and information which may not have been previously available to the police officer. The category or status of the prisoner will be based on this intelligence and will include a recommendation as to whether handcuffs should be used. The information should be conveyed to police in writing. If for any reason this information is provided verbally officers should make a record of the information. A requirement made by the Prison Service that handcuffs should be used places no obligation on the police officer but it must be recognised that in such circumstances the Prison Service may decline to release the prisoner into police custody.

SECTION 3 – OPERATIONAL TACTICS

3.1 Operational use of Handcuffs

- 3.1.1 The techniques and tactics for the use of handcuffs are covered during the training provided to police officers and members of police staff issued with handcuffs.
- 3.1.2 Details of the training can be found within the ACPO Personal Safety Manual of Guidance.

SECTION 4 – LEARNING REQUIREMENT

4.1 Provision of Officer Safety Training

- 4.1.1 The provision of appropriate safety training is an integral element in the use of handcuffs and other equipment used for self defence.
- 4.1.2 Officer Personal Safety Training has developed over time. Its development is driven by a variety of reasons ranging from various legislative Acts together with the advancement of medical, legal and technological advice.
- 4.1.3 The training provided has proved to be an extremely effective control measure, which address the hazards faced by officers and police staff during their day to day activities.
- 4.1.4 There are clear benefits to be accrued from appropriate and frequent Personal Officer Safety Training including a reduction in the number and severity of injuries to staff.
- 4.1.5 All officers and relevant police staff will receive initial Safety Training appropriate to their specific roles. This will then be supplemented by regular refresher training designed to maintain their competency in the use of handcuffs, other equipment and empty hands techniques. This will ensure that staff are fully equipped to manage conflict.
- 4.1.6 Based on the legal requirements, the variety of techniques and equipment together with the need to refresh and demonstrate an appropriate level of competency ACPO Self Defence, Arrest and Restraint (SDAR) Working Group, as part of the Strategic Firearms & Conflict Management Portfolio, recommends that staff complete Officer Personal Safety Training in compliance with the directions contained within the Strategic Guidance of the national

Personal Safety Programme. This 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 such violence.

SECTION 5 – APPENDICES

5.1 ACPO Workbook - Handcuffs

- 5.1.1 Attached as Appendix 'A' is the ACPO Workbook relating to the ACPO Guidance on the Use of Handcuffs, as contained in Section 2.



WORKBOOK FOR THE CREATION OF ACPO GUIDANCE/PRACTICE ADVICE

SECTION C - ACPO EQUALITY IMPACT ASSESSMENT TEMPLATE (DIVERSITY AUDIT) AS AGREED WITH THE CRE

C1. Identify all aims of the guidance/advice

C.1.1 Identify the aims and projected outcomes of the guidance/advice:
The aim of the advice is to provide police officers and staff using handcuffs with guidance on their use. This includes detail on the application of the handcuffs together with legal and medical advice. The information is for national compliance and is available to all.
C.1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the proposal?
Police Federation, Home Office, Her Majesty's Inspectorate of Constabularies (HMIC), National Policing Improvement Agency (NPIA), Crown Prosecution Service (CPS), Legal Services.

C2. Consider the evidence

C.2.1 What relevant quantitative data has been considered?	
Age	Nil
Disability	Nil
Gender	Nil
Race	Nil
Religion / Belief	Nil
Sexual Orientation	Nil
C.2.2 What relevant qualitative information has been considered?	
Age	Nil
Disability	Nil
Gender	Nil
Race	Nil
Religion / Belief	Nil
Sexual Orientation	Nil
C.2.3 What gaps in data/information were identified?	
Age	Nil

Disability	With the introduction of the Disability Discrimination Act the tactics used for restraint as per the ACPO Personal Safety Manual of Guidance have been subject of review. Whilst the tactics are suitable for use on all persons the particular and differing needs of those with disability have been further considered.
Gender	Nil
Race	Nil
Religion / Belief	Nil
Sexual Orientation	Nil
<u>C.2.4 What consideration has been given to commissioning research?</u>	
Age	Nil
Disability	In order for the guidance to meet the needs of disabled groups SDAR are monitoring and utilising the work undertaken by the Metropolitan Police Service (CO11 Public Order OCU).
Gender	Nil
Race	Nil
Religion / Belief	Nil
Sexual Orientation	Nil

C3. Assess likely impact

C.3.1 From the analysis of data and information has any potential for differential/adverse impact been identified?	
Age	No
Disability	No
Gender	No
Race	No
Religion / Belief	No
Sexual Orientation	No
<u>C.3.2 If yes explain any intentional impact:</u>	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.3.3 If yes explain what impact was discovered which you feel is justifiable in order to achieve the overall proposal aims. Please provide examples:	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.3.4 Are there any other factors that might help to explain differential /adverse impact?	
Age	N/A
Disability	N/A
Gender	N/A

Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A

C4. Consider alternatives

C.4.1 Summarise what changes have been made to the proposal to remove or reduce the potential for differential/adverse impact:
Nil
C.4.2 Summarise changes to the proposal to remove or reduce the potential for differential/adverse impact that were considered but not implemented and explain why this was the case:
Nil
C.4.3 If potential for differential/adverse impact remains explain why implementation is justifiable in order to meet the wider proposal aims:
Nil

C5. Consult formally

C.5.1 Has the proposal been subject to consultation? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took:	
SDAR Secretariat, through the MPS, conducted consultation with representative equality groups. Groups described below were given the guidance to view and comment on.	
Age	MPS Diversity Directorate – DCC4
Disability	MPS Diversity Directorate – DCC4
Gender	MPS Diversity Directorate – DCC4
Race	MPS Diversity Directorate – DCC4
Religion / Belief	MPS Diversity Directorate – DCC4
Sexual Orientation	MPS Diversity Directorate – DCC4
C.5.2 What was the outcome of the consultation?	
Age	Guidance Approved
Disability	Guidance Approved
Gender	Guidance Approved
Race	Guidance Approved
Religion / Belief	Guidance Approved
Sexual Orientation	Guidance Approved
C.5.3 Has the proposal been reviewed and/or amended in light of the outcomes of consultation?	
N/A	
C.5.4 Have the results of the consultation been fed back to the consultees?	
Yes, via the Metropolitan Police Service	

C6. Decide whether to adopt the proposal

C.6.1 Provide a statement outlining the findings of the impact assessment process. If the proposal has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for the implementation:
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Handcuffs are a universally used means of restraint, little changed since their introduction. They are suitable for use on most people in line with the guidance provided, which provides advice on legal, medical and practical issues. Consultation continues to take place with the Disabled Independent Advisory Groups so that their concerns can be considered and incorporated as necessary into the guidance. This is seen as an on going process with relevant information assimilated at future reviews.

C7. Make Monitoring Arrangements

C.7.1 What consideration has been given to piloting the proposal?
N/A
C.7.2 What monitoring will be implemented at a national level by the proposal owning agency and/or other national agency?
Monitoring of the Use of Force is carried out by a number of Forces.
C.7.3 Is this proposal intended to be implemented by local agencies that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?
No

C8. Publish Assessment Results

C.8.1 What form will the publication of the impact assessment take?
<i>It is recommended that for publication on the ACPO website, the impact assessment be attached to the completed document as the first appendix. On the ACPO Intranet, the whole workbook will be attached to assist in the preparation of local audits.</i>