

# USE OF FORCE FOR PROFESSIONALS AND THE PUBLIC



# USE OF FORCE

## TWO MAIN POWERS

- **Common Law**
- **Section 3  
Criminal Law  
Act 1977**



# Today we will....

Equip you with the knowledge of your legal position concerning use of force under UK law

Give you the knowledge to do your job in the security environment professionally and safely

Protect you and your employer from allegations of malpractice arising from difficult customers or confrontations that result in a use of force









# COMMON LAW POWERS

## *Relates to ANY PERSON*

- Breach of the Peace
  - Preventing a BoP may entail the use of force
  - Force must be reasonable and necessary
  - Comprehensive notes should be made
- Self Defence
  - Reasonable force may be used in self defence
  - Reasonable force may be used to gain access to an area to assist a person under attack
  - ***Circumstances MAY justify a pre-emptive strike if honest held belief of imminent attack***



# Breach of the Peace Definition

- A breach of the peace is not in itself a criminal offence, but the police and **any other person** have a power of arrest and a power to use force where there are reasonable grounds for believing a breach of the peace is taking place or is imminent.
- The Court of Appeal defined a breach of the peace as being 'an act done or threatened to be done which either actually harms a person, or in his presence, his property, or is likely to cause such harm being done' – see R v Howell.



# SECTION 3 (1)

## CRIMINAL LAW ACT 1977

- Any person
- May use reasonable force
- **In the prevention of crime**
- When effecting an arrest
- When assisting an arrest
- Of offenders, suspected offenders or persons unlawfully at large





# IT'S ALL IN THE DETAIL!

- A jury must decide whether the defendant honestly believed that the circumstances were such as required him to use force to defend himself from attack or threatened attack.
- The jury has then to decide whether the force used was reasonable in the circumstances.



# Example 1



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# Review Example 1

**The security guard touch the subjects left arm**

**The subject steps back before moving on**

- Did the steward have a right to challenge the subject?
- Was the touching however minor - a legal act?
- Did the steward assault the subject or was the use of force proportionate?



# MEPSTEAD v DPP

‘Very Touching’

M was convicted for assault on a police officer but appealed on the grounds that when a PC took hold of him by his arm he was not acting lawfully and was therefore not acting in the execution of his duty

**REMAINED CONVICTED**

The courts accept that **anyone**, including police officers, may touch someone else where it is part of normal everyday contact between individuals

**‘this type of gesture is a form of non-verbal communication’**



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# Honestly Guvnor!

Use of force may be considered lawful if it was, on the basis of the facts as the accused honestly believed them, necessary and reasonable.

You would have to show that you had a honest held belief that you were in fear of attack or that there was a need to use force to achieve your purpose (BoP, arrest or defence)

**How do you do that?**



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# Example 2

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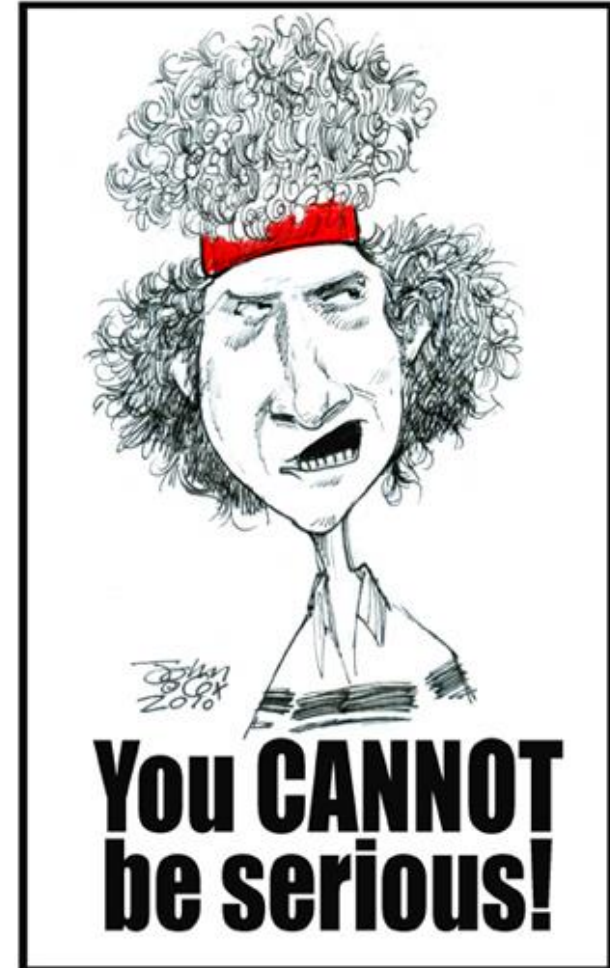
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# Review Example 2

## *Put aside the detention for theft*

1. Were the actions of the three security staff lawful in that they jumped on him for no reason and forced him to the floor?
2. Was the level of force used proportionate in the circumstances?



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# Example 3



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# Review Example 3

***Compare the actions of Doorman 1 (Yellow Jacket & Beard) and the two other doormen on move to the left.***

- Was the use of force lawful?
- Was the use of force proportionate?
- How would the lack of after care to unconscious subject affect the outcome?



Would you lie to protect the guy in the yellow jacket because:

- The geezer deserved it for a bit of verbal!**
- Beardy is my mate and he is a good egg without the 10 cans of Red Bull!**
- We stand together or fall together!**

**Tick the appropriate answer**

# Proportionate Use of Force?



## Householders and the criminal law of self defence

Standard Note: SN/HA/2959

Last updated: 10 January 2013

Author: Sally Lipscombe

Section: Home Affairs

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A householder who confronts and kills an intruder may be liable to a charge of murder or manslaughter. If the intruder is only injured, the householder could face charges such as assault, wounding or even attempted murder. However, the householder has a complete defence (and will therefore be acquitted) if the force he used was reasonable and was exercised either in defence of himself or another, or in the prevention of crime.



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# How do you protect yourself before

- Attempt conflict resolution
- Keep distance while assessing situation
- Make mental notes for future evidence
- Consider methods to be used
- Consider pre-emptive strike
- If force is used – use proportionately
- Obtain casualty support casualty if injured



# How do you protect yourself after

- Stay calm
- Get names of witnesses
- Make a written record as soon as possible
- Take photographs of injuries/scene
- Check for CCTV in area
- Complete appropriate incident reports
- Don't lie or guild the lily!!!!





# Proactively assist police

- In business - have a standard procedure for calling police
- Exact location, time and date
- What happened exactly
- Descriptions
- Reflect (think) before you speak
- Follow standard procedure



# Summary

- Companies should have a use of force policy that supports staff who act lawfully
- Conflict resolution where possible
- Maintain safe distance
- Communication (clear and loud) with subject including warnings that force may be used
- Communication with your Control Room
- Use approved or taught techniques
- But you can punch, kick & use anything to hand.
- Documentation provides protection



# Further Development

Complete session on Police and Criminal Evidence Act 1984 Section 24A

Powers of arrests for members of the public

Call me as an expert witness if you get arrested!  
Mates rates!

Thank you

Any Questions?

