

Use of handcuffs: Proposed addition to APP on stop and search

Stakeholder consultation

Feedback form

Consultation closes on 10 September 2021

college.police.uk



About this consultation

We want to hear your views on our draft addition to APP on stop and search regarding the use of handcuffs.

Please use this form to send us your feedback. The feedback boxes will increase in size as you enter your text.

Your completed form should be emailed to

stopandsearch.consultation@college.pnn.police.uk

Please respond **no later than** 10 September 2021.

All feedback will be collated and analysed by College staff.

We will only contact you if we need to clarify any of your comments and if you give us your contact information.

Privacy notice

The information you provide will be held by the College of Policing in accordance with data protection legislation. Your information will be lawfully held and processed for the purposes of informing the consultation phase of APP development.

The data we collect about you:

- e-mail address
- name (first name, surname)
- job role
- name of organisation

The lawful basis for processing of your information is for the performance of a task carried out in the public interest or in the exercise of official authority vested in us.

How we process your personal data

We will process your data in order to:

- facilitate the consultation process
- share information with you and collect your feedback about the ongoing development of APP on stop and search
- derive anonymous statistics and support evidence of engagement with stakeholders for monitoring and performance purposes

Your personal information will only be shared internally with College staff directly involved in the administration and development of APP.

Your information will not be shared externally or outside of this process.

Your information data will be held in a restricted access folder on our secure IT system.

We will retain your personal data for the duration of the development of new content for APP on stop and search until it is deemed necessary. We will, however, review the retention period on annual basis. After this period, we will securely dispose of your information.

The College takes its data protection responsibilities very seriously. You have certain rights under data protection legislation regarding your personal information, which includes the right to access information held about yourself, to ensure that it is accurate and to ask for it to be deleted or no longer processed.

For more information about your rights and how to contact our Data Protection team, please see our full [privacy notice](#).

About you

Name (optional)	Click here to enter text.
Role (optional)	Click here to enter text.
Organisation (optional)	<i>StopWatch</i>
Please tell us if your views are personal or whether they represent an official response from your organisation. If official, please state in what context (eg, on behalf of team, unit or force).	<i>The response to this consultation comprise views expressed by StopWatch, and as such, represent an official response</i>
If you are willing to be contacted should we need further clarification on your comments, please provide your contact details.	<i>info@stop-watch.org</i>

Consultation questions

It will be helpful for us to understand why you have given a particular answer, or how you think the draft content could be improved. Please provide detailed comments wherever possible.

1. Do you think that the proposed wording provides helpful guidance? If no, please give us more information on how you think the wording or content could be improved.

Please see our answer to Question 5

2. Is the draft wording clear? If no, please explain how it could be clearer.

Please see our answer to Question 5

3. Do you feel that the included aide memoire table will assist in the decision making process for officers' determining whether to use force/ handcuffs?

Please see our answer to Question 5

4. Do you feel this guidance promotes inclusive practice? Does it also eliminate or reduce adverse impact on individuals? If no, please provide your suggestions and rationale.

Please see our answer to Question 5

5. If you have any other comments on the draft content, please enter them below.

StopWatch has long called for the police to investigate the prevalence of handcuffing as a use of force tactic open to abuse during stop and search encounters. While we welcome the consideration that the College of Policing has given to revising the guidance for handcuff use, we fear that in practice, officers will ignore the updated APP too often to make a positive difference, just as they ignored the original. The initial guidance suggested that handcuff use 'be necessary, reasonable and proportionate with handcuffs not being used routinely...' Yet, a recent report from HM Inspector of Constabulary and Fire & Rescue Services on stop and search and the use of force claimed to have 'received anecdotal evidence that the use of handcuffs during stop and search encounters is becoming routine in some forces' (**HMICFRS, 2021**, p.5).

Our issues with the draft APP proposed are twofold:

Firstly, the HMICFRS report identified improper recording of handcuffing during stop and searches 3 years after the introduction of a national recording requirement in 2017. This led the report's authors to suggest that 'current data is insufficiently robust due to the likelihood of high levels of under-recording' (**HMICFRS**, p.12). However, beyond a mention of how essential 'appropriate recording' is to the process, the draft proposal fails to offer a fuller explanation of how use of force data ought to be recorded, or on supervisory involvement in monitoring and managing the recording process. If supervisors continue to be left in the dark about their officers' use of handcuffs during searches, it will leave them (and other scrutiny bodies) 'less able to demonstrate to the public that their use of handcuffing is fair and appropriate, and less able to improve it by tackling potentially unfair or inappropriate handcuffing at an individual or organisational level' (**HMICFRS**, p.23).

Secondly, there is no mention of how supervisors and scrutiny bodies might sanction officers who breach the guidance. It is imperative for public safety to ensure that those who are found to have misapplied handcuffs can be subject to disciplinary action, in addition to the guidance-based training they will inevitably receive. We think well-designed regulatory misconduct systems should include 'an escalating response, providing feedback and professional development opportunities for officers

before advancing to disciplinary measures in the event that officers fail to correct their behaviour'. Northamptonshire police's **Reasonable Grounds Panel** (RGP) is one example of an effective procedural system that comprises the prospect of disciplinary action for officers 'whose conduct is found wanting' in the eyes of the public they serve (**Open Society evaluation of RGP**, page 10). Considering how handcuffs are by far the most regularly employed use of force tactic among officers, we believe it is necessary to include sanctions as a measure of accountability for unlawful uses of force.

Your completed form should be emailed to stopandsearch.consultation@college.pnn.police.uk by **10 September 2021**.

About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

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