Police Use of Force – 1

Use of Force Legislation

There are occasions where Police Officers use force in the course of their duties. This can be for a number of reasons, but is most commonly in relation to defending themselves or others from harm, or for the purpose of making arrests.

Any use of force by Police Officers or Police Staff is scrutinised and the individual officer is held accountable for the force they use. The powers to use force where necessary are laid out in legislation.

Some of the primary pieces of legislation that officers draw their powers from include Common Law, Section 3(1) and 3(2) Criminal Law Act 1967 and Section 117 Police and Criminal Evidence Act.

Common Law is created and refined by judges through decisions in courts and other legal proceedings, rather than through legislative statutes. Common Law recognises the entitlement to defend oneself or another from harm and to defend one’s property from damage. Common Law also covers force used to prevent a Breach of the Peace.

Section 3 Criminal Law Act 1967 allows such force as is reasonable in the circumstances to prevent crime or in the effecting or assisting in the lawful arrest of offenders or suspected offenders.

Section 117 Police and Criminal Evidence Act (PACE) permits the use of reasonable force in exercising any power under PACE unless it specifically requires the consent of a person who is not a Police Officer.

These are brief summaries of these powers. Further details can be freely found online. Other legislation specifies in certain circumstances force may be used.

In addition to domestic legislation, use of force is governed by the principle rights and freedoms of the European Convention on Human Rights. The Police, as a public authority, have to act in a way that is compatible with the laws of the convention.

The Human Rights Act 1998 contains principle rights and freedoms in the form of Articles. Some of these Articles are potentially engaged when force is used by Police Officers. As with the domestic legislation, officers are accountable for any force they use. They must be in a position whereby they can justify any force use.

Any force used must be necessary to achieve a legitimate purpose (for instance, to effect an arrest), must be reasonable taking in to account all available information, proportionate to the circumstances making the force necessary and only the minimum force required, as perceived by the officer at the time.