

Analysis of complaints involving the use of handcuffs



Foreword



I am pleased to publish this Report outlining complaints involving the use of handcuffs. The use of handcuffs is undoubtedly in many instances the minimum force dictated by the circumstances. However, police officers must ensure that an objective basis exists for the application of handcuffs, that they are correctly applied and that their use can be justified. Training in the use of handcuffs together with their use and design were raised as issues during a series of interviews with police officers and are referred to in the report. In making recommendations from this policy and practice investigation my Office hopes to contribute to improving the level of services provided by the police to the public.

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Executive summary

This report provides an analysis of the complaints received involving handcuffs between November 2000 and March 2007; an in-depth analysis of complaints closed involving handcuffs between April 2006 and March 2007 and results from 13 semi-structured interviews with police officers regarding their views on handcuffs. Finally, recommendations are made regarding the use of handcuffs.

Analysis of complaints received between November 2000 and March 2007

- There were 1033 complaints received involving the use of handcuffs between November 2000 and March 2007.
- These 1033 complaints involved 2207 separate allegations of which 1054 were allegations involving the use of handcuffs.
- Only 1% of these allegations were of 'Serious Non-Sexual Assault'. The remaining were allegations of a less serious nature.
- North Belfast Area Command Unit recorded the highest number of complaints involving the use of handcuffs.
- 46% of handcuff allegations occurred in the street or road.
- The majority of incidents took place at the weekend, with 17% of all incidents taking place between midnight and 3:00am on Saturdays and Sundays.
- The majority of complaints were made by men and the most common age group was the 16-24 group.

- Of those complainants who provided details regarding their community background, 45% were Catholic and 46% were from the three main Protestant Churches.
- Only one allegation resulted in the Office of the Police Ombudsman recommending any action – an informal discussion with the police officer regarding his failure to document the use of handcuffs.

In-depth analysis of complaints closed between April 2006 and March 2007

- There were 136 complaints closed involving the use of handcuffs between April 2006 and March 2007.
- These 136 complaints involved 381 separate allegations, of which 140 were allegations involving the use of handcuffs.
- Principally due to non co-operation of complainants it was only possible to examine 52 of these allegations in detail.
- 40 out of 52 allegations included as part of the allegation that the handcuffs had been applied too tightly by one or more of the police officers involved in the incident.
- 12 allegations were specifically about the force used to apply handcuffs and did not include that the handcuffs were applied too tightly as part of the allegation.
- 46 Forensic Medical Officer (FMO) reports were examined.
- In 12 cases 'red marks' were the only injury reported by the FMO.
- In 9 cases the FMO actually noted that no injury was present.

Police Officer Interviews

- Police officers interviewed were very confident in deciding when to use handcuffs and in applying handcuffs.
- They had positive views on the design of the handcuffs.
- They also had positive views on handcuff training.
- Whilst all police officers said that they would check for tightness only four police officers said they would record this as a matter of course.

The Office of the Police Ombudsman for Northern Ireland was set up by the Police (Northern Ireland) Act 1998 in order to provide an independent system for investigating complaints against the police in Northern Ireland.

Section 60A of the Police (Northern Ireland) Act 1988 [as inserted by Section 13 of the Police (Northern Ireland) Act 2003] empowers the Police Ombudsman to investigate current policy or practice if:

- (a) the policy or practice comes under attention under Part VII of the Act
- (b) he has reason to believe it would be in the public interest to investigate the policy or practice.

During the period from November 2000 until March 2007 the Office has received 1033 complaints involving the use of handcuffs. In view of the number of such complaints the Police Ombudsman took the view that it would be in the public interest to conduct a policy and practice investigation into complaints involving the use of handcuffs. The purpose of the report is to ascertain emerging patterns or trends into the use of handcuffs by the police and establish what lessons could be learned.

The policy and practice investigation comprises 3 main elements:

- An analysis of the complaints involving handcuffs received over the last 7 years which includes location and timing of incidents, circumstances leading to the incident, profile of the complainants and outcome of the complaints.

Using the Police Ombudsman Case Management System (CMS) all complaints were identified which involved the use of handcuffs from November 2000 until March 2007. The system also recorded details such as the time and location of incident, the circumstances of the incident, the demographics of the complainant and the outcome of the complaint. Data was extracted from the CMS and analysed using a statistical software package called SPSS.

A detailed examination was undertaken of all complaints closed between March 2006 and April 2007. Documents in the relevant complaint files, including complainant statements, police officer statements, police officer notebook entries and medical reports were examined in order to build up a synopsis of each case. This facilitated an analysis of the nature of the complaint, circumstances surrounding the incident and the types of injury received.

Thirteen interviews were carried out with police officers to assess their views and experiences on the use of handcuffs. In addition informal discussions were also carried out with police officers involved in the delivery of handcuff training.

Evolution of handcuff use in Northern Ireland

Current guidelines

Police in Northern Ireland have used a variety of handcuffs over the past fifty years.

This was as a result of purchase procedures on what was available in the market place at that particular time and each purchase was in addition to what was already on stock issue.

A survey was carried out in 1999 and at that time five types of handcuffs were on stock issue;

- (a) Plastic cuffs (used in evidence protection kits)
- (b) Rigid Quickcuffs (Hiatt)
- (c) Hiatt loose chained handcuffs
- (d) Smith & Wesson loose chained handcuffs
- (e) Chubb loose chained handcuffs (2 lock types).

Evidence Protection Kits were developed in 1992 and included plastic cuffs. These are used for forensic preservation and replaced hand protection kits. Rigid handcuffs were introduced in 1996. These were on personal issue to all operational Constables and Sergeants who had completed the Conflict Resolution Skills training in their use. This handcuff was introduced for use as a compliance and restraining device, and for its ease of operation. This issue brought the Police in Northern Ireland into line with guidelines produced by the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO). Rigid handcuffs were last issued in March 2007.

Loose chained handcuffs were retained at local level for use during prisoner escorts after the introduction of rigid cuffs. It was found that rigid handcuffs were not suitable for lengthy escorts. The Prison Service has now taken over responsibility for the majority of prisoner escorts.

Folding handcuffs were first issued in December 2002, initially to plainclothes police officers and police motorcyclists. Folding handcuffs will subsequently replace rigid handcuffs for all operational police officers who have received handcuff training. Folding and rigid handcuffs have the same training regime, which is part of the Personal Safety Programme (PSP).

Any intentional use of force on another person is an assault. The use of handcuffs is an assault and it is unlawful unless it can be justified. This justification is achieved by establishing not only a legal right to use handcuffs but also good objective grounds for doing so in order to establish what the police officer did was with a reasonable use of force.

The Criminal Law Act (Northern Ireland) 1967 provides the legal authority for the use of physical force by the police and the benchmark by which it is judged. It states that,

‘A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting the lawful arrest of an offender or suspected offender or of persons at large.’

The Police Service of Northern Ireland Policy Directive PD 07/07: Public Order and the Police Use of Force, complies with the principles of the Human Rights Act 1998. It states that,

“It is the aim of the Police Service of Northern Ireland to uphold and protect the human rights of all the people of Northern Ireland by providing a high quality, effective policing service in partnership with the community and in co-operation with other agencies. In carrying out our duties, police officers shall, as far as possible, apply non-violent means before resorting to the use of force. Police officers will only resort to the use of force if other means remain ineffective and there is no realistic prospect of achieving the lawful objective without exposing police officers or anyone whom it is their duty to protect, to a real risk of harm or injury. Officers must record the event in the prescribed manner”.

Current guidelines

The Police Service of Northern Ireland Policy directive PD 07/07 contains specific procedures and guidance regarding the use of handcuffs:

The Policy Directive refers to the ACPO guidance on the use of handcuffs:

This guidance states that officers should be familiar and comfortable with the circumstances in which handcuffs may be justifiably used and be able to justify their use. They should also be prepared to justify the period of time that handcuffs are applied before their eventual removal.

Handcuffing can be justified if a prisoner is likely to escape or attempt to escape or is likely to offer violence. In considering what action is reasonable an officer should apply the principles of the Conflict Management Model especially the impact factors. Factors such as age and gender and apparent strength or fitness may or may not support the justification of handcuffs, taking into account all the accompanying circumstances at the time. There must be an objective basis for applying the handcuffs.

The physical condition of the prisoner is another consideration in deciding whether or not handcuffs should be applied or their application continued e.g. a person with an arm or wrist injury may be prone to particular risk of further injury or pain if handcuffed; this might make the use of handcuffs unreasonable. When handcuffs are used the condition of the prisoner should be monitored to ensure there is no particular risk of injury or death. For example, if a handcuffed prisoner became physically distressed it might be unreasonable to continue the use of handcuffs.

These ACPO guidelines offer advice to clarify the above:

In establishing an objective basis for believing a prisoner may escape or attempt to escape, an officer may obviously react to whatever the prisoner says or does, but need not wait for an actual physical act from the prisoner. The officer should take into account the seriousness of the offence for which the prisoner has been arrested as well as the possible punishment the prisoner may be expected to receive. Depending on the circumstances these can induce a level of desperation so that an attempt to escape could be very well expected. Previous indications of the prisoner's propensity to escape or attempt to escape can also be considered to establish reasonable grounds on which to handcuff.

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

The Police Service of Northern Ireland Policy Directive PD 07/07 also advises the following:

- a) A prisoner should not be handcuffed to another person or object.
- b) The use of handcuffs on children should be restricted to exceptional circumstances.
- c) Any use of handcuffs must be recorded in the officer's notebook whether or not the person was compliant.

Training

Foundation training

ACPO guidelines recommend that police officers undergo a period of 12 hours training in the Personal Safety Programme (PSP). All new recruits undergo PSP training within Foundation Training received at the Police College. This course for student police officers lasts approximately 21 weeks and provides training for the core skills and challenges faced by new entrants into the world of policing.

The PSP training is spread over the 21 weeks and involves the following elements:

- The use of force
- Personal Management Model
- Restraints and escorts
- Search techniques
- The use of handcuffs
- The use of batons
- The use of CS Spray
- Take downs and restraints
- Ground defence/weapon retention
- Strikes
- Role play (which may/may not involve a handcuffing scenario)

Training on the use of handcuffs usually takes place over two sessions in the 5th and 12th week. Each session lasts approximately one and a half hours.

The police officers are trained to become familiar and comfortable with the circumstances in which handcuffs may be used. They are then shown how to apply handcuffs at the correct application site, to ensure that the application technique is correct and ensure that handcuffs are not too tight.

At the end of the 21 weeks the students undergo a final assessment which involves a scenario based practical which tests handcuff skills.

Probationary Constables undergo probationer development training after an initial 12 weeks on duty and again after a further 12 weeks on duty. However at present this does not involve any retraining in handcuff skills.

Initial training

Before being issued with rigid handcuffs all police officers who have not undergone PSP training at the Foundation level undergo 'Initial Training' in PSP. This training lasts three days and the handcuffing skills element of this lasts approximately four hours. The content of this training is similar to the Foundation Training.

Refresher training

Refresher training on Personal Safety is carried out by trainers at Operational Command Unit (OCU) Urban and OCU Rural. This training is tailored to suit the police officers' job and location. Training on PSP lasts approximately two days. The handcuff skills element of this lasts about two hours. Refresher training is given on the circumstances when handcuffs should be used and other considerations to be taken into account when using handcuffs. Police officers are then given practical demonstrations on handcuff skills and are given the opportunity to practice different techniques. In some cases OCU Rural offers scenario training but this is dependent on the availability of trainers. Handcuff skills are also reinforced throughout the Combined Operational Training.

Case studies

These case studies have been included to give the reader a flavour of the type of complaints made to the Office in relation to the use of handcuffs by police.

Incident at the Odyssey Arena

A complainant was out drinking with friends in the Odyssey Arena (Belfast) when an argument started with staff and police officers were called to the scene. The argument developed into a fight and the complainant was arrested for Disorderly Behaviour. The police officer had to get assistance in putting on the handcuffs. Several police officers at the scene recorded that the complainant resisted arrest, struggled and assaulted a police officer. The police officer checked the handcuffs for tightness and double locked them. At the custody suite the Forensic Medical Officer examined the complainant and reported that he sustained superficial abrasions to the wrists. The complainant alleged that the police officer deliberately put on the handcuffs too tight. Upon receipt of the complaint the Police Ombudsman appointed an officer to investigate the matter. Following the investigation it was concluded that there was insufficient evidence to warrant any criminal or disciplinary action against the police officer.

Alleged serious injury

The complainant alleged that whilst waiting to be seen at government offices he was grabbed by two policemen and pulled outside the building. He was then handcuffed behind his back. He stated that he was not struggling and he was never informed as to the reason for his arrest. He alleged that during his arrest he had his arms pushed up his back. He further alleged that he received a broken hand at the time of his arrest. He went to hospital four days after the incident and had his right hand x-rayed which revealed a fracture to his hand. A medical statement received from the doctor who examined him noted swelling in the knuckle area. An x-ray was conducted and this revealed deformity on the metacarpal bone, in keeping with an old healed sports injury. The doctor further added that the type of injury sustained by the complainant was most commonly sustained by punching something and unlikely to be caused by twisting the right upper limb. Witness reports from the scene of the incident also stated that the complainant was abusive to the police at the time of the incident. The Investigating Officer appointed conducted a thorough enquiry and recommended that no disciplinary or criminal proceedings be taken against the officer.

Handcuffs too tight

After a night out with friends, a man and his wife spoke to police outside a hotel to say that they had been threatened by two girls who claimed the INLA were going to burn their house. They returned to a friends house and whilst inside they heard a bang on a window. They opened the door and a fight broke out with people who had gathered outside. The police were called and when they arrived at the scene the complainant was arrested and handcuffed. The complainant alleges that during the arrest the police bent his thumb back and caused pain. He was conveyed to the custody suite where he was examined by the Forensic Medical Officer (FMO). The FMO noted minor handcuff type marks on his wrists. After conducting a thorough enquiry the Investigating Officer concluded that there was insufficient evidence to warrant criminal or disciplinary proceedings.

Analysis of complaints received between November 2000 and March 2007

Number of allegations which involved the use of handcuffs

During the period from 1 November 2000 to 31 March 2007 there were a total of 1033 complaints received involving the use of handcuffs. A complaint can include one or more allegations. The 1033 complaints involved 2207 separate allegations of which 1054 were allegations involving the use of handcuffs. Figure 1 shows the number of allegations involving handcuffs by year received.

Figure 1: Number of allegations which involved the use of handcuffs by year

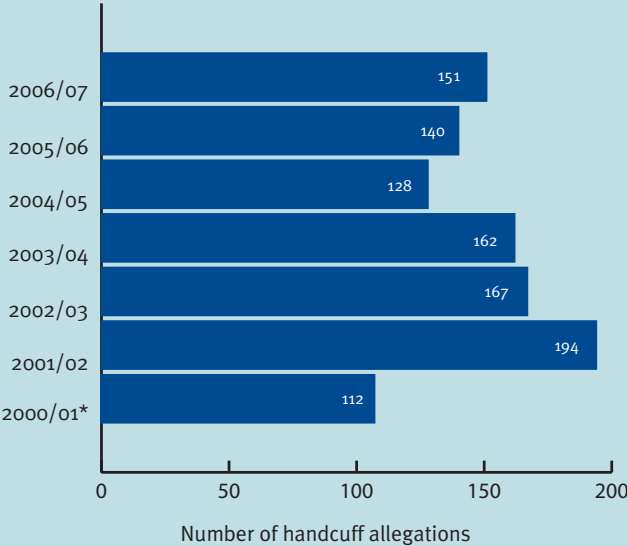


Figure 1: * from November 2000

Overview of all allegations associated with complaints which involved the use of handcuffs

Figure 2: Types of allegations associated with complaints involving the use handcuffs.

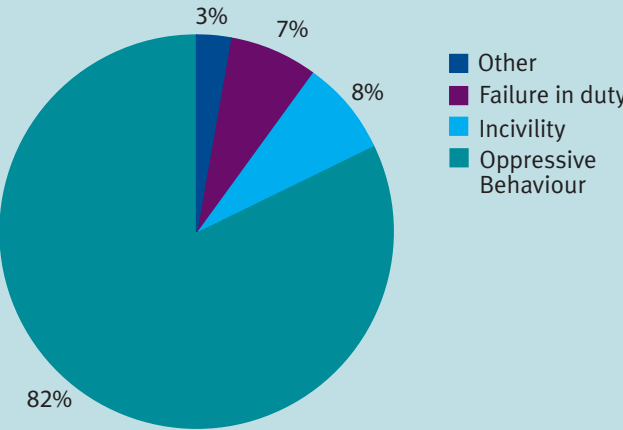


Figure 2 gives an overview of the types of allegations included in all complaints where handcuffing was an issue. 82% of these allegations were of 'oppressive behaviour', 8% of allegations were classified as 'incivility', 7% as 'failure in duty' and 3% as 'other'.

Oppressive behaviour allegations can be further subdivided into 'other assault' (i.e. less serious assaults) (73% of all allegations), 'oppressive conduct or harassment' (5%), 'unlawful /unnecessary arrest or detention' (3%) and 'serious non sexual assault' (1%).

Type of allegations which involved the use of handcuffs

Any allegations regarding misconduct in the manner of the application of handcuffs or their misuse are classified as 'oppressive behaviour'. The majority (97%) of the 1054 allegations were allegations of a less serious nature ie 'other assault'. Only 1% of allegations were classified as 'serious non sexual assaults'. The remaining allegations were classified as 'oppressive conduct or harassment' (1%) or 'other' (1%).

Outcomes of complaints involving handcuffs

Figure 3: Outcomes of handcuff complaints received between November 2000 and March 2007

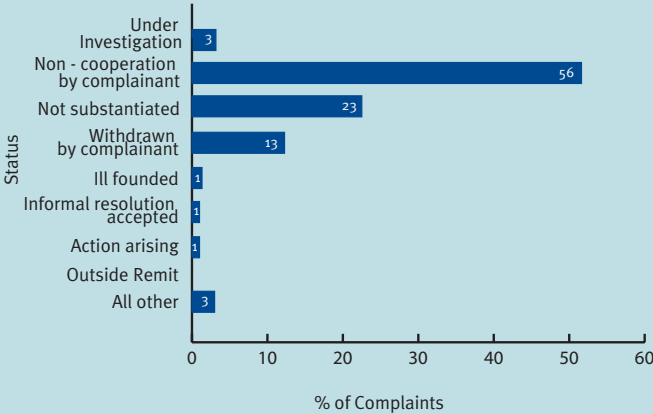


Figure 3 shows the status of the complaints involving handcuffs. Over half (56%) of complaints involving handcuffs were closed due to non co-operation by the complainant and a further 13% were withdrawn by the complainant. Twenty three per cent of complaints were closed following investigation as 'Not substantiated – No further action'. Three per cent remain under investigation. The remainder of the complaints were closed under a variety of headings, the full details of which are included above. Seven complaints were closed under the heading as 'Action arising', although only one of the actions related to a handcuff allegation. In this case it was recommended that an informal discussion take place with the police officer due to his failure to document the use of handcuffs.

Factors underlying complaints

Where practicable the Office retains information on the factors underlying complaints. Factors include criminal investigation, arrest, traffic incident, search and parade/demonstration. For the majority of handcuff complaints (91%) the factor behind the complaint was arrest (i.e. during or immediately after arrest).

Analysis of complaints received between November 2000 and March 2007

Location of handcuff allegations

The Area Command Unit that had the highest number of allegations from 1 November 2000 to 31 March 2007 was North Belfast, with 135 allegations (Figure 4). The next highest incidence was South Belfast (99) followed by West Belfast (73)

Figure 4: Number of handcuff allegations arising per ACU *

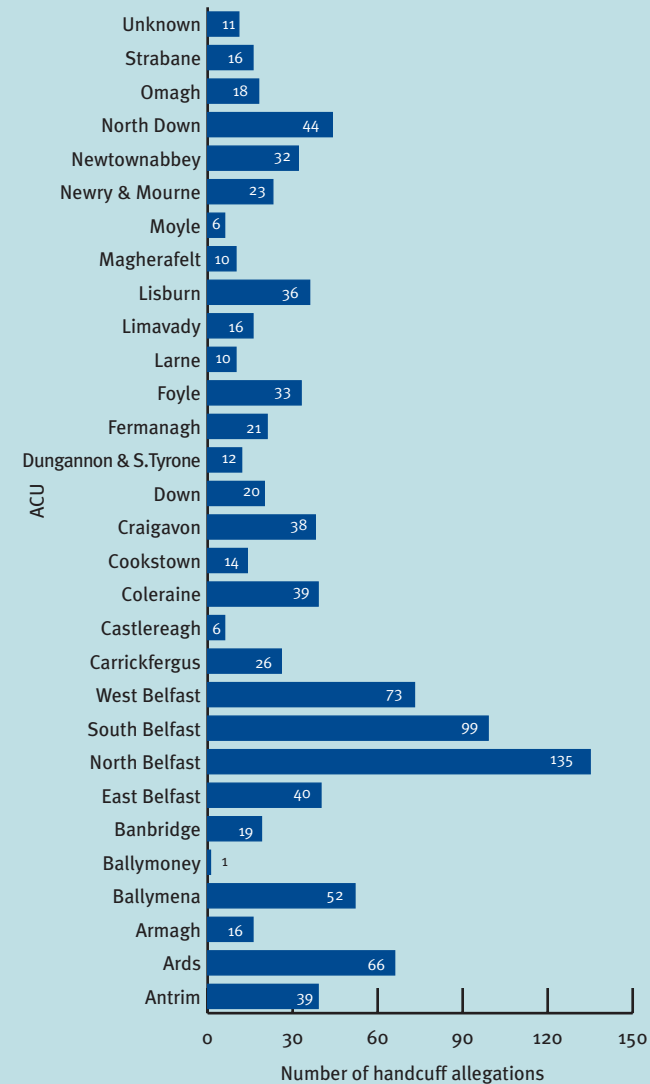
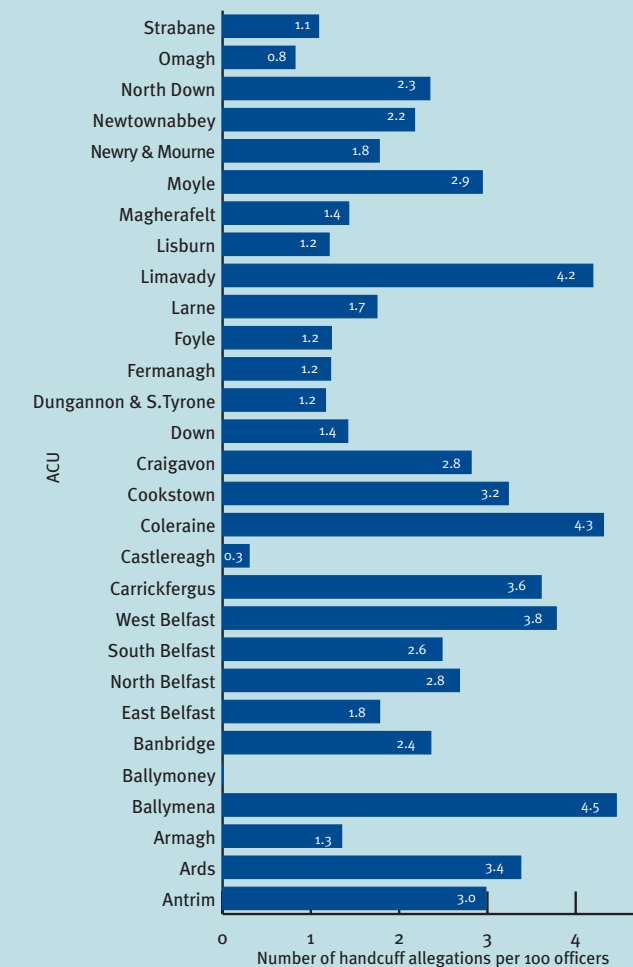


Figure 4: *Complaints are recorded by the Area they occurred in and the number of police officers relates to Area Command Unit police officers only.

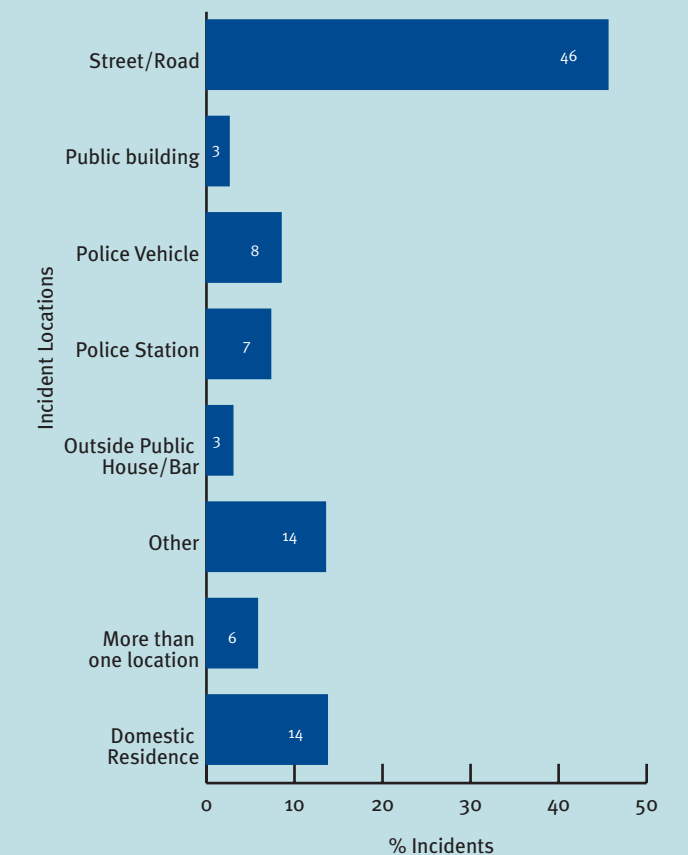
Figure 5 shows the average number of handcuff allegations per 100 police officers per year in each ACU using data from November 2004 to March 2007. Ballymena has the highest proportion of incidents per 100 police officers per year (4.5) closely followed by Coleraine (4.3) and Limavady (4.2).

Figure 5: Number of handcuff allegations arising per ACU per 100 police officers per year (November 2004-March 2007)



Handcuff incidents were most likely to occur in the street or road (46%).

Figure 6: Location of handcuff incidents



Analysis of complaints received between November 2000 and March 2007

Timing of handcuff allegations

Complaints involving the use of handcuffs were more likely to take place at the weekend with 43% of incidents taking place on Saturday or Sunday. (see Figure 7)

Over one third (35%) of all incidents took place between midnight and 3:00am: 17% of incidents took place between midnight and 3:00am on Saturdays and Sundays. (see Figure 8)

Figure 7: Day of handcuff incidents

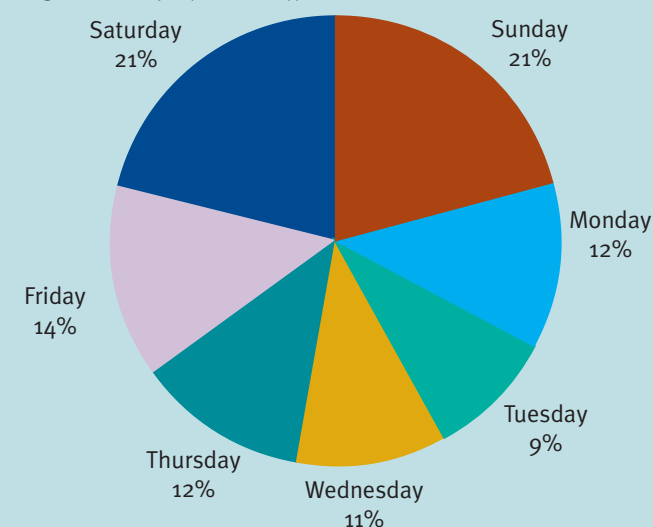
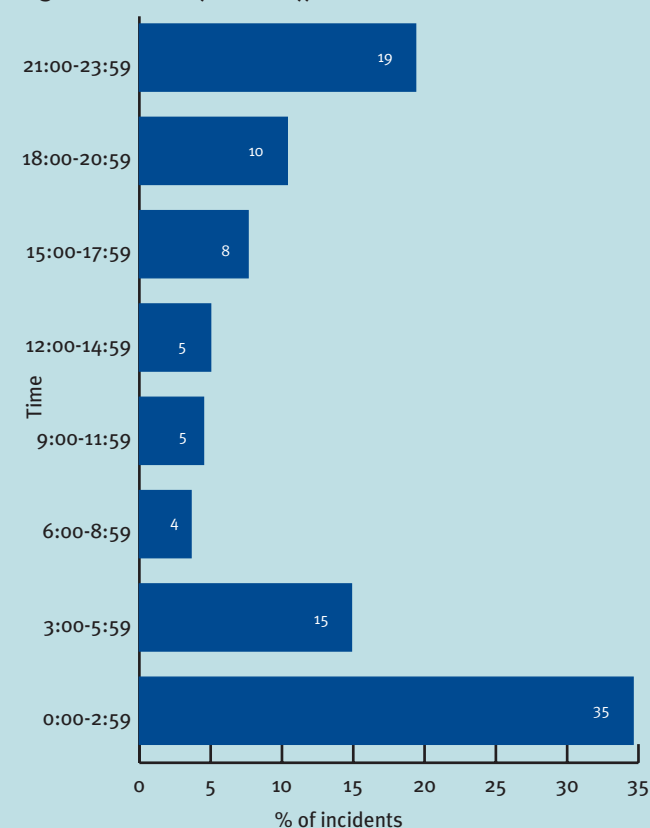
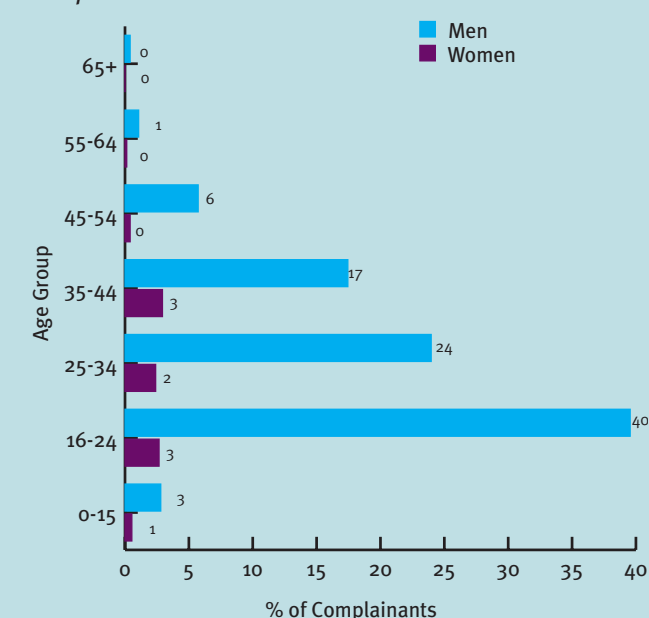


Figure 8: Time of handcuff incidents



Profile of handcuff complainants

Figure 9: Age and Gender profile of handcuff complainants



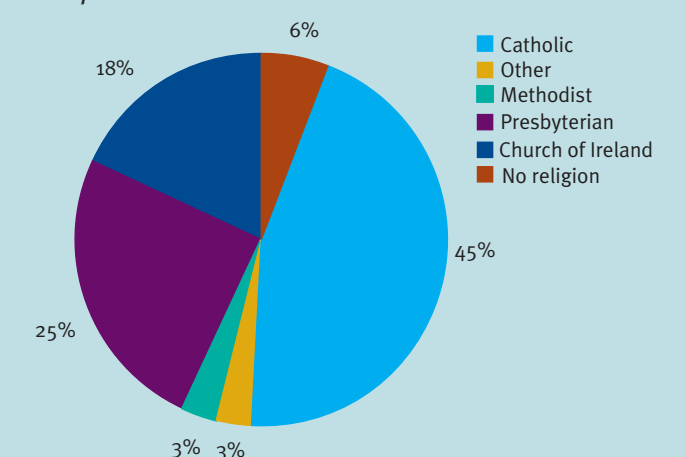
The Office is committed to fulfilling the obligations laid upon it by Section 75 of the Northern Ireland Act (1998). All complainants are asked to fill in an equality monitoring form asking for information relevant to the nine categories specified in Section 75.

Of the 1033 complaints made involving handcuffs the majority were made by men (91%) and 9% were made by women.

Seventy three per cent of complainants gave their age on the equality monitoring form. Figure 9 shows the age and gender profile of handcuff complainants. Forty per cent of respondents were males aged 16-24 and 24% aged 25-34.

Figure 9: *Complainants aged under 16 were advised it was unnecessary to complete the equality monitoring form.

Figure 10: Community Background of handcuff complainants



Twenty four per cent of complainants gave details of their community background on the equality monitoring form. Forty five per cent of these were Catholic, 18% Church of Ireland and 25% Presbyterian. Six per cent stated they were of 'no religion'. (see Figure 10)

Twenty four per cent of complainants gave their marital status on the equality monitoring form. Of these 61% were single and 24% were married or living together. Only 20% gave their sexual orientation. Of these the majority (98%) were heterosexual.

Twenty four per cent of complainants gave details of their ethnic background. Of these the majority (98%) were white.

In-depth analysis of complaints closed between April 2006 and March 2007

During the period from 1 April 2006 to 31 March 2007 there were a total of 136 complaints closed involving the use of handcuffs. A complaint can include one or more allegations. The 136 complaints involved 381 separate allegations, of which 140 were allegations involving the use of handcuffs.

Outcomes of complaints involving handcuffs

Figure 11: Closure status of handcuff complaints closed April 2006 – March 2007

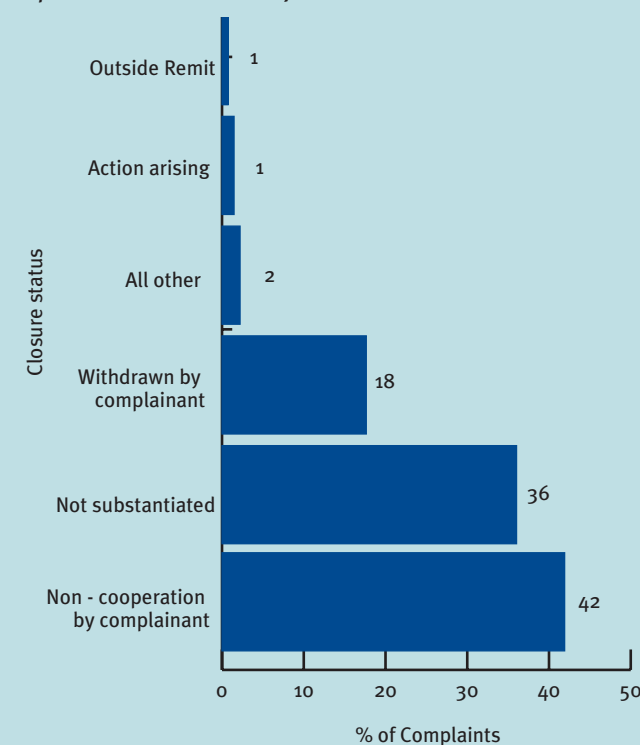


Figure 11 shows that 42% of complaints involving handcuffs were closed due to non co-operation by the complainant and a further 18% were withdrawn by the complainant. Thirty six percent of complaints were closed as 'Not substantiated – No further action'. Although the overall closure status of two complaints was 'Action arising' further analysis showed the action recommended did not regard the handcuff allegation contained within the complaint.

Overview of allegations associated with complaints involving the use of handcuffs

Figure 12: Types of allegations associated with complaints involving the use handcuffs.

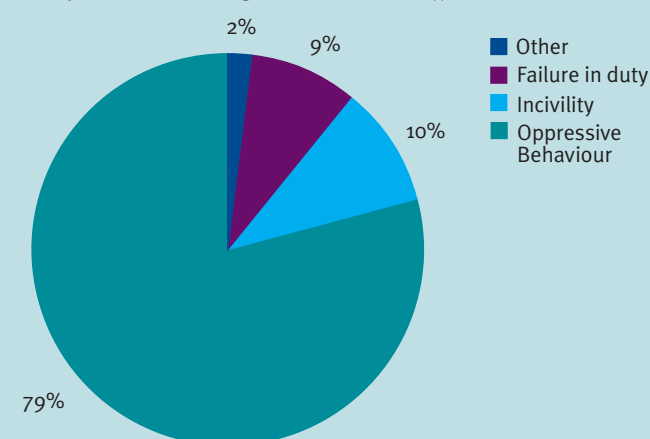


Figure 12 above shows the types of allegations which were included as part of the complaints involving handcuffs closed between April 2006 and March 2007.

Seventy nine percent of these allegations were classified as 'oppressive behaviour', 10% of allegations were of 'incivility' and 9% as 'failure in duty'.

'Oppressive behaviour' allegations can be further subdivided into allegations of 'other assault' i.e. less serious assaults (65% of all allegations), 'oppressive conduct or harassment' (7%) and 'unlawful unnecessary arrest or detention' (6%).

Type of allegations which involved the use of handcuffs

Any allegations regarding misconduct in the manner of the application of handcuffs or their misuse are classified as 'oppressive behaviour'. The majority (98%) of the allegations which involve the use of handcuffs were allegations of a less serious nature i.e. 'other assault'. Only one allegation was classified as a 'serious non sexual assault'. The remaining allegations were classified as oppressive conduct or harassment (two allegations).

Further analysis

Principally due to non co-operation of complainants it was only possible to examine the allegations which were closed as 'Not substantiated – No further action' or 'Action arising'. (see Figure 11). This included 51 complaints which contained 52 separate allegations involving the use of handcuffs.

Nature of allegation

Fifty one of the allegations were classified as oppressive conduct allegations of a less serious nature i.e. 'other assault'. There was only one allegation of a more serious nature i.e. 'serious non sexual assault'.

When the exact nature of the allegations were explored by examining the complainants' statement, 40 allegations included as part of the allegation that the handcuffs had been applied too tightly by one or more of the police officers involved in the incident.

Twelve allegations were specifically about the force used to apply handcuffs and did not allege that the handcuffs were applied too tightly as part of the allegation.

Factors underlying complaint

For the majority of handcuff complaints (49 out of 51) the factor behind the complaint was arrest (i.e. during or immediately after arrest). Custody records were available for 49 complaints. The most common offences recorded on the custody record include 'disorderly behaviour' (29 complaints), 'resisting arrest' (21 complaints) and 'assault on police officers' (19 complaints).

Struggle reported by police officers

Out of the 52 allegations examined in detail police officer(s) alleged that a struggle had taken place during the incident in 51 cases.

Evidence of drugs or alcohol

Out of the 52 allegations which were examined in detail there was evidence that the complainant was under the influence of drugs or alcohol at the time of the incident or when examined at the custody suite in 39 cases.

In-depth analysis of complaints closed between April 2006 and March 2007

Police Officer Interviews

Injuries sustained

Information regarding injuries sustained during the incident was obtained from Forensic Medical Officer (FMO) reports. FMOs complete a medical form in the custody suite if the complainant makes an allegation of assault or if the Custody Officers believe it is otherwise appropriate.

FMOs are asked to record details of injuries highlighted by the prisoner including an explanation of how they occurred, any ‘apparent injuries’ that were found, to include a body chart if applicable, and in their opinion if the injuries are consistent with the injuries highlighted by the prisoner. As the FMO was not asked specifically to record handcuff injuries for the purposes of this report ‘handcuff injuries’ are those, which are confined to on or around the wrist area. A total of 52 allegations were examined. FMO reports were available for 46 allegations, for a further 2 allegations the complainant ‘did not want to see the FMO’, for one allegation the complainant alleged he had no injury and therefore did not see the FMO and for 3 allegations the FMO report was unavailable.

Table 1 shows the nature of the handcuff complaints injuries that were observed and recorded by the FMO under the section ‘details of any apparent injuries’ or on the body chart.

Table 1 Wrist injuries noted by the FMO

Sign	Number occurrences
Swelling	9
Bruising	3
Incisions/abrasions	22
Numbness/other nerve damage	2
Red marks only	12
No injury reported	9

It was not possible to determine the severity of the injuries from the FMO report. For 12 complaints ‘red marks’ were the only injury reported and for nine cases the FMO actually noted that no injury was present. It must be noted here that it is possible that additional injuries may be revealed following a prisoner’s release from police custody.

Thirteen semi-structured interviews were carried out with police officers in order to gather their views and experiences regarding the use of handcuffs. Informal discussions were also held with five police officers involved in the provision of training.

Interviews were conducted across four locations in Northern Ireland. The sample included police officers from the following: Tactical Support Groups; Community Policing; Response Teams; male and female police officers; part time and full time police officers and police officers with varying length of service.

The key issues that were discussed included:

- Experience in using handcuffs
- Evidence recorded in relation to handcuff incidents
- Views on the design of handcuffs
- Training received in handcuff use

Experience in using handcuffs

Generally police officers found it difficult to report how frequently they used handcuffs as this varied throughout their service. Responses varied from one police officer who had not yet used handcuffs in operational duty to some police officers in response teams who used handcuffs on every shift.

All police officers were confident about deciding when it was appropriate to use handcuffs.

Police officers were asked to discuss which handcuff positions they had used and how confident they were in using them. All officers (except the police officer who had no experience of handcuff use) applied handcuffs in both the ‘rear palms out position’ and the ‘front stack

position’. Several police officers said that they also applied handcuffs to other positions:

‘Sometimes it’s a case of trying to get them on any way you can if the person is violent.’

‘If you can get an arm lock I get them on any way possible.’

Police officers were then encouraged to talk through the process of applying handcuffs and what they said to the subject throughout the process.

All 12 police officers who had used handcuffs mentioned they would ‘double lock’ the handcuffs. Eight police officers talked about how they would check the handcuffs for tightness as part of the process. On further probing the remaining four police officers concurred they would also check for tightness. Some police officers reported that in some cases it was not possible to check for tightness until the subject had calmed down.

Training in handcuff use

Police officers were firstly asked about the handcuff training they received either as part of their ‘Foundation Training’ or ‘Initial Training’.

All participants were satisfied with the handcuffing training they received within the ‘Foundation Training’ or ‘Initial Training’. However most respondents were unable to recall details of the strengths or weaknesses as for most the training took part too long ago.

Police Officer Interviews

One police officer who had undertaken ‘Foundation Training’ recently said he had a:

‘good experience of trainers - went over how you could get it wrong and was given the opportunity after training to go over anything I wasn’t confident in.’

Police officers were probed about ways that the delivery of Foundation training and Initial training could be improved. Two police officers commented that more time should be spent on the handcuffing elements of training.

Other comments included:

‘There should be more repetition of drills.’

‘Handcuffing a compliant person was not realistic - handcuffing should be built into role playing.’

Police officers were also asked about their views on the Refresher Training they received. Again all police officers had positive experiences of the training:

General comments included:

‘best training on the ground,’

‘trainers were excellent.’

Generally respondents said that they received training around once every six months or slightly more often, which was in line with guidelines.

Several respondents mentioned that training kept them ‘up to date’ (5 police officers), ‘built confidence’ (3 police officers) and was a ‘useful refresher’ (4 police officers).

Other positive comments included:

‘useful to learn tips,’

‘very useful to learn about other handcuffing experiences and get feedback from OPONI,’

Police officers were then probed about how they thought the delivery of training could be improved. Four police officers mentioned that they thought training could be more ‘scenario based’. However several police officers mentioned problems with providing this type of training:

‘It is very difficult to replicate a real situation.’

‘On the ground we have to apply more force due to drugs or alcohol - person doesn’t feel pain but might feel pain afterwards.’

‘Training is a sterile environment. Training is good but in reality handcuffing a non compliant person is very difficult and trying to get the handcuffs on is priority.’

Only two police officers said that the handcuffing element of the refresher training should be longer. One of these said that it would be useful if district trainers could go to stations so that the frequency of training was increased.

One police officer also mentioned:

‘the training should emphasise situations were you could talk someone down.’

A number of police officer trainers suggested that handcuff training could be more ‘practical’ although they recognised that it was very difficult to provide ‘real life’ situations.

Views on design of handcuffs

Of the 13 police officers, four had experience of using both rigid and folding handcuffs, eight had used rigid only and one had used folding only.

The views on the design of the rigid and folding handcuffs were positive:

‘The handcuffs are the best piece of equipment that the police have ever issued.’

‘They are a necessary evil.’

Four police officers commented that a particular strength of rigid handcuffs was that they were ‘ready to use or handy’ and two commented that the folding ones were ‘easy to carry’.

Two respondents commented on the safety aspects of using handcuffs:

‘Have confidence in them when on – person and police officer both safe.’

‘Safer for both person and police officer.’

One female police officer also mentioned that as you didn’t really need strength to apply handcuffs it was:

‘good for females to be on a level playing field.’

Other positive comments included that rigid handcuffs ‘were easy to control’ and ‘secure’.

Police officers were then probed about any weaknesses in the design of handcuffs. Five police officers commented that the rigid handcuffs could ‘dig in or catch on their clothing’. One police officer said that the folding handcuffs were ‘futtury’ and another that they had ‘sharp edges’.

Three police officers mentioned that as locks were only located on one side of the handcuff if they were locked incorrectly it was difficult to remove handcuffs and injury could be caused. This drawback was also mentioned by three police officers who delivered training.

Two police officers commented on the injuries that could be caused by handcuffs:

‘because of the nature of rigid handcuffs it is likely the prisoner may become injured,’

‘marks inevitable if struggling when put on.’

One police officer commented that it was:

‘Difficult to cuff a large person comfortably behind their back.’

Another that:

‘it was difficult to double lock if wrists are too small’

When police officers were asked what type of key they used three police officers used both the large and small keys, nine used the large key only and one used the short key only. The police officer who used the short key only has since requested a long one.

Police officers kept their keys in a variety of places including ‘belt loops’, ‘notebook pouches’, ‘with their penknife’, on their ‘glock’* or ‘on a climbing hook bought in B&Q’. Five police officers mentioned that it would be useful when issued with handcuffs if they were advised where to keep their key.

* Refers to police issued firearm

Evidence gathered

All 13 police officers recorded general details of the handcuff incident e.g. time of incident and the justification for using handcuffs.

Only four police officers said that they usually recorded in their notebooks that they checked for tightness as a matter of course. One of these police officers had undergone an OPONI investigation regarding handcuffs in the past.

He commented:

‘I’ve learnt the hard way to record that I checked for tightness, double locked etc due to complaints against me.’

A further three police officers would record that they checked for tightness if there was a problem or if the subject complained.

Several police officers also recorded if the subject caused injury to themselves:

‘Noted anything unusual like injuring themselves or grinding them to injure wrists.’

Five police officers said that they would not record that they checked for tightness in their notebook.

One police officer commented:

‘Don’t note I check for tightness as always check for tightness - so pointless to note.’

Scenario based training

- That the handcuff training should include as much ‘role play’ and ‘scenario based’ situations as possible and that Probationary Development training should involve an element of scenario based handcuff training.

Warning given against struggling

- That the Police Service of Northern Ireland Policy Directive PD 07/07 should be amended to place an onus on police officers that where possible, when handcuffs are applied a warning should be given to the subject that struggling may cause the handcuffs to tighten and cause injury.

Recording of evidence

- That police officers should record in notebooks that
 - they have asked subject if handcuffs are too tight
 - they have checked and adjusted for tightness
 - they have double locked the handcuffs
 - they have warned subject that struggling may cause injury.

Design of rigid handcuff

- That keyholes are located on both sides of handcuffs.
- That research is initiated aimed at resolving the issue of where police officers keep their keys.

Recording of more details on injuries to complainants

- That Forensic Medical Officers (FMOs) where appropriate, fill in a hand injury chart in conjunction with the body chart.
- That they record if the injuries were consistent with handcuffing and how severe the injuries are.
- That guidelines should be developed to advise FMOs how to record injuries in a consistent way e.g. if there was a fracture, skin breach or nerve injury.

The recommendations under the headings ‘Scenario based training’ and ‘Recording of more details on injuries to complainants’ together with the issue of resolving where officers should keep their keys will be forwarded to the relevant PSNI Working Groups for their consideration and necessary action.

Policy Directive PD 07/07 – Public order and the Use of Force will be amended to include the recommendations on ‘Warning given against struggling’ and ‘Recording of evidence’ with one exception. PSNI do not believe it would serve any purpose to direct officers to ask or record if the subject feels the handcuffs are too tight. PSNI suspect that in many cases the subject would simply reply in the affirmative contrary to the judgment of the officer who, having checked and adjusted for tightness considers the handcuffs correctly applied. PSNI consider it sufficient for the officer to simply record the fact that he or she has completed the above mentioned check and double locked the handcuffs. PSNI can confirm that an interim direction in relation to this matter has been circulated to all officers pending amendment to the Policy Directive.

The handcuffs on issue to the PSNI are of a type in use across the United Kingdom and have been approved by the relevant Association of Chief Police Officers (ACPO) Committee. That said, the design of handcuffs and the desire to provide officers with the most effective equipment is ongoing and the recommendation in relation to the location of keyholes will form part of that process.

PSNI concluded by reaffirming that it takes its responsibility when dealing with all members of the public very seriously indeed. This is particularly so in any instance where force may be used in effecting the arrest or restraint of a person. This is instilled in all police officers during basic and refresher training and is overseen by supervisors and line management at all times.