

# Physical restraint and the use of reasonable force



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Physical Restraint and the use of Reasonable Force Introduction I am going to discuss the use of Physical Restraint and how it can be applied. I will demonstrate some of the various ways it can be used. I will also be looking at the amount of force that can be used whilst apply these restraints. I will also show the use of reasonable force and what it literally means. We will talk about how the law relates the use of force and how the Human Rights Act supports us as employees. The term ??? Physical Restraint???, also known as physical intervention is defined by Mark Dawes, as the positive application of force for the purpose of overcoming a subject??™s resistance.

Restraint is normally applied with the aim of: 1, Preventing the actual or imminent physical assault or self or others 2, Effecting a lawful arrest or preventing a person lawfully detained from escaping; and 3, Stopping and / or preventing serious damage to property. There are two different types in interventions, Restrictive and Non Restrictive. Generally speaking restrictive interventions are applied against a person??™s consent and can involve bodily contact, mechanical devices or changes to the persons environment. A Non ??“ Restrictive physical intervention is basically talking to a person and they are being ??? compliant???. A Non ??“ restrictive intervention should be used when a restrictive intervention is excessive force. A restrictive intervention should be used when a non ??“ restrictive intervention is failing and proportionate force is applied.

Physical restraint should be the last resort when talking about door security. Other methods should be exhausted first. You should talk to the customer first to find out what their issues maybe and see if they can resolved in a calm adult manner. If not then you should escort the customer to the front

door if needed, if this does not work then try prompting the person. Both escorting and prompting should be done with reasonable force. The definitions of escorting and prompting in accordance to the oxford English dictionary are; Escorting:??? To accompany for the purpose of protection of guidance??? Prompting:??? Incite or move person to action???, ??? assist (hesitant person) with suggestion etc.

As we know working in the front line security industry namely clubs, some people are very strong, both in mind and in body and if they do not wish to leave the club / pub escorting and prompting will not work and you have to resort to physical restraint. When taking control of a person you must use reasonable force. What is Reasonable Force Reasonable force is made up from two basic requirements, Necessary and Proportionate.

If the force use was necessary and proportionate then you have reasonable force.???` Necessary??? Was the force used necessary and if so was the force proportionate.??? Proportionate??? The amount of force used must be proportionate to the amount of force you are preventing. So with this in mind if there is a security guard working on a nightclub door and two males are fighting, you have the right to use approved physical restraint techniques to take the offenders liberty away until such times as the police arrive. These guidelines are set by the Security Authority Industry (SIA) and should be used wherever is deemed necessary and in accordance with the law.

However, if you are being set upon or are out numbered, the SIA guidelines may not be suitable and under the Human Rights Act 1998 Article 2 (1) you have the right to protect life, weather it be your own or someone else. The

Human Rights Act 1998 Article 2 is made up of two parts. Article 2(1) states:??? Everyone??™s right to life shall be protected by law.

No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.??? Article 2(2) state:??? Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: In defence of any person from unlawful violence. In order to affect a lawful arrest or prevent the escape of a person lawfully detained. In action lawfully taken for the prevention of quelling a riot or insurrection. It is this article that will save a door supervisor from serious assault or even death as there are a lot of blinkered door companies in the industry that are maybe breaking the law. By this I mean in there own company polices, you hear a lot of door companies having a no hit policy.

However I do understand this ruling but you cannot tell an employee that he cannot defend himself when being attacked by one or more people. The Human Rights Act 1998 effectively leap frogs company policy. If your company dismisses you for protecting your right to life using absolutely necessary force, then they could be in breach of your rights to work! In the Human Rights Act Article 2 it states that the force used must be reasonable and absolutely necessary defending your own or another persons life. For it to be deemed as reasonable the force used must be necessary and proportionate to the force being applied. An example of ??? necessary??? You have been pinned against the wall by a man that is bigger and stronger than you. He has you by your throat and is saying he is going to kill you, it <https://assignbuster.com/physical-restraint-and-the-use-of-reasonable-force/>

maybe necessary to give him a direct shin kick as hard as you can even if it may cause his shin to break.

An example of ??? proportionate??? If you give the man a shin kick and subsequently break his shin this would be considered proportionate to the out come that may have happened if you didn??™t. The out come could have been your loss of life. Before you engage in any type of force you must show an unwillingness to fight or make some physical withdraw. In a nightclub or on a busy front door where there may be lots of people or loud noise a drunk person may not understand you, but if you move away and show an unwillingness to fight it may calm the situation rather than having to use physical force. From time to time you will meet a customer that only has one thing on their mind and that is to hurt either you or the first person they come into contact with. This could be for many reason and have nothing to do with the person they are going to attack.

It could be down to drink, drugs or mental health. It is the duty of the door supervisor to assess the person whilst walking towards the front door, in the queue or in the club. If you see them walking towards you and you are absolutely sure they are going to attack you, you have the right to pre ??“ emptive strike. What is Pre ??“ Emptive Strikelf you have done and shown all you can to avoid conflict yet the attacker is still at large, it have been recognized that there are situations which will be justified to use reasonable force by way of pre emptive action against an apprehended attack.

Basically if you have no exits and a man is coming to attack you, you can strike first, but you have to be absolutely sure there are no other means of

defence. Reference: Mark Dawes - Understanding Reasonable Force ??“

Pages ??? Self Defence & Lawful Excuse, Page 43 ??? What Constitutes as

reasonable force, Page 53 ??? Human Rights Act 1998, Page 68Nfps ??“

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