



Orion Investigations & Intelligence Ltd®

Use of Force Policy

1. Introduction

- 1.1. This Policy applies to Orion Investigations & Intelligence Ltd® Employees and sub-contractors.
- 1.2. The purpose of this document is to provide Orion Investigations & Intelligence Ltd® Agents with general guidelines for the reasonable use of force. For the purpose of this document Orion Investigations & Intelligence Ltd® Directors, Employees or sub-contractors acting *at that time* on behalf of Orion Investigations & Intelligence Ltd® are collectively referred to as Agents.
- 1.3. Orion Investigations & Intelligence Ltd® Agents may be called upon to use reasonable force in carrying out their duties in a manner that is fair and unbiased. Orion Investigations & Intelligence Ltd® Agents must understand the limitations of their authority with respect to overcoming resistance from those with whom they come in contact when acting in the execution of their lawful duties. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every Orion Investigations & Intelligence Ltd® Agent is expected to adhere to these guidelines, and to make such decisions in a professional, impartial, and reasonable manner.
- 1.4. As private citizens, Orion Investigations & Intelligence Ltd® employees and agents are held to the same standards as any other private citizen in the use of force

2. Reasonableness

- 2.1. It is the policy of Orion Investigations & Intelligence Ltd® that its Agents shall use only that force which is “Reasonable in the circumstances” given the facts and circumstances perceived by the individual Agent at the time of the event to effectively bring an incident under control.
- 2.2. The “reasonableness” of a particular use of force and the level of force that may be justifiable is based on all the circumstances known by the individual at the time of the use of force and the actions of the individual Agent will be assessed considering the circumstances surrounding the event. Reasonableness will be judged from the perspective of a reasonable person in the same situation, rather than with the benefit of hindsight. The “reasonable person” standard allows for the fact that individuals may be required to make a split-second decision – in circumstances that are tense, uncertain, and rapidly evolving – and always only using the appropriate degree of force that is reasonable in the circumstances.

3. Level of Force

- 3.1. This policy cannot realistically predict every possible situation an Agent might encounter, and each individual developing incident will be the subject of ongoing dynamic risk assessment.
- 3.2. Agents are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Agents may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offence or the reasonably perceived level of actual or threatened resistance.

- 3.3. Agents may *only* use force in the performance of their duties when they reasonably believe any of the following conditions exist:
- In self-defence i.e. to defend himself/ herself from physical attack.
 - Prevent an attack on another person (e.g. in defence of another Agent or member of the public). “*There is a general liberty between strangers to prevent a felony*” – stated case Duffy 1967.
 - To prevent the commission of a “crime under English Law” Stated case – Jones (Margaret) 2007.
 - To affect a lawful citizen’s arrest in accordance with citizens’ powers under Section 3, Criminal law Act 1987.
 - To defend his, or another’s property – stated case Hussey 1924.
- 3.4. If the Agent is unable to maintain control of a situation by verbal reasoning where violence is threatened towards the Agent, then the Agent should retreat if safe to do so. If retreat is not feasible the Agent may act in Self Defence. In cases of self-defence, a possibility that the individual could have retreated will be considered by a Court (so far as is relevant) as a factor to be taken into account, rather than as giving rise to a duty to retreat.
- 3.5. In the event of a physical confrontation and agent should consider the following:
- retreat from a threat of violence towards them if the option is available, it can be done safely, and by retreating they do not expose a fellow Agent or member of the public to a real and immediate risk of physical harm or danger.
 - Provide first aid where appropriate to all parties involved.
 - Consider calling an ambulance for any individuals involved, if injuries warrant.
 - Record details of the incident.
 - Consider reporting the incident to the Police.
 - Obtain photographs of injuries.
 - Notify the instructing client.
 - Consider warning other Bailiff service providers via social media/ personal contact.

4. Legality

- 4.1. In England and Wales, the legal basis for an Agent to use force in certain circumstances is primarily found in the following legislation:
- Tribunals, Courts and Enforcement Act 2007 (TCEA 2007).
 - Criminal Law Act 1977 (CLA 1977) – Section 10 – Intentional obstruction of someone who is executing a court process.
 - Criminal Law Act 1967 (CLA 1967) – Section 3 – A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders.
 - Police and Criminal Evidence Act 1984 (PACE 1984) – Section 24A – To arrest a person for an indictable offence and arrest is necessary to prevent a suspect fleeing, harm to a person of loss / damage to property.
 - Common Law – To defend yourself or someone else where an honestly held belief that there is danger to yourself or another then necessary and proportionate force may be used.
- 4.2. In relation to self-defence the present position is stated in Bird [1985] 1 WLR 816 where the Court of Appeal said that a demonstration by the defender’s conduct that he did not want to fight is the best evidence that he was acting reasonably and in good faith in self-defence; but it is no more than that. A person may in some circumstances act lawfully in self-defence without temporising, disengaging or withdrawing.
- 4.3. “*It is both good law and good sense that a man who is attacked may defend himself. It is both good law and good sense that he may do, but only do, what is reasonably necessary*”. (Archbold 19-41).

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