

THE REPUBLIC OF ARMENIAN POLICE

GUIDELINES

FOR THE ACTIVITIES OF OFFICERS OF THE POLICE UNITS INVOLVED IN PUBLIC ORDER MANAGEMENT AND FOR THE USE OF PHYSICAL FORCE, SPECIAL MEANS AND FIREARMS BY THESE OFFICERS DURING MASS DISORDERS

I. General Context

1. The nature of policing, its variables and challenges poses risks requiring the police in certain circumstances to revert to the use of force, including in exceptional situations special means and firearms, to deal with societies issues in the provision of a police service that is intended to provide for citizen's rights, freedoms and safety which is much more than compliance and law enforcement.
2. It is therefore important for the police as a service and the State to take all steps possible to ensure that when force is used it has a legal status, applied only in a progressive and discriminate way and with only the minimum level of force used to achieve its intended objective.
3. The inappropriate use of force can have immediate consequences; provoking an escalation of the incident resulting in a need for a greater application of force by the police and in the longer-term a loss of confidence in the police and thereby its ability to deliver effective policing.
4. Citizen confidence is closely linked to the attitude and behavior of the police. The use of force, special means and firearms can threaten this relationship and any application or use needs to be closely controlled and monitored. Unless an open and transparent process exists i.e. permission, justification, control, and accountability where clear legitimacy and proportionality is visible, elements of society will remain distrusting of the police even though their actions are justifiable.
5. Whilst these guidelines focus upon mass disorder the conditions, principles and standards expected remain exactly the same. The difference by the very nature of mass disorder is the likelihood of use and the numbers of people against whom the means may be applied are much larger and therefore will attract more attention internationally. It is unwise to separate the two and the below guidance should apply whether through individual action or as part of a larger police operation or tactic.

II. Purpose of the Guidelines

6. These guidelines aim to provide clarity for the use of force; the permission of, issue and use of special means and the use of firearms within the framework of national legislation, internationally recognized treaties and principles of contemporary law enforcement.
7. These guidelines are not an explanation about each special means or their tactical use, which should be dealt with through separate instructional or tactical manuals but does include some principles about tactics in general and some considerations to support their use.
8. The three elements of these guidelines – Use of Force, Special Means and Use of Firearms are inextricably linked and have to be considered as a variety of considerations and options within a ‘continuum of force’ with no application of force at one end and use of lethal weapons at the extreme. For example, when dealing with simple control of crowds, directing them through words or presence no force is required. The policing style i.e. appearance of the police, numbers, type of uniform, level of interaction or presence of shields can affect that relationship. Special means may be necessary in crowd control but equally so in firearms related incidents where a less lethal or differentiated response may resolve the threat without the use of firearms. Firearms may be used in certain specific circumstances.
9. Policing is a complex profession and every eventuality connected with its activities is unique and cannot be prescribed. These guidelines focus on the key principles; legislation, permission and authority, essential considerations, individual accountability and organizational oversight. Where appropriate practical examples are provided suggesting a typical police response and the considerations that must be applied specific to each incident.

III. Legislative Framework

10. The use of force by Law Enforcement Officers (herein referred to as the police) is embedded in international laws (treaties), supported through internationally recognized good practice (legal instruments), whilst not legally binding provide clear guidance and expectations on the State and its police services. National legislation at various levels takes into account these requirements and principles to provide the legal framework that protects the rights and freedoms of the citizen and the lawful actions of the police.
11. The Republic of Armenia as a member of the United Nations and of the Council of Europe has an obligation to comply with The Universal Declaration of Human Rights 1948 and the European Convention on Human Rights 1950. It also endorses the three recognized instruments that embeds the use of force and firearms by the police, namely;

- a. The United Nations Code of Conduct for Law Enforcement Officials 1979
 - b. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990.
 - c. The European Code of Police Ethics 2001
12. Chapter IV (articles 29 to 34) of the Republic of Armenia Law on Police prescribes the legal basis, with guidance on specific circumstances, for the use of force, exercise of special means and the use of firearms whilst undertaking their lawful duties as well as other other legal acts i.e. Statute of the Patrol Service and the Decree of the Head of Police on the use of special means.

IV. Technical Terminology Used in the Guidelines

Legality: prescribed by law and has a legitimate aim

Necessity: that which is required in a democratic society and there is a pressing need for it to be achieved

Proportionality: the minimum use of force possible to achieve the objective and is balanced against the rights of the individual and community

Mass Disorder: organization of mass disorder, accompanied with violence, pogroms, arson, destruction or damage to property, using firearms, explosives, or explosive devices, or by armed resistance to the representatives of the authorities

Issue: made available for individual use or located in a store or other location where it can be accessed in support of a particular tactic

Use: taking the special means and presenting it. Use does not mean it has to be applied or discharged but where it has clearly become part of the resolution

Direction: the request from the police to move in a particular direction or refrain from doing a particular activity

Control: a specific action to achieve a direction where there is a lawful means to enforce that direction if necessary

Force: an act intended to dissuade, physically prevent, or ensure compliance i.e. the application of physical restraint

Arbitrary: is an act based solely on the act of an individual opinion

Discriminate: action focused specifically on an individual or clearly identified individuals

Indiscriminate: action that is random and not based on careful distinction

Trigger incident: any activity that has the potential to bring about a sudden escalation of disorder

V. General Principles

13. The international treaties, instruments and national laws listed above provide the context and principles for the use of force, special means and firearms. The police must take account of these guiding principles in the interpretation of national laws and the expectations on States to ensure that;
 - a. Rules and regulations are adopted on the use of force and firearms
 - b. Appropriate defensive equipment is issued to the police to allow for a differentiated use of force and firearms
 - c. Firearms will be used against a person only as a defense against imminent threat of death or serious injury
 - d. Persons who use, or approve the use of force are accountable for their actions
 - e. Adherence to the principles of legality, necessity and proportionality in the use of force are applied
14. The overarching presumption must be one of no use of force unless strictly necessary, which applies equally to the personal use of force, special means as an individual or group tactic, use of firearms or a combination thereof.
15. It is the responsibility of the police to individually know the law and their respective powers. Any use of force without a legal basis is unlawful.
16. The police do not have an automatic right to direct or control citizens or to progress to the use of force if citizens do not respond to that direction or control. Legislative acts will include where the police can direct (e.g. traffic) or control (e.g. lawful assembly). A citizen has a right to challenge any member of the police to explain the legality of their action.
17. A citizen who fails to comply with a lawful directive or control may result in the disclosure of an offence be that a crime or administrative violation. The type of offence or violation will prescribe the resultant police actions. Where an offence can be dealt with by arrest the powers conferred for arrest will allow the police to use force as the circumstances dictate. Where there are no grounds for arrest the administrative violation process has to be followed and dealt with as non-compliance with any resultant consequences including invitation to a police station to compile a procedure.
18. Just because a citizen remains non-compliant does not justify the police use of force. Communication and explanation should always be the first approach with force as a last resort and if applied it must be to the minimum level possible. An abrupt behavior of 'compliance to rules' by police will not support peaceful resolution and likely to escalate the incident unnecessarily.

VI. Use of Force

19. The legality for the use of force is paramount and derives from
- Specific laws that authorize the issue of special means and firearms to the police and circumstances of application.
 - Criminal and administrative codes - where the police come in direct contact with citizens and apply the lawful act of arrest under the Criminal Code or invitation to a police station under article 170 of the Administrative Violation Code in circumstances of non-obedience to police. Any refusal to comply may result in forceful removal and as long as that use of force is minimal and necessary it will be lawful.
 - Legislation specific to circumstances e.g. Law on Conducting Meeting, Assemblies, Rallies and Demonstrations – compulsorily terminate the event.
20. The principles on the use of force highlight that at times there will be a necessity for its use and where deemed appropriate it must result from a legal and lawful action. The amount of force applied must be proportionate i.e. no more than the minimum required to achieve the objective.

Example: Every consideration of use of force must include these three principles. Is there a legal basis for the use of force? Is it necessary that force has to be used at that time due to an expectation from society that action needs to be taken and if so is there a pressing need for it to be done then? This means do you have to use force there and then or are there alternatives e.g. arrest the person from home at a later time. Finally if necessity exists the proportionality of the use of force must be the absolute minimum to achieve the objective. These principles equally apply whether dealing with an individual in the street or during circumstances of mass disorder.

21. The use of force, recourse to special means or firearms results from two general categories:
- The behavior of individuals, groups or crowds, the number of attendees, the dynamics of crowds and how they behave once controlled, and sections within the crowd who may be more vocal, aggressive or even counter-protesters.
 - The behavior of the police, policing style, numbers present, public perception, threat assessment and the police culture towards the incident, a facilitation or compliance approach.
22. Each situation has to be taken on its own merits and the police response cannot be prescribed. Whilst the seriousness of the offence is a factor for consideration that

alone should not decide on the level of force or means applied. The behavior of the offender(s) physical strength, age and access to any weapons, any ongoing risk to life or serious injury and the necessity to arrest 'there and then' are other factors. Similarly, the personal factors of the police e.g. physical strength, injuries, police numbers must be considered.

Example: Where a person has committed a serious assault but is compliant and showing no signs of violence towards the police there is no justification to use force other than to consider handcuffs to ensure future behavior is controlled and prevent any escape.

Example: During mass disorder a person suspected of arson to a vehicle is detained within the crowd. If the person is compliant, other than minimal approved restraint techniques and the application of handcuffs no other force is justified. The prevailing circumstances i.e. serious disorder in the vicinity or previous aggression towards the police can never raise the level of force applied towards an individual.

23. The police should always consider the use of a warning message before the use of force be that individual use of force, the use of special means or a firearm as this may de-escalate the incident and reduce the necessity to use force or reduce the level of force required. Such warnings inform the offender of possible consequences as well as showing to the wider citizens, including the media, that the police are taking all reasonable attempts to minimize the use of force.
24. The police can act without a preliminary warning if by delivering such a warning would frustrate their ability to deal with the situation or when taking account of all the prevailing circumstances recourse to the use of force, special means or firearm needs to be immediate.
25. Whilst a range of special means for active protection has been made available it is the responsibility of each individual to justify any use of force including the use of special means.

Example: The hand held CS dispenser and rubber baton have been approved for use in circumstances where an offender is resisting arrest. Just because they are approved does not justify their use. That must be an individual decision at the time and for which the individual is accountable. The intensity of that resistance to arrest may not justify the use of baton strikes but a less intrusive use of force could be the CS dispenser, which has no long-term physical effect. This is a fine balance between the permission to use and the actual decision to use special means.

26. Whilst all citizens, including the police, given the right circumstances can apply the use of any object or implement in self-defense; the level and intensity of the

application of those objects / implements must be exactly the same considerations for the use of force with conventional equipment provided for the police.

27. It is unprofessional for the police to have to resort to such alternative items to defend themselves when the State provides access to the special means for active protection. Whilst not derogating access to that specific law - legislation applicable to the police whilst undertaking police duties should be the main recourse and alternative legislation should not be used as an excuse for failing to carry differentiated Special Means.

Example: Where the police lawfully have recourse to the use of force, the special means available to them for which they are trained must be used. In exceptional circumstances, where the police have had their special means removed or the circumstances result in them not being available due to a sudden and unexpected escalation of force then use of any item as long as it is necessary and proportionate could be used. Justification will be the responsibility of the individual.

Example: Where a member or members of the police intentionally do not carry a particular special means and whilst legally they can use any item in their defense, criticism and liability on the police may be a direct consequence, particularly where it is caused through an internal failure to ensure access to differentiated special means exists.

28. In the circumstances where the police are required to to carry special means for active protection and fail to do should be dealt with as a disciplinary matter for both the individual and supervisor.

Example: The police do not have to wait for citizen(s), including the police, to be assaulted or seriously injured before reacting and they can lawfully use force to prevent such assaults or injuries taking place. The threat of harm must be realistic and imminent and the level of force necessary and proportionate.

Policing Style and Operational Planning

29. The agreed strategy and operational plan gives legitimacy to the event / incident and will be one of the main areas for scrutiny post event for internal assessment of effectiveness as well as oversight bodies where the event / incident escalated or concerns are expressed about the police management.
30. The policing style, planning and coordination have a significant impact upon how the event or incident will develop. That chosen style will influence the police presence, its appearance, use of force and intimately any recourse to special means or firearms.

31. If the policing style to be adopted is a visible police presence to facilitate the incident where no violence is anticipated then a normal police uniformed approach with sufficient numbers deployed to manage the incident should be the objective.
32. The use of reserved of police is normal practice and their role needs to be clearly defined in advance. If their role is not to police disorder yet if deployed they have military fatigues, and recognized as a public order unit the crowd will presume they are there to prevent disorder and increase tension.
33. Additional numbers of police not committed to the incident or held in reserve must be held at a rendezvous point not visible to the crowd to respond. Increased visible numbers of police has the potential to unnecessarily increase tension.
34. Where disorder is a possibility and shields and helmets, as approved within the Law on Police, are to be available they should not be deployed too early or if held in reserve must not be visible as this will increase tension and the information will spread rapidly throughout the crowd. Therefore, the policing style, the operational plan and how the situation is managed by commanders will influence the way the incident is policed and how reactive the police will need to be e.g. use of force and special means.

VII. Special Means

35. The Law of Police stipulates the types of special means available, the circumstances when they can be considered and the level of approval required to ensure they are approved by the State and suitable for the purpose intended.
36. The Decree of the Head of Police on the Use of Special Means (dated 22.7.2011) stipulates the permission level and authorization for use.
37. Special means are classified as:
 - a. Means for active protection
 - b. Means for special operations

Means for active protection are:

- Handcuffs
- Special rubber baton
- Dispensers (bags with tear-gas and irritating substances)
- Stun-guns, spark arrester
- Gas and traumatic guns and corresponding cartridges

Means for special operations are:

- High-pressure gas dispensers and bags
- Hand gas-grenades, smoke canisters
- Sound-and-flash grenades and devices
- Cartridges with gas grenades and rubber bullets
- Means for removing obstructions
- Special painting substances
- Sniff dogs
- Water canons
- Armored vehicles
- Means for compulsory stopping (blocking) people and vehicle movement

NB: See Appendix I where national legislation stipulates the type(s) of special means that can be considered in certain circumstances.

Special Means for Active Protection

38. The Head of the structural unit is authorized to issue those special means classed as ‘active protection’ for the use of police to safeguard their safety and the safety of citizens. The prescribed types are subject of independent medical assessment before approval and must be supported through suitable training and periodic recertification.
39. The respective Head of the structural unit must ensure that access is available to a range of differentiated special means dependent on the function of the specific unit to minimize the use of force applied.

Example: Uniformed ‘operational’ police on foot or vehicle patrol may come into contact with offenders or disorderly incidents. They must carry a differentiated range of special means to ensure the use of force is the most appropriate and yet minimal. Foot patrol officers carry rubber baton, CS dispenser and handcuffs, which gives them this variety of options. Traffic officers or similar specialists must have access to similar special means of a type carried easily in vehicles e.g. a retractable baton rather than a rigid baton; folding handcuffs and CS dispenser. It may be appropriate for investigators to have access to a similar baton and CS dispenser when involved in operations. The overriding emphasis must be on access to a special means to minimize any use of force.

40. The police are issued with a rubber baton, which they carry as part of their normal uniform. If the baton is taken out of its holder and produced it has been used, as its visible presence may be sufficient to de-escalate the incident. Use does not imply it has to be applied.

Special Means for Special Operations

41. The use of special means needs to be controlled and authorized. This is most important when used as part of a large operation or when used as a group tactics by numbers of police due to its impact on the crowd as well as the image portrayed to the outside world through the use of media.
42. The Head of Police or his first deputy is authorized to identify those special means classed as 'for special operations' and for them to be retained for operational use only when specifically authorized. The prescribed types are subject of independent medical assessment before approval and must be supported through suitable training and periodic recertification.
43. The Head of Police, or in his absence, the nominated Deputy Head of Police on consideration of a planned or spontaneous incident may authorize the **issue** of special means or a specific selection of these special means to be used in accordance with their design, training and in support of other tactics.
44. The Head of Police or in his absence, the nominated Deputy Head of Police may place tactical parameters and restrictions on the **use** of these special means or specific selection of special means as he / she feels necessary.
45. The Head of Police, or in his absence, the nominated Deputy Head of Police on considering the **issue** and **use** of special means ensures there is a clear audit trail of the circumstances, the rationale and decision making process - including reasons for approving or declining any of the special means.
46. Once the **issue** of special means for special operations has been made available the person or persons in command of the incident shall have the authority to approve their **use** taking account of any parameters or restrictions applied by the authorizing officer.
47. The rationale and decision to authorize the **use** of special means must be assessed against the strategic objectives of the incident, the agreed policing style and likely reaction from individuals and groups. This process must be documented and informed through impartial tactical advice, including the positive and negative factors applicable to each special means in the context of the prevailing circumstances.

Example: The Authorizing Officer states that during mass disorder the use of CS grenades or rubber bullet dischargers will not be used, as sections of the intended crowd are women and young people.

Example: Whilst the threat assessment for a demonstration by local students suggests the potential for minor disorder is high a normal policing style is to be adopted for as long as reasonably possible and any escalation will be progressive with the objective of returning to normality through the minimum use of special means in special operations. The

Authorizing Officer restricts the use of Water Canon, armored vehicles, rubber bullet dischargers and any explosive devices. Approval of special means for blocking routes and smoke is granted.

48. Each special means has its specific purpose and manner of use. The Law on Police stipulates which of the below circumstances when each can be considered. See Appendix I
- a. Repelling an attack made upon citizens and a police officer
 - b. Overcoming disobedience or preventing resistance to a police officer or persons assisting the ensuring of the public order and combat against crimes and performing their public or official duties
 - c. Seizing persons caught at the moment of committing an offence and attempting to escape
 - d. When there are sufficient grounds to presume that a particular person or persons are preparing to put up armed resistance
 - e. Forcibly bringing to the Police or other official buildings persons caught for an offence or refusing to introduce their person or introducing obviously false data, transporting arrested and detained persons, including persons in administrative custody, or while guarding the latter if their conduct gives reason to suppose that they may escape, harm themselves or the surroundings, display disobedience or put resistance to police officers
 - f. Releasing the kidnapped persons, persons deprived of freedom and held illegally, captured apartments, constructions, areas and vehicles
 - g. Preventing mass riots and illegitimate group acts dissolving the work of the transport, communications and other organizations
 - h. Stopping a vehicle when the driver thereof obviously does not obey the demand of the police officer to stop the vehicle
 - i. Discovering the criminals committing or having committed an offence
49. Whilst the Law approves the use of special means each circumstance must be taken on its own merit to ensure the principles enshrined in legislation, treaties and guidance are reflected. The use of special means is no more than a method of using force and all the criteria justifying the use of force must be strictly applied when considering special means of any type.
50. It is important to note that special means can be considered in those situations where the police are authorized to use firearms. (See Chapter VIII)

Example: Whilst a person may be an escaped criminal who has been detained for non-violent offences to utilize certain special means i.e. rubber bullets or baton may be disproportionate to any risk the person may pose.

Example: A person who is wanted for an offence and running away in circumstances where to attempt an arrest would result in violence from that person or others, consideration should include - is the individual's identity known and could he be arrested from his home at a later time where less resistance could be expected and any use of force reduced?

51. Irrespective of which type of special means is used and in which circumstances any considerations must be underpinned by the principles of legality, necessity and proportionality in deciding the suitability and appropriateness of the special means.

Restrictions on the Use of Special Means

52. The Law of Police states it is forbidden to use special means:

- Towards pregnant women, obviously cripples and minors (with the exception of cases of an armed attack, armed resistance, group attacks threatening the life and health of humans)
- Preventing non-authorized gatherings, meetings, marches and parades of non-forcible, non-armed nature if those are not disturbing the activities of transportation, communication and organizations.

53. Care must be exercised when special means, particularly those designated for active protection are restricted for operational reasons connected with events and potential incidents as this limits the differentiated options approach to the use of force.

Example: Simply to state arbitrarily 'during the event someone might take the police issue baton off them and use it against them' has to be justified, risk assessed against the real possibility of it occurring on that specific occasion and if so what alternative options and tactics are available to the individual and commander to minimize any use of force.

Specific considerations with tactics

54. Certain types of special means by their very nature have a more indiscriminate than discriminate approach than others;

Example: Smoke, noise and CS dispensers affect the whole crowd, and often unconnected persons in the vicinity. Rubber bullet cartridges can be directed specifically at an individual or individuals in a discriminate way as long as the type of weapon and

ammunition is so designed. The use of the rubber baton as a specific tactic by a number of police can be directed at specific groups, so this dispersal tactic tends to be more discriminate than indiscriminate.

55. The guiding principle for the use of any specific means or tactic is that every effort should be made to ensure that wherever possible police action is in a discriminate rather than indiscriminate way. The principles of legality, necessity and proportionality must be applied and the circumstances so dangerous – risking life or serious loss of life before indiscriminate use of special means such as rubber bullet cartridges could be considered.

Example: The use of certain special means (CS, Smoke) that transfers to non-involved persons i.e. nearby residents and businesses is likely to breach their human rights unless justified in exceptional circumstances and not just as a result of the effects of the tactic / means.

56. The use of force in mass disorder calls for more restraint from individual police action as escalation by a single member of police, squad or unit can act as a trigger incident and suddenly inflame the situation. Only where it is essential for their immediate self-defense should individuals, squads or units act on their own initiative and use force, including special means for active protection.
57. Special means that can cause panic or sudden crowd movement should not be used unless there is an escape route available to the crowd. This is particularly important where the crowd is being contained or encircled.

Example: The police use CS cartridges to disperse or break up a violent crowd that has either been contained by police numbers, physical barriers like barbed wire, or the size of the streets in comparison to the numbers present restricts movement. If CS is used the crowd dynamic will move them towards the point of least restriction or follow each other, possibly disorientated, into contact with the police which might be construed as further aggression towards the police resulting in further escalation in the use of force.

This example highlights how the actions of the police, by their own initiation can escalate an incident. For every tactic or special means considerations prior to use must include not just the police intention but assessment of the likely actions / consequences of the crowd.

Example: Where rubber baton is applied as a group tactic, individual police are still accountable for their actions against each person they come in contact with. Where a person on seeing the police approaching becomes passive then at that point justification for the continued use of force as a result of that tactic against that person ceases.

58. Commanders must have in place alternative or supporting tactics to deal with such situations e.g. arrest teams or teams to direct away from the location those who are not to be detained and do not wish to participate further. To force them to remain within the crowd breaches Article 5 of the European Convention on Human Rights.
59. Where special means are used against a crowd that impact upon them i.e. baton rounds, would be an excessive use of force unless the ferocity of the crowd is such that it is impossible to identify individual(s).
60. Every tactic considered must be measured against the reason for its use and the justification. In many cases this will require additional equipment to support its use.

Example: where a group of individuals within a crowd are so violent that the use of cartridges with rubber bullets is justified but due to poor lighting recognition is difficult then lighting must be provided to illuminate the offenders / location before the tactic is used. To arbitrarily discharge cartridges with rubber bullets at the group will breach the Human Rights of the others.

Containment as a tactic (encirclement)

61. Whilst the terms containment and encirclement does not necessarily mean the application of force it is a show of strength and control by the police where people are prevented or restricted from leaving. Therefore, this tactic has the potential to breach human rights legislation (Article 5 – Right to Liberty and Security) if not applied carefully and with consideration for those contained.
62. Containment may be seen as a non-forceful tactic yet it is an escalation of police presence and the likelihood for an increase in violence from elements of the crowd is a real possibility - resulting in the police having to escalate their response. When containment is considered alternative policing methods must be considered e.g. how to identify offenders and agitators or non-involved persons. When they leave the crowd where are they going to be directed and how will they be policed whilst dispersing?
63. Containment is a tactic that is less forceful than the use of special means but its use must be a considered part of the strategic plan due to the requirements it will require to cater for the welfare of the contained group:
 - Access to water
 - Toilet facilities
 - Exit plan for those uninvolved persons caught up in the crowd
 - Exit plan for those opting to leave the incident
 - Medical treatment for injury or illness

NB: If incorrectly applied or used for an excessive period containment and encirclement can be construed as police detention and therefore unlawful. If deemed unlawful any use of force by the police to apply the tactic will also be held to be unlawful.

Example: A crowd of 500 persons are contained to prevent them reaching a building of national interest and to allow the police to arrest identified offenders or to encourage uninvolved persons to leave. The level of police control and its duration has to be balanced with the objective of the tactic and the prevailing circumstances. The principles of legality, necessity and proportionality must be applied even though no actual force is being used. Control and direction are often construed as the same as force through the police show of force.

64. The use of special means in a contained crowd must be avoided due to the potential for panic and inability to escape.

Warnings

65. According to Chapter IV of the Republic of Armenia Law on Police, police officers using physical force, special means or firearms are obliged, unless not practicable to warn about their intention to use force, special means or firearms.

Individual warning

66. Police should decide on an individual basis the level and extent warnings should be given in line with current legislation. It is good practice to issue loud warnings and repeat as necessary allowing, where practicable, time for the individual(s) to react unless this would frustrate the purpose of the means.
67. This has two purposes; gives warnings to the offender(s) of the intended action with time to refrain from their activities, and allows citizens or persons with interest to hear that the police are issuing warning to attempt to prevent any escalation in the use of force. This is a professional approach and shows the police to be accountable for their actions.

Group or crowd warning

68. Warnings to groups or crowds have greater potential for reaction as well as citizen / media interest. The nature of mass disorder attracts the potential for higher level of special means to be considered and usually involves many police officers involved in the tactic. As a result the outcome of the tactic will have a greater likelihood to have an impact upon many people rather than individual(s)
69. The same principle applies as to individual warnings but every effort should be made for the warnings to be delivered and recorded in a way that ensures the group / crowd gain maximum awareness of the potential effects from ignoring the warning.

Frequency of warnings

70. It is good practice to provide the warning on three separate occasions culminating with 'no further warnings will be given' The type of special means should be included in the warning to give the citizen full opportunity to consider their continued presence and assess their behavior.

Suggested wording of special means warning

“This is a police message. Stop the mass disorder and leave the location or special means (state the means) will be used”.

“This is a police message. Stop the mass disorder and leave the location or special means (state the means) will be used”.

“This is a police message. Stop the Mass Disorder and leave the location or special means (state the means) will be used. **No further warnings will be given**”.

Types of warning means

71. Every attempt should be made to ensure the warnings are delivered in terminology that can be understood by the crowd and through the most appropriate methods e.g. loudspeaker, public address system, written sign or banner, electronic visual display or mobile texting technologies.

Recording of warnings

72. Wherever practicable warning and any responses from individuals, groups or the crowd should be recorded in a permanent means i.e. audio or video. The prevailing circumstances and the rationale for the decision to use special means should be recorded both at the operational and command levels.

Frequency of warning

73. It is good practice to constantly reconsider any decision to allow the use of special means to ensure that on each occasion they are used the most up to date information informs the decision to continue to use or rescind the approval for special means. Even though the three warnings culminating in no further warning will be given – after re-assessment it is good practice to repeat the warning messages.

Time delay

74. Wherever possible time should be allowed between warnings to establish the crowd response to the warning. Even where crowds have been exposed to special means they should continue to be assessed in every possible way to de-escalate the situation.

VIII. Use of Firearms

75. The use of a firearm by a member of the police is a serious issue for the reputation of the police service. The police must justify such use within international and national laws, instruments and guidelines like the United Nations Basic Principles on the Use of Force and Firearms.
76. The Law on Police (articles 32 – 34) authorizes the use of firearms in certain circumstances.
- a. Defending citizens from attacks dangerous for the life and health of citizens
 - b. Repulsing an attack made upon a police officer when his / her life or health are endangered, as well as while preventing an attempt to seize his / her weapon
 - c. Releasing hostages
 - d. Arresting persons caught at the commission of a serious crime or grave crime against the life, health, property and making an attempt to escape, as well as displaying armed resistance
 - e. Repulsing group or armed attacks made upon apartments of citizens, areas occupied by state bodies, organizations, as well as upon escorting detail
 - f. Seizing or preventing the escape of the persons arrested under suspicion of committing a crime, in custody or persons escaping from a place of incarceration, as well as while preventing the forcible attempts of deliverance thereof.

In addition to sub-sections (a) to (f) the law also allows firearms to be used to:

- a. Stop a vehicle by damaging it if the driver creates real danger for the life and health of citizens and does not obey the signals of the police officer to stop the vehicle□
 - b. Rendering harmless the animals threatening the life and health of citizens
 - c. Warning about the intention to employ an arm, while declaring an alarm or calling for help.
77. The Law on Police provides the legality for the use of firearms but individuals must apply the guidelines contained within the Basic Principles on the Use of Force and Firearms.
78. Principle 9 of those guidelines states that a firearm can only be used;
- a. In self-defense or defense of others against the imminent threat of death or serious injury

- b. To prevent the perpetration of a particular serious crime involving grave threat to life
- c. To arrest a person presenting such a danger and resisting their authority
- d. To prevent a person from escaping

NB: Sub-sections (c) and (d) relate only to those actions contained within sub-sections (a) and (b).

Example: The police may use firearms in self-defense or to prevent a serious crime involving a grave threat to life - this is sub-section (a) and (b) above. The police can also use a firearm to arrest a person or preventing a person escaping but it must be due to an imminent threat of death or serious injury, or a person attempting to escape in the same circumstances - this is sub-section (c) and (d) above. It does not include a person who resists arrest or attempts to escape for any other non-life threatening matter.

- 79. It must be reinforced that the use of a firearm has to be the last resort and wherever practicable all other means must have been tried and failed or if tried would fail. Where the situation posed does not amount to an imminent threat of death or serious injury a firearm is not justified and the police must use alternative methods to detain the person i.e. special means.
- 80. The Basic Principles on the Use of Force and Firearms confers that the State must include differentiated means to minimize the use of firearms. Therefore, police who have operational contact with the citizens must also have access to differentiated special means rather than purely a firearm.

Use of Force

- 81. The considerations for the use of a firearm are exactly the same as for personal application of force or special means. That is legality, necessity and proportionality. Clearly the use of a firearm should be a last resort and therefore when considering its use the use of force continuum should be considered in line with the European Convention on Human Rights.
- 82. It seems sensible that when dealing with a person who has access to a firearm or is so dangerous that a firearm has to be considered that the police response will include access to firearms. This does not mean if force has to be applied it will automatically be with a firearm.

Example: Police attend a report of a man with a pistol in a street. Upon arrival the police confirm he has a weapon but is not currently threatening anybody with it. A differentiated approach is to use the firearm as a last resort should the man threaten the life or serious injury of others. Consideration could be to use special means e.g. cartridge with rubber bullets or a dog.

83. The Law on Police states the police shall have the right to exercise a firearm without prior notification at any attempt by the person to be arrested to approach the police officer executing arrest with a bared firearm (by violating the distance required by him), to make an unexpected abrupt movement without permission, to take his/her hands to his/her pockets or exercise a firearm.
84. The term 'exercise' has to infer taking the police weapon and preparing it for use. The actual decision to use the firearms must be in accordance with principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Example: A comparative is when an offender is holding a firearm in his hand threatening to shoot at anybody coming near to him will attract a higher level response than where the offender has possession of a firearm but is unlikely to harm herself or others and could be dealt with through communication or if necessary the use differentiated means i.e. use of less lethal weapons.

Example: A person has a firearm in his hand and comes towards the police. Communication and loud warnings to put the weapon down or 'stop' should be used. If the person is coming too close to the police and the police believe he poses an imminent threat to life or serious injury then use of force can be applied. That use of force may be with a firearm. However, should special means be available and safe to use then even though the law and circumstances justify the use of a firearm a lower level use of force should be used or considered before recourse to the firearm.

Example: One of the key principles about the use of firearms is they must not be used unless there is imminent risk of death or serious injury. Imminent means 'there and then' so a person running away who poses no threat to the police or citizens cannot be subject to the use of a firearm unless their immediate detention is needed to prevent loss of life or serious injury.

Example: Where an offender resists arrest or attempts to assault a member of police the police can lawfully use force to restrain him / her. If that resistance is limited in intensity then it seems sensible for the police to resort to those special means for active protection at their disposal e.g. baton or gas. There can be no justification to use a firearm unless the police genuinely believe the assault to be, or is likely to become so violent that there is imminent risk of death or serious injury which may include circumstances where there is a genuine attempt to take the firearm and use it against the police.

85. The Law on Police states it shall be prohibited to employ firearms against obviously pregnant women, obviously disabled persons and minors (with the

exception of cases of armed or group attacks and resistance on their behalf, dangerous for the life of citizens), as well as during considerable accumulation of people when other persons may suffer from the exercise of firearms.

Use of firearm as a warning (warning shot)

86. The Law of Police (article 32) states that the police can use a firearm when warning about the intention to employ an arm, while declaring an alarm or calling for help.
87. Discharging a firearm is a serious matter and should only occur as a last resort. It is not only dangerous to other parties not connected with the incident but also seriously affects police – citizen relations, citizen confidence and the image of a professional police service that displays a propensity to use firearms. Whilst a ‘warning shot’ may be a lower level of force than the actual use of a firearms the circumstances justifying the discharge must match the use of force.

Example: A person has in his possession a firearm and the circumstances justify the use of firearms but he runs away. The circumstances are that he continues to pose an imminent risk to life and needs to be detained so a warning shot may be less forceful than using a firearm against him. The threat assessment for the police must include not just the offender but where will the warning bullet go i.e. nearby buildings, cafes, vehicles etc.

Example: A person who has assaulted a woman in the street upon seeing the police arrive runs away. He poses no imminent risk to life or serious injury. A warning shot in these circumstances cannot be justified.

Example: The police attend an incident of disorder that is beginning to escalate and they require help. With modern technology the use of radios or telephones is the normal method of communication and to discharge a firearm, as a call for help, is not appropriate unless the circumstances are so serious, and the police have no other means to call for assistance.

Use of firearms during Mass disorder

88. Any use of firearms during mass disorder should be dealt with as a specific resolution as this is a significant escalation that will quite rightly attract post incident analysis.
89. The Law on Police prohibits the use of firearms during considerable accumulation of people and this section of the law is intended to prevent other people not connected with the use of firearms from being injured by the firearm or the crowd dynamic (panic) should firearms be used.
90. In modern policing there are circumstances where individuals or groups in crowds pose a significant threat to life or serious injury by their actions that would

normally attract a firearms response from the police. The circumstances around mass disorder; the numbers involved and behaviors make it impossible to apply normal firearms tactics to resolve the threat. However, there is usually a greater availability of higher-level special means that could be equally considered rather than the use of firearms e.g. armored vehicles, cartridges with gas or rubber bullets.

91. The police must have tactics and options available to deal with all eventualities involving firearms during mass disorder and these should form part of a tactical manual.
92. The principles on the use of firearms apply equally to individual use in defense of life as well as in exceptional circumstances including mass disorder. The established test of legality, necessity and proportionality does not change and just because the incident is significant in size and level of violence does not justify any variation from these principles or the propensity to resort to firearms.
93. In all cases where a firearm is discharged the weapon(s) should be seized in support of any ongoing investigation.

Unlawful non-violent assemblies

94. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states firearms cannot not be used against unlawful non-violent assemblies and any force used to end that assembly must be the minimum as discussed in Chapter VI.

Unlawful violent assemblies

95. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states during the dispersal of violent assemblies the police may use firearms but only when less dangerous means have been tried and failed or are not practicable in the circumstances.
96. Principle 9 of that guidance still applies in that there must be an imminent risk to life or serious injury before firearms can be considered.

IX. Responsibilities of the Police

Provision of medical treatment

97. All persons who have been injured as a result of use of force, special means or use of firearms should be provided with initial medical treatment and where necessary access to further treatment.
98. Where practicable all injuries that are alleged to have been caused during the use of force, special means or use of firearms should be recorded and photographs taken. This should include any injuries to the police.

Notification to relatives

99. The police have a responsibility to notify the relatives of any injured party and to disclose their current location, i.e. street, hospital or police premises.

Accountability

100. Where a member of police whilst using physical force, special means or firearms, abuses their authority they will be held liable for their actions at a disciplinary level as well as any criminal liability.
101. Authorizing Officers, commanders and cumulative decision making bodies remain accountable for their actions.
102. Individual police must act lawfully at all times and where they know the action expected of them (order) is clearly unlawful they must be allowed to refuse to obey that order and have a means of reporting such requests.

X. Procedural Requirements

Incident reporting

103. All occurrences where use of force has been applied, including where special means have been presented and used, or considered for use, in the presence of an offender should be recorded in the approved manner. This should include the circumstances, justification and success of the use. This will support statistical analysis in terms of frequency of use and to support training considerations as well as the ability to comment on the suitability of the equipment or techniques.
104. Information about all cases of death or injuries should be provided in the prescribed order.
105. Supervisors must ensure accurate records are completed and submitted addressing any issues with the police or through training.
106. The use of force and use of special means during demonstration or mass disorder is a significant event and the audit trail of policy and incident logs, audio and video recordings of the incident and communications / actions of the police should be secured. The circumstances should be reported to the Head of Police verbally and a formal report submitted as soon as possible by the person(s) in charge of the

operation. Completeness of that report is essential due to likely media interest and oversight requirements.

107. Recording of data should be in the prescribed manner and retained at Headquarters.

Recovery of used special means

108. Any device or parts of a device used as a special means i.e. smoke, gas, rubber bullets should be recovered for analysis of effectiveness, an audit trail of the numbers used, evidence of any inappropriate use and to prevent them being used in unjustifiable complaints against the police at a later stage.

Training

109. Police may only use special means for active protection, special means for special operations and firearms only where they have been appropriately selected, trained and authorized for each special means.
110. The training must include use of the special means, the linked tactical options, and a differentiated approach to resolution combining special means with the intention to minimize the level of force applied.
111. All training should include an understanding of the legality for the use of each tactic or special means, as well as a clear underpinning knowledge of the principles of human rights, freedoms and safety. (legality, necessity and proportionality)

Example: Handcuffs as a special means for active protection can be very useful but if not applied correctly and locked; the offender monitored and the handcuffs released as soon as possible long-term injury can be caused. Handcuffs that are incorrectly applied are the wrong type, intended for short-term use, or left on once the offender has arrived at a secure location may result in breaches of human rights, as their intended purpose has not been followed.

Example: The police are authorized to use a firearm to stop a vehicle if it poses a risk to life or health and the driver does not obey the signals of the police. The training must be very clear to distinguish between the use of the firearm against the vehicle, or the circumstances where the action is against the driver. Is the type of weapon and ammunition approved for use against a vehicle; is it suitable to stop it and what are the consequences to other vehicles or citizens?

XI. Monitoring and Oversight

112. The use of force, use of special means for active protection and special operations, and the police use of firearms are of interest to the police service, those who monitor the police through independent oversight and NGOs.
113. The police service must have in place an effective remedy (article 13 European Convention of Human Rights) i.e. an internal body responsible for monitoring and where necessary the investigation of irregularities linked to the use of force, special means and firearms arising from the citizen or the police.
114. It is in the interest of openness and transparency for the police to support external oversight and information exchange should, subject to operational sensitivities, be encouraged.
115. The Head of Police, or his nominee, will consider requests for information on an individual basis but will work positively to ensure openness and transparency.
116. Information regarding the use of special means during mass disorder and any discharge of a firearm by the police whilst performing their lawful duties should be referred to the Independent oversight body as a matter of course.

	Situation	Applicable Special Means
1)	Repelling an attack made upon citizens and a police officer	Rubber baton, tear-gas and irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh means for distracting attention, water canons and armored vehicles, stun-guns, spark arrester, sniff dogs
2)	Overcoming disobedience or preventing resistance to a police officer or persons assisting the ensuring of the public order and combat against crimes and performing their public or official duties	Rubber button, tear-gas, irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh means for distracting attention, means for removing obstructions, water canons and armored vehicles, stun-guns, spark arrester, sniff dogs
3)	Seizing persons caught at the moment of committing an offence and attempting to escape	Handcuffs, stun guns, spark arrester, sniff dogs
4)	When there are sufficient grounds to presume that a particular person or persons are preparing to put up armed resistance	Tear-gas, irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh means for distracting attention, means for removing obstructions, water canons and armored vehicles, stun-guns, spark arrester, sniff dog
5)	Forcibly bringing to the Police or other official buildings persons caught for an offence or refusing to introduce their person or introducing obviously false data, transporting arrested and detained persons, including persons in administrative custody, or while guarding the latter if their conduct gives reason to suppose that they may escape, harm themselves or the surroundings, display disobedience or put resistance to police officers	Handcuffs, sniff dogs

6)	Releasing the kidnapped persons, persons deprived of freedom and held illegally, captured apartments, constructions, areas and vehicles	Tear-gas and irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh means for distracting attention, means for removing obstructions, water canons and armored vehicles, sniff dogs
7)	Preventing mass riots and illegitimate group acts dissolving the work of the transport, communications and other organizations	Rubber baton, tear-gas and irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flash means for distracting attention, means for removing obstructions, means for compulsory stopping (blocking) people and vehicle movement, water canons and armored vehicles, special painting substances
8)	Stopping a vehicle when the driver thereof obviously does not obey the demand of the police officer to stop the vehicle	Means for compulsory stopping (blocking) people and vehicle movement.
9)	Discovering the criminals committing or having committed an offence	Special painting substances, sniff dogs.

Notes to the guidelines – amendments to legislation and directives

Elements in the guidelines to read correctly may need amendments to various laws, statutes, decrees and internal orders.

Law on Police

Law on Police Service

Statute of the Patrol Service of the Republic of Armenia

Decree of the Head of Police on Use of Special Means

- The authority level for the issue and use of special means should be made more implicit in the Law of Police / Police Service taking into account the severity of their use and political / negative media relations.

Special Means for Active Protection

- Section 38 - 39 of the guidelines is about greater accountability where the Head of a Structural Unit does not issue a differentiated range of special means. I would suggest he / she is vicariously liable for the actions of his staff whilst failing to provide appropriate special means (failing to act by omission) and the Decree of the Head of Police on Special Means needs amending

Special Means for Special Operations

- Section 42 of the guidelines deals with the identification of special means and for them to be retained in the arsenal. The Decree of the Head of Police on Special Means needs amending
- Section 43 – 47 of the guidelines deals with the level of accountability due to the seriousness of the issue and should not allow for other persons authorized by decree to approve automatically. The responsibility for issue should not be devolved to commanders only the use (Establishing parameters) The Decree of the Head of Police on Special Means needs amending

Use of firearms

- Article 32(3) of the Law on Police is not compliant and currently states the police can use a firearm ‘while warning about the intention to employ an arm, while declaring an alarm or calling for help’. (Warning shot)

There is no reference of imminent risk to life or serious injury mentioned in the statement *while declaring an alarm or calling for help*

Article 32(3) should be revised to read *‘while warning about the intention to employ an arm, or calling for help due to an imminent threat to life or serious injury*

- Article 32(6) of the Law on Police refers to escaping from a place of incarceration or attempting to escape from custody. The prison and the police should have systems, tactics and special means available to prevent such an escape without recourse to firearms. In these circumstances the law of police needs amending to include ‘where those escaping pose an imminent threat to life or serious injury’.
- Article 33 of the Law on Police needs rewording. It currently states ‘The Police officer shall have the right to exercise a firearm without prior notification and according to the point 2 of the first part of article 32 at any attempt by the person to be arrested to approach the police officer executing arrest with a bared firearm (by violating the distance required by him), to make an unexpected abrupt movement without permission, to take his/her hands to his/her pockets or exercise a firearm.’

Should read ‘The Police officer shall have the right to exercise a firearm without prior notification and according to the point 2 of the first part of article 32 at any attempt by the person to be arrested to approach the police officer executing the arrest with a bared firearm held in a manner or circumstances, includes proximity (distance) or threatening movements where the police fear an imminent threat to life or serious injury being caused.’