



**CARIBBEAN
HUMAN RIGHTS**

AND

**USE OF FORCE
MODEL POLICY**

PREFACE

This new Caribbean Human Rights and Use of Force Model Policy has as its genesis a desire to promulgate across the English speaking Caribbean nations, a clear set of guidelines which can be adopted by governments for addressing the use of force by police, the military in aid of the police, prison and private security companies.

In May 2017, INDECOM in partnership with United Nations in Jamaica, hosted a three day Caribbean Use of Force in Law Enforcement Conference. Participants included representatives of oversight bodies and security forces from ten Caribbean countries, as well as members of the Jamaica Constabulary Force (JCF), Jamaica Defence Force (JDF), Department of Correctional Services (DCS), local Ministries, private security organizations and representatives from INDECOM. The conference was facilitated by international human rights experts, who guided the discussions on key aspects of use of force- these critical areas forming the chapter headings in this Model Policy.

The aim of this new Model Policy is to supplement the United Nations own *Use of Force and Firearms in Law Enforcement* resource book and to create something discrete and valuable for the Caribbean region.

It is recognised by all citizens and organisations that every police service, in the furtherance of its mission to serve and protect their communities, have, on occasions, the need to resort to the use of firearms, or other force. Strategies developed by police forces in other countries, ensure that the use of firearms is not a first action but rather one of last resort only, and, such a response is a measure of their professionalism.

This Model Policy sets out what is expected and required, both within a legal framework and within obligatory agreements, and that where such force is exercised, it is used in a manner which meets the criteria of necessity, reasonableness, proportionality and accountability.

This Model Policy provides the minimum standards expected by which all Caribbean law enforcement agencies and other state agents should conduct themselves. By adopting and adhering to such standards it is hoped that citizens can be assured that the correct procedures were implemented, before, during and after any such force is used.

Compliance with such a policy can only engender community trust within the citizenry and the security forces.

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List of acronyms used

BPUFF	Basic Principles of Use of Force and Firearms by Law Enforcement Officials
LEO	Law Enforcement Official
OHCHR	Office of the High Commissioner for Human Rights
RCA	Riot Control Agent
SOP	Standard Operating Procedures
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

Definition of key words and concepts

Arbitrary use of force	Any action in the use of force that is not in accordance with the law or with the principles the law regards as appropriate. Arbitrary use of force may be both unlawful and/or excessive.
Area weapons	A weapon designed or adapted to deny an adversary occupation of, access to, or egress through, an area of ground without being able to be targeted to discriminate between combatants and non-combatants. This includes artillery, mortars, and exploding devices.
Arrest	Any apprehension of a person that commences a deprivation of their liberty.
Assembly	An intentional and temporary gathering, in a private or public space, for a specific purpose. It includes demonstrations, inside meetings, strikes, processions, sporting and entertainment events, rallies or sit-ins.
Autonomous weapons system	A weapon system that, once activated, can select and engage targets without further intervention by a human operator.
Baton	A stick (made of wood, metal or other material), which sometimes includes a handle at a right angle to the principal shaft, used to restrain, hold, poke or hit a person. This includes a truncheon.
Body cavity search	A visual or manual inspection of the body cavities by means of any instrument, apparatus or object; or in any manner, while the person is detained, imprisoned or arrested. Body cavities include: nostril, ears, mouth, navel, penis, rectum and vagina.
Chemical irritants	Gas or vapour that contains a chemical compound, used when emitted against persons as a less lethal weapon. These include tear gas and pepper spray.
Child	A person below the age of eighteen years.
De-escalation	A tactic in which all reasonable measures are taken to diffuse tension or situations that may otherwise require use of force by LEOs.

Electroshock weapon	A weapon designed or adapted for anti-personnel use by emission of an electric current to temporarily incapacitate the neuromuscular system. For example, a Taser.
Excessive force	Force that, on an objective analysis, was more than that which a LEO reasonably believed necessary to use in the circumstances encountered.
Firearm	Any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive.
Handcuffs	A universally used means of restraint, applied to control a person. They are used to bind someone's hands or feet.
Incendiary ammunition	A type of firearm ammunition containing a compound that burns rapidly and can cause a fire.
Kinetic impact weapon	A weapon firing non-penetrating, non-explosive projectiles at a low velocity. It includes baton rounds, rubber bullets and bean bags.
Law Enforcement Official (LEO)	All police officers and officers of the law exercising the powers of a Constable, and, where the context permits, members of the military acting in internal security operations in support of the police; members of the correctional, customs and immigration services; and private security officers.
Legality	In the application of force, this means that there is sufficient legal basis for the use of force.
Lethal force	Also known as deadly force. Force that a LEO employs in circumstances that the LEO knows, or ought to have known, would involve a real risk of causing death or serious bodily harm.
Limb restraints	Restraints used by LEOs to restrict the range of movement of the arms and/or legs of a person.
Necessity	The force used must be reasonable and proportionate in pursuit of a legitimate aim. LEOs may use force only when strictly necessary and to the extent required for the performance of their duty.

Precaution	An action taken in advance to safeguard or protect against possible danger, harm, failure or injury.
Proportionality	The exercise of restraint in such use of force and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.
Reasonable force	The objective minimum amount of force needed to pursue a legitimate aim in the circumstances as the LEO honestly and reasonably believed them to be.
Search	The act by which a LEO, or any other person authorized by the law, inspects a person and the area immediately within the person's control; including his/her clothes, objects being carried, or a vehicle.
Self-defence	Conduct that is immediate, necessary and proportional to ward off an imminent or ongoing unlawful attack against oneself or another.
Solitary confinement	The isolation of a prisoner in a separate cell. May also be termed 'segregation'.
Stop	The act by which LEOs require a person, in a public space to account for himself or herself.
Strip search	A search of a person preceded by the removal, or significant rearrangement, of some or all of that person's garments.
Stun baton	A baton specially designed to disable a victim temporarily by delivering a non-lethal high-voltage electric shock.
Superior Officer	A LEO who directly or indirectly supervises another LEO or to whom other LEOs directly or indirectly report.
Use of force	Physical action, including the use of firearms, which may threaten or cause harm (including lethal harm) to a person, damage their property, or restrict their movement.

Water canon

A device that “fires” a large volume of water over dozens of metres. It can be used to disperse a violent crowd, to control the movement of a crowd, or to keep a crowd at a distance.

Voluntary surrender

Where contact is made with the individual to be arrested, requesting that they attend a named police station for the purpose of facilitating their arrest.

Chapter One: Principles

Chapter outline

- 1.1 Introduction
- 1.2 Overriding policy objectives
- 1.3 Application
- 1.4 Overarching principles

1.1 Introduction

The State's obligations, with regard to rights protection when using force, are primarily in the International Covenant on Civil and Political Rights (ICCPR), as well as in the American Convention on Human Rights (ACHR).

The right to life implies the prohibition of arbitrary deprivation of life and the protection of the right to life by law (Article 6.1 of the ICCPR; Article 4.1 of the ACHR). Equally, Article 4 of the ICCPR and Article 27.2 of the ACHR prohibit the derogation from Article 6 of the ICCPR during states of emergencies.

Article 7 of the ICCPR and Article 5 of the ACHR guarantee physical, mental and moral integrity and prohibits torture or cruel, inhumane, degrading treatment or punishment.

Article 2 of the ACHR demands equal rights to all individuals under State jurisdiction "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

This Caribbean Human Rights and Use of Force Model Policy makes no assumption that these treaty provisions are adequately incorporated into the national constitutions and legislation by the Caribbean state parties to these treaties in order to provide legal background to the present policy.

It encourages further strengthening of the legal protection of the right to life, personal liberty, physical and mental integrity, fair trial, the exercise of public freedoms as well as the right to equal and non-discriminatory treatment. This is particularly so if the current provisions are not drafted in enough detail or with adequate precision, and/or when contraventions, violations or breaches are not prosecuted and punished under municipal criminal law.

1.2 Overriding policy objectives

The overriding objectives of this policy are to regulate the use of force and firearms by LEOs in order that:

- a. the principle of "law enforcement by consent rather than by force" may be fostered;
- b. LEOs act consistently with their State's obligations under international human rights law;
- c. LEOs are accountable for their conduct; and
- d. LEOs may conduct their duties in a manner that is lawful and effective.

1.3 Application

This policy shall apply to all police officers and other officers of the law exercising the powers of a Constable and, where the context permits:

- a. members of the military acting in internal security operations in support of the police;
- b. members of the correctional, customs, and immigration services; and
- c. private security officers to the extent that they exercise a lawful power in executing public functions.

1.4 Overarching principles

LEOs should, as far as practicable, when carrying out their duties, apply non-violent means before resorting to use of force.

LEOs must only resort to force when other means remain ineffective and there is no realistic prospect of achieving a lawful objective without exposing to a real risk of danger, the LEO or anyone whom it is his or her duty to protect.

Superior officers must ensure that LEOs under their command are trained and practiced in solving or de-escalating conflicts without having to resort to using force. In the event that they must resort to force, only the minimum force necessary to achieve the required objective ought to be employed.

The force used by a LEO must be proportionate to the threat faced, the seriousness of the offence to be prevented, and the lawful objective to be achieved.

Whenever the lawful use of force and firearms is unavoidable, LEOs shall:

- a. exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- b. minimize damage, injury, and respect and preserve human life;
- c. exercise force and act with the intent to de-escalate or cease using force as soon as possible or when the situation so requires;
- d. ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment. It does not matter whether a suspect brought the injury on him/herself due to their criminal behaviour, medical assistance has to be promptly provided without any discrimination; and
- e. ensure that relatives or close friends of any injured or affected persons are notified at the earliest possible moment.

Chapter Two: Guidelines for Use of Force & Use of Force Instruments

Chapter outline

- 2.1 Guidelines for use of force
- 2.2 The decision to use force
- 2.3 Prohibitions against using force
- 2.4 Verbal warnings
- 2.5 Personal responsibility
- 2.6 De-escalation and tactical retreat
- 2.7 Approved instruments of force
- 2.8 Issue, control, and receipt
- 2.9 Use of firearms
- 2.10 Permissible lethal force
- 2.11 List of weapons prohibited
- 2.12 Permissible holds and techniques
- 2.13 Chokeholds
- 2.14 Safeguarding vulnerable persons

2.1 Guidelines for use of force

The ethos of this policy is grounded in the basic principles of *Proportionality*, *Legality*, *Accountability*, and *Necessity* which are developed later and referenced at various parts throughout this document. Accordingly, it is important at this juncture to clearly mention and define these terms:

❖ **Proportionality**

The principle of proportionality prohibits the use of force where the harm inflicted outweighs the benefits of the use of force, i.e. the achievement of a legitimate objective. LEOs must exercise restraint in the use of force and act proportionately to the seriousness of the offence and the objective to be achieved.

❖ **Legality**

The use or application of force must serve a legitimate objective as established by law. A precondition for an act to be evaluated, in the light of the Basic Principles of Use of Force and Firearms by Law Enforcement Officials (BPUFF), is that force is used for a lawful law enforcement purpose. When the use of force is not aimed at achieving a legitimate objective, as established in domestic legislation, it is unlawful per se and falls outside the scope of these guidelines.

❖ **Accountability**

Accountability requires that LEOs are held responsible for the fulfilment of their duties and to explain their compliance with the legal and operational framework. This means that all of the following must be held accountable for his or her actions:

- a. individual LEOs;
- b. Superior Officers, who give orders to, supervise or otherwise command and control LEOs,
- c. Persons who are responsible for the planning and preparation of law enforcement operations.

Accountability can only be ensured through the existence of a transparent chain of command, where responsibilities are clearly established at all levels within the hierarchy. Each LEO within the law enforcement agency must be held accountable for any failures to effectively fulfil the responsibility applicable to his or her level.

Further, accountability also requires that LEOs must (including senior or superior officers) submit themselves to the relevant independent oversight body for the purpose of an investigation into any death, serious injury, or an abuse of the rights of citizens.

❖ **Necessity**

LEOs, in carrying out their duties, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. LEOs should only use force or firearms if other means remain ineffective or have no promise of achieving the intended legitimate result.

2.2 The decision to use force

LEOs may use reasonable force in order to:

- a. defend themselves or another;
- b. effect an arrest, or prevent the escape of a lawfully detained person;
- c. carry out a lawful power; or
- d. secure and preserve evidence or uphold the peace,
provided such force is lawful, proportionate and reasonable in the circumstances.

The decision to use force and the type of force, rests with the individual LEO. The type and level of force used should however be consistent with the principles of necessity, legality and proportionality.

In determining whether or not to apply any level of force, and in evaluating whether a LEO has used appropriate force, a number of factors should be taken into consideration by the LEO at the material time.

These include, but are not limited to:

- a. the policing objective to be achieved;
- b. the threat to the LEO(s) or other persons;
- c. the type of (expected) resistance;
- d. the conduct of the subject being confronted;
- e. the time available to make a decision;
- f. the level of self-protection;
- g. the availability of other resources, including the possibility to call for back-up or safely de-escalate the situation;
- h. the area and the presence of uninvolved bystanders;
- i. the instructions or information received by the LEO;
- j. the skills, training and experience of the LEO;
- k. the seriousness of the offence that was, or is likely to be, committed; and
- l. other factors (for instance: age, size, gender, relative strength, any medical or mental health conditions, including pregnancy, injury, exhaustion, and the number of LEOs present at the incident).

In further deciding when to use force, LEOs must always:

- a. assess the situation;
- b. decide whether the force is required or whether there are other means of achieving the objective;
- c. seek to de-escalate the situation as far as possible;
- d. decide what maximum use of force is permissible;
- e. decide what minimum use of force could achieve the objective;
- f. apply the force if no other feasible option is available; and
- g. continually assess the situation to determine the application of force and the level of force to be deployed.

The Use of Force Continuum (Table 1 below) depicts the gradation of the different levels of force which are appropriate to be applied against a resisting subject in a given situation. The Use of Force Continuum acknowledges that LEOs cannot always apply force options in consecutive steps or stages, from the least possible to the most severe, but rather they must decide on the appropriate level of force applicable in the circumstances based upon their objectively-held belief.

Individual's Actions	Officer's Responses
Weapons used against officer Attempting to disarm officer Life-threatening weaponless assaults	Deadly force
Striking or kicking officer	Baton techniques Lateral vascular neck restraint
Wrestling with officer Pushing officer	Striking, punching, kicking Aerosols or electrical devices Baton restraints
Pulling away from officer Refusing to move—dead weight	Striking muscle groups Take downs, joint manipulations or pressure points
Not responding to commands Verbal or physical danger cues	Balance displacement Escort position Assistance from other officers Verbal or physical commands Officer presence

Table 1: Stages depicting Use of Force Continuum

Firearms, or any other potentially lethal force, should only be used to the extent necessary:

- a. in self-defence or in defence of others in order to protect against the imminent threat of death or serious injury; or
- b. to prevent the imminent commission of a serious violent crime.

Firearms or other potentially lethal force should not be used for the sole purpose of protecting property against theft, destruction or vandalism.

Force shall only be used when it is not possible for LEOs to otherwise fulfil their law enforcement functions, particularly with respect to carrying out arrests or detentions, quelling resistance against the execution of a lawful and legitimate police order, preventing prisoners or persons in custody from escaping, or maintaining public order, security and peace.

2.3 Prohibitions against using force

A LEO should not use force in the following circumstances:

- a. to punish or retaliate;
- b. against individuals who only verbally confront them, unless the vocalization impedes or may impede a legitimate law enforcement function, or contains specific threats to harm the officers or others;
- c. to obtain any information, admission of fact or confession of guilt; or

- d. against handcuffed or otherwise restrained persons, except in special circumstances where the person's actions must be immediately stopped to prevent injury, escape, or destruction of property.

Where force is used on a restrained person, such instances must be closely and critically reviewed.

LEOs who use such force must also outline the exceptional circumstance which led to their using the force and why no reasonably effective alternative to the use of force existed.

2.4 Verbal warnings

Where possible, LEOs should identify themselves and issue a clear verbal warning that force may be used prior to using such force. Sufficient time for the warning to be observed must be given, unless to do so would put the LEO, or anyone whom it is his/her duty to protect, at risk of death or harm, or it would be inappropriate or pointless in the circumstances to give such warning.

As far as practicable, the verbal warning shall be in a dialect that is known to the offender or in the national language. In giving a verbal warning, the LEO must identify themselves, state what their intention is and what he/she wants the offender to do. The verbal warning shall be given in a loud and clear manner.

2.5 Personal responsibility

The primary responsibility for using force rests with the individual LEO, who is accountable ultimately to the law.

LEOs are individually accountable and responsible for whatever force they use, and a LEO must be in a position to justify his or her actions in the light of their legal responsibilities and powers.

Any LEO who has reason to believe that improper force has been used, or is about to be used by another LEO, shall, to the best of his or her ability, prevent and rigorously oppose any such use of improper force. This LEO shall, at the earliest opportunity, report the matter to his or her Superior Officer and, to other appropriate authorities vested with responsibility for investigating such matters.

Superior Officers are accountable to plan, command, and control operations in a manner that takes all precautions to ensure that LEOs are not exposed to unnecessary risks of violent confrontations and, in any case, use no more force than is necessary and proportionate. Superior Officers will be held responsible if they know, or should have known, through the proper discharge of their duties, that LEOs under their command are, or may be resorting, or have resorted, to the unlawful use of force, and they failed to take all measures in their power to detect, prevent, suppress or report such use.

Obedience to the orders of a Superior Officer shall be no defence for a breach of this policy if a LEO knew or should have known that the order to use force was unlawful. Responsibility will also rest with the Superior Officer who gave the unlawful order.

2.6 De-escalation and tactical retreat

LEOs should not seek to pursue a legitimate objective at all costs. They should achieve a balance between the aim and the consequences of their actions, and where the consequences outweigh the aim, the contemplated action should not be taken.

Where a LEO assesses:

- a. that it is not reasonably possible to intervene without putting their own physical integrity at serious risk; or
- b. that intervening would lead to an even higher risk than the unlawful action,

they should generally refrain from intervening and limit their actions to gathering of information that will allow for identification of the perpetrators. This includes gathering information such as physical characteristics, any distinguishing marks (scars and/or tattoos), estimated age, clothing, vehicles and other associated details.

Temporary tactical retreat is a legitimate option to be contemplated by all LEOs prior to resorting to use of force, whenever the situation escalates dangerously.

Before selecting any other option, consideration must be given to whether it is appropriate or necessary in the circumstances to take immediate action.

LEOs are also encouraged to employ de-escalation techniques such as:

- a. slowing down a situation to avoid having to make split second decisions based on limited situational awareness;
- b. use of effective cover by other LEOs;
- c. evacuation of immediate area;
- d. tactical retreat (where safe) and cordoning of the area;
- e. providing available space and time to the subject when considering containment; and
- f. early negotiation.

Tactical retreat should be considered as an option when LEOs need to seek back-up or assistance from a specialized team, lest failing to withdraw would place at serious risk of harm or death the LEO or anyone whom it is his or her duty to protect.

2.7 Approved instruments of force

The following instruments of force are authorized for use by LEOs. Such approval will require authorization by the newly created Use of Force Committee (see chapter seven):

- a. batons and truncheons;
- b. shields;
- c. handcuffs;
- d. tear gas and pepper spray;

- e. water cannons;
- f. dogs and horses;
- g. electro shock weapons;
- h. kinetic impact weapons (in particular, approved baton rounds, rubber bullets and bean bags);
- i. firearms;
- j. shotguns when used to discharge approved less-lethal kinetic (i.e. not buck shot) impact weapons, or approved chemical irritants; and
- k. such other instruments as the Minister may from time to time designate, upon consultation with the Use of Force Committee.

2.8 Issue, control and receipt

All instruments of force must be appropriately tested and properly authorized, by the Use of Force Committee, prior to use.

LEOs are prohibited from modifying any instrument of force. Where instruments of force are assigned to a LEO on a permanent or long-term basis, then such instruments must be checked annually for modifications, by or at the instance of Superior Officers, and must be verified as being still fit for its purpose.

Superior Officers should ensure that all LEOs are issued with a less-lethal weapon.

LEOs are strictly prohibited from carrying their personal instruments of force whilst on duty.

2.9 Use of firearms

A firearm is considered as being used if the weapon is:

- a. drawn from its holster;
- b. pointed at another person;
- c. fired at another person in self-defence or in defence of another, whether or not death or injury results; or
- d. discharged in any other circumstances, including intentional or unintentional discharge (eg: accidental discharge).

A LEO must be able to justify each shot that they fired.

LEOs should not normally fire warning shots. There are serious risks associated with the firing of such shots, which have the potential to cause unintentional death or injury. They may also lead a person or other LEO to believe that he or she is under fire, and respond accordingly.

A LEO will only be justified in resorting to the discharge of a warning shot in the most serious and exceptional of circumstances, and where failure to do so would result in the loss of life or serious injury. LEOs who discharge a firearm under any circumstance must give full consideration to public safety.

LEOs should not, in normal circumstances, fire at or from moving vehicles. However, there may be exceptional situations where life is at risk and the only course of action available is to engage a person in, or from, a moving vehicle.

Firearms should not be discharged at a moving vehicle simply because it has failed to stop when directed, or to immobilize the vehicle, unless there are objective indications of a risk of death or serious harm to persons. If the LEO has a reasonable option to evade the vehicle, he or she should do so.

2.10 Permissible lethal force

LEOs must be able to adjust their assessment of the situation, depending on the circumstances of the incident faced.

Factors that LEOs must take into account when assessing the likelihood that the force may lead to death or injury, will include:

- a. the kind of firearm used;
- b. the likelihood that the LEO will be able to hit non-essential body parts;
- c. the availability of effective medical emergency response and health care; and
- d. the presence of other persons other than the intended target, who may be affected (and even potentially killed) by the use of force.

There will be circumstances when aiming directly for the head will be necessary to protect life against imminent risk, as aiming to strike another part of the body would:

- a. be impractical in the circumstances;
- b. present increased risk to life; or
- c. be unlikely to neutralize the threat.

2.11 List of weapons prohibited

The following instruments are prohibited for use in law enforcement:

- a. weapons that have been designed to cause unnecessary suffering, such as spiked batons or thumb cuffs;
- b. incendiary ammunition;
- c. white phosphorous smoke;
- d. bayonets fixed on a firearm;
- e. artillery as well as weapons delivered by aircraft, to include mortars, grenades and other area weapons;
- f. any weapon that is illegal under international conventions, such as landmines;
- g. stun batons;
- h. rubber-coated metal bullets;
- i. fully automatic weapon systems; or
- j. weapons used in an anti-personnel way to breach barriers, disable vehicles, disperse animals, or for firing warning shots.

2.12 Permissible holds and techniques

The following holds and techniques are permitted:

- a. open-hand techniques, such as a raised open hand or pushing someone back with the palm of the hand;
- b. pressure point techniques;
- c. body impact (e.g. pushing);
- d. hard empty hand techniques, such as holding someone's arm behind the back; and
- e. closed hand techniques (fists).

2.13 Chokeholds

Chokeholds are strictly prohibited.

2.14 Safeguarding vulnerable persons

'Vulnerable persons', for the purpose of this chapter, includes women, children, persons with disabilities, the elderly, and mentally disturbed. Such vulnerable persons can include being either a witness, victim or an accused individual.

2.14.1 Use of force against vulnerable persons

Vulnerable groups or individuals are those who have a diminished capacity to anticipate, cope with, resist and recover from the impact of harmful, precarious or unsafe situations. The same person can be vulnerable on multiple levels.

A LEO should not use force against vulnerable persons except in circumstances where the person's actions must be stopped to prevent self-injury or loss of life.

The concept of vulnerability is relative and dynamic. Persons who, under normal circumstances, are not vulnerable may become vulnerable in cases where they are defenceless or facing shock or extreme stress, for instance, in situations of violence. Accordingly, in addition to vulnerable persons, protection should also be extended to victims of crime, gender-based violence, or minority groups inclusive of indigenous people, non-nationals, refugees, and LGBTQIA (lesbian, gay, bisexual, transgender, queer, intersex, asexual). LEOs should not use force against individuals or groups simply because of their belonging to a social group.

2.14.2 Mentally disturbed persons

Upon arriving on the scene of a crisis situation, LEOs are to assess whether or not there is involvement of a mentally disturbed person in the situation.

Where possible, and where there is preceding knowledge that there is a crisis situation involving a mentally disturbed individual, an attempt should be made by LEOs to contact officers and/or units specialized to handle such situations, who should then be deployed with ordinary patrol LEOs. In addition, LEOs are

advised to contact and inform social workers and/or mental health clinicians of the situation. LEOs should stay with disturbed persons until additional help/support arrives.

LEOs who respond to crisis situations involving mentally disturbed individuals **must** be armed with less-lethal weapon alternatives, even if the individual is wielding a knife or a blunt object in a threatening manner or when the individual's strength threatens to overwhelm the LEO.

If handcuffs are being used against a mentally disturbed individual, LEOs are to make frequent checks to ensure that the individual's blood circulation is not being obstructed. Any restraints applied may be removed if, in the LEOs judgment, the individual's behaviour warrants it. LEOs may however re-apply the restraint mechanism if behaviour makes it necessary.

The use of firearms against vulnerable persons is restricted to situations where such persons pose an imminent risk of death or serious injury to others.

Calls involving known emotionally and or mentally disturbed individuals should be responded to by more than one LEO. If it is not known that the call involves a mentally disturbed person, the first LEO who arrives on the scene, should upon the discovery of mental disturbance immediately request assistance for other enforcement personnel. The responding LEO should not seek to rectify the situation alone.

In tense and threatening situations involving mentally disturbed persons, responding LEOs shall maintain a calm demeanour, and use good oral and non-verbal communication. When dealing with mentally and emotionally disturbed persons, patience and a proper assessment of the situation is preferred. Involved LEOs are to move slowly and resist the impulse to act hastily, and are to be alert at all times, even if the situation and the person have appeared to settle down.

LEOs shall maintain a professional attitude by being objective and should not threaten, display anger, argue, exert force, or respond to hostility with hostility. When the individual refuses to comply with instructions, or shows signs of resistance, the LEO may withdraw and return with additional support, as required, to re-issue lawful instructions to the individual. LEOs should express to the concerned individual that complying with the instructions will be for their own benefit, that he/she can either comply voluntarily (without any force) or physical force will become necessary

LEOs should not lie or attempt to deceive emotionally/mentally disturbed persons. If they become aware of deception, dealing with them will become more difficult.

LEOs shall attempt to divert the individual's attention from whatever subject is causing them concern. If the disturbed individual demonstrates by actions, increased agitation, or bizarre behaviour that the subject discussed is making them upset, the LEO is to switch to another subject. In the event that aforementioned approaches fail, LEOs may adopt the use of less-lethal weapons inclusive of pepper spray and stun guns.

When dealing with mentally disturbed persons, LEOs should avoid emergency lights and sirens since they tend to attract unwanted crowds. Onlookers should also be kept as far away as possible.

Where possible, LEOs shall solicit assistance from friends, relatives, and others known to the emotionally/mentally disturbed individual. Caution should still be taken in allowing friends/acquaintances to speak to the concerned individual as this may cause further frustration.

So far as is possible, and within a reasonable time, the arresting and or investigating LEO should make arrangements with the relevant mental health authorities or institutions, after they have been arrested or subdued.

As required, such individuals are to be referred to mental health authorities or institutions. LEOs are to approach suicidal behaviour with seriousness and subsequently refer such individuals to professional psychiatric help. Standing arrangements, protocols and training programmes have to be established between law enforcement agencies and mental health authorities or institutions addressing how, and by whom, typically recurring situations will be handled.

Persons believed to be suffering from cognitive or mental disabilities shall not be detained in prisons. Arrangements shall be made to remove them to mental institutions as soon as is possible.

Chapter Three: Command and Leadership

Chapter outline

- 3.1 Planned operations
- 3.2 Superior Officer responsibilities

3.1 Planned operations

The principle of upholding the 'right to life' is central to all armed operations; hence proper planning is paramount.

Planned operations must have written plans that demonstrate an effort to minimize, to the greatest extent possible, loss of life. Force must be the last recourse. All tactical options for resolving the situation are required to be considered. Documentation of tactical options should include: the approach to be adopted, options that were discounted, the reason for selecting and discounting the various tactical options.

It is the responsibility of the officer authorizing an armed operation to ensure that an appropriate command structure is instigated.

In normal circumstances an effective command structure has three levels – Strategic, Tactical, and Operational:

- a. Strategic – The overall intention to combine resources towards managing and resolving an event or incident (Gold Command)
- b. Tactical – The way that resources are used to achieve the strategic intentions within the range of approved tactical options (Silver Command)
- c. Operational – Action designed to implement the tactical plan and the direction of resources (Bronze Command)

This command structure can be used for both pre-planned events and spontaneous incidents, and can offer the degree of flexibility required to cope with a varied and developing range of circumstances. It relies on the paramount principle of flexibility. In spontaneous incidents the amount of planning undertaken will be commensurate with the level of threat and the time available.

All decisions and policy considerations should be recorded in a Command Log/Incident Record. All such records should be dated and time-stamped. The records will assist in any subsequent enquiries.

In order to discharge this duty of care and comply with human rights principles, the operation must:

- a. have a legitimate aim;
- b. be lawful;
- c. be proportionate;
- d. be justified; and
- e. be the least intrusive or damaging to the rights of individuals.

A Command Log/Incident Record will identify:

- a. the desired outcome of the operation;
- b. who is responsible for achieving each objective;
- c. who is responsible for minimizing each risk identified;
- d. who controls each of the resources;

- e. who commands each separate geographic or functional area (if appropriate);
- f. how the individual objectives are dependent on each other; and
- g. what instigates the transfer of command from one commander to another; this should include how this is communicated, recorded and implemented.

Commanders are required to ensure that there is a functioning and pre-established chain of command with clearly assigned responsibilities, and that LEOs deployed on the ground fully appreciate that the decision to use force, lethal or otherwise, or to escalate force, must, as far as is reasonably practicable, be made at the highest possible level.

3.1.1 Written plans

All armed operations must be properly and meticulously planned to avoid, as far as possible, the instantaneous decision making which can lead to the fatal use of force. Plans must reflect that LEOs weighed and considered all the relevant factors and circumstances, exhausted other less-lethal options, and avoided placing themselves in a situation where they would be forced to react suddenly and use unnecessary force or violence.

Effective planning minimizes the likelihood that force, in particular lethal force, will need to be used and maximizes the potential to protect the lives and rights of all those involved. If force has to be used, it is more likely to be strictly necessary under the circumstances and proportionate to the threat posed.

Operations must be planned and controlled so as to minimize, to the greatest extent possible, the need to resort to potentially lethal force. Where it is not feasible to prepare written plans, for important operational reasons, Superior Officers should provide such reasons after the operation is concluded and also record in writing what oral orders were given.

Plans must provide for responses to reasonably foreseeable actions and be accessible to an independent investigation.

LEOs must be trained to properly evaluate the risks involved in any given situation, to determine the appropriate course of action, take the necessary precautions, choose the appropriate means and methods from the various options available, as well as the right time and place for intervention. LEOs must have sound judgment as to whether a situation requires immediate action, careful observation and/or preparation, or even temporary retreat. Developing professional judgment and decision making skills requires exposure to a wide variety of situations during training.

Plans should be the subject of constant review. Intelligence updates may lead to a re-assessment of the threat level which will, in turn, require the modification of the plan, and a further briefing to the LEOs.

3.1.2 Briefings

The briefings given by Superior Officers are of great importance in ensuring effective command of an operation. In operations conducted jointly with other agencies, the joint briefing should cover the aims and objectives of the operation and, where appropriate, the nature of the anticipated threat.

All available information, which includes an operational assessment, intelligence and appropriate strategic and tactical plan are to form part of the briefing. The Superior Officer should ensure that LEOs are fully briefed as to their roles and tasks. It is recommended that briefings for planned operations should be recorded, either audio or written.

Superior Officers should be mindful that the content of the briefing may directly affect the response of armed LEOs to any perceived threat from the subjects. Superior Officers providing briefings should stress the aim of any operation including, specifically, the individual responsibility of LEOs and the legal powers anticipated to be used in all aspects of the operation.

Superior Officers should ensure that there remains effective lines of communication to LEOs, once they have been deployed. It is imperative that as the circumstances and the intelligence changes, Superior Officers are updated and further briefed where necessary.

3.1.3 First aid

In pre-planned operations, or in protracted incidents, such as a siege situation, where there is clear risk of injuries, contingency plans must ensure that medical attention is available and ready to be administered, to whomever is injured, whether citizens, suspects, or LEOs. Medical assistance should always be rendered at the earliest possible opportunity.

In considering first aid measures, such decisions must be documented and consideration given to appropriate medical facilities, to include, first aid equipment, training of LEOs in basic first aid response and the attendance of an ambulance at the incident scene or nearby.

As far as practicable, ambulance services should accompany LEOs on all armed operations where it is considered that there is a risk of injury. Where it is not practicable, the written plans must show that Superior Officers considered the location of nearby hospitals, and notified the medical staff that emergency services may be required. Plans must also reflect that the quickest routes to the hospitals were contemplated.

Superior Officers should ensure that relatives or close friends of the injured person are notified at the earliest opportunity.

3.2 Superior Officer responsibilities

Superior Officers will be held responsible for the implementation of a clear chain of command. All LEOs must understand their responsibilities and to whom they report.

The rank of the Superior Officer exercising command will depend on the seriousness of the incident, the training received and the time available for structures to be put into place. A gazetted officer will at the earliest opportunity take command of serious and protracted incidents.

Superior Officers are responsible for reporting wrongdoings by those under their command and to take such steps as are necessary and adequate to sanction those in violation of rules, policies and procedures.

Superior Officers will be held responsible for engendering a culture of professionalism. Commanders must demonstrate exemplary behaviour, which is essential to shaping a professional culture, by establishing an ethos that is respectful of human rights and based on respect for human dignity.

Superior Officers should ensure that those under their command should not abuse the human rights of citizens. To this end, they are required to:

- a. respond promptly, transparently and effectively to incidents of abuse whenever they occur, in order to avoid them developing into customs and patterns that will be hard to change;
- b. use appropriate language when talking about use of force and firearms, lost lives, vulnerable and minority groups, and other relevant human rights issues;
- c. treat victims of crime and of law enforcement violence, with respect;
- d. report such allegations to the relevant oversight body; and
- e. facilitate and support lawful investigation and oversight by the appropriate body.

The use of Community Impact Assessment forms and pro-active engagement, where appropriate, with community representatives will assist in minimizing community tensions with law enforcement agencies.

Chapter Four:

Arrest and Detention

Chapter outline

- 4.1 Introduction
- 4.2 Effecting the arrest
- 4.3 Records
- 4.4 Body searches
- 4.5 Children in custody
- 4.6 Women in custody
- 4.7 Use of force on persons in custody
- 4.8 Interviews
- 4.9 Prohibition of torture

4.1 Introduction

The lawful use of force and firearms during arrests shall be a measure of last resort and limited to circumstances in which it is strictly necessary in order to carry out an arrest.

If the use of force is absolutely necessary, regard shall be had for the following:

- a. the level of force must be proportionate and always with an awareness of the Use of Force Continuum (see 2.2); and
- b. the use of firearms shall be strictly limited to the arrest of a person presenting an imminent threat of death or serious injury; to prevent the commission of a serious crime involving grave threat to life, and only when less extreme measures are insufficient to make the arrest.

4.2 Effecting the arrest

Prior to effecting an arrest (whether on warrant or otherwise), several factors are to be considered:

- a. the charge(s) or allegation(s) against the individual;
- b. known characteristics of the individual;
- c. whether he or she is expected or known to resist arrest;
- d. whether he or she is expected to be armed;
- e. history of arrests or convictions, if any;
- f. nature of previous encounters with the police, particularly whether violent behavior was displayed;
- g. the location of the anticipated arrest;
- h. whether other individuals are expected to be at the location of the arrest and the nature and risk (if any) which may be posed by such individuals;
- i. what measures can be taken to reduce the risk of harm to the individual, third parties, and LEOs; and
- j. preparations to have medical assistance available.

The LEO effecting the arrest must inform the person being arrested of their rights upon being arrested, including the right not to incriminate himself or herself, the right to legal representation, and the right to notify family or appropriate persons as soon as possible.

The arresting LEO is obliged to make a written record of what an arrested person says upon detention.

LEOs must consider the possibility of an arrested person having care and custody of a child or children. In such circumstances, arrangements are to be made with a social worker, or other child-related agency, with the aim of addressing the welfare needs and care of these children.

4.3 Records

Whenever an individual is brought to a station or lock-up for admission, pertinent information shall be recorded in the appropriate registers.

A Prisoner Detention Log shall be retained, and must record the following information for all arrestees and prisoners:

- a. the name, age, gender, address, and occupation of the person in custody;
- b. the date, time, place of the arrest, and admission into custody;
- c. the name, rank, regulation number, signature of the LEO of the following:
 - a. who effected the arrest;
 - b. who brought the arrested person into custody (if different); and
 - c. who accepted the individual into custody;
- d. the offence or suspected offence(s) for which the person is arrested;
- e. summary of the offence committed;
- f. details pertaining to the circumstances of the arrest;
- g. the physical condition of the person at the time of being brought into custody, noting any marks, bruises, other signs of injury observed or complained of by such a person;
- h. the condition of the clothing of the person who has been brought into custody;
- i. details of inspections by visiting Officials (whether by Judge or Justice of the Peace);
- j. any bail considerations; and
- k. date of release.

Where a detainee enters custody with visible injuries (whether arising from the arrest or not), complains of illness or pain, falls unconscious, or appears to be mentally ill, then the Superior Officer, or arresting LEO, shall ensure that medical attention and care are provided, as soon as practicable, to the detainee. A medical examination is also warranted where there is any concern of a detainee's physical health.

The Superior Officer or arresting LEO shall ensure that the Prisoner Detention Log is completed for each detainee and such logs are retained and made available for inspection, at all police stations or law enforcement agencies.

Superior Officers shall ensure that LEOs in lock-ups, receive continuous training on the standard of treatment expected as it concerns detained individuals.

4.4 Body searches

Searches must be carried out in accordance with the law, and in a proportional manner consistent with the inherent dignity of the person and their right to privacy.

LEOs conducting body and other types of searches shall abide by the following guidelines:

- a. the person is to be informed of the reason for the search, whether it be for safety and/or investigative purposes;
- b. strip searches and body cavity searches are to be performed in private and not in open areas;
- c. a body cavity search must only be conducted by a medical professional and only by informed consent or by a court order;

- d. body cavity or strip searches should never be performed on a child, except in special circumstances, and then only with the consent of the child's parent or legal guardian;
- e. special sensitivity and consideration should be given to LGBTQIA individuals, and individuals with a history of sexual abuse; and
- f. LEOs or medial officers who conduct strip and body cavity searches, including pat-downs, must be the same gender as the person searched.

4.4.1 Searches of vulnerable persons (children)

In relation to children, body or intimate (cavity or strip) searches should not be performed on a child, unless in exceptional circumstances, and only when the examination is strictly necessary to determine facts important to the investigation of a criminal offence, or where it has been established that specific evidence of a criminal offence may be found on or in the child's body. In either case, the physical examination must not be detrimental to the health of the child.

The search should be authorized by a warrant obtained from a court, which must state the purpose of the search, the alleged criminal offence, and evidence for it. It should be carried out only in the presence of the child's parents or legal guardian. Where a child does not consent to the parents or legal guardian being present, or the parents or legal guardian are not available, an appropriate welfare agent of the same gender as that of the child shall be present. An intimate search of a child shall be carried out only by a registered medical practitioner, or a registered nurse of the same gender as that of the child, in a specially designated area in a police station, hospital, registered medical practitioner's office, or some other certified place used for medical purposes.

4.5 Children in custody

Unless a court of law says otherwise, a child may only be detained in police custody or pre-trial detention as a measure of last resort and for the shortest possible period of time. Every child deprived of his or her liberty shall be treated with humanity and respect, and in a manner that takes into account the needs of persons of his or her age.

If there is uncertainty regarding the age of an arrested or detained person, but the LEO has reason to believe that the person may be under the age of eighteen years, that person is to be treated as a child, if and until such time as his or her age is determined to be eighteen years or older.

Children shall be guaranteed the right to the presence of a parent or guardian at all stages of the proceedings, unless it is considered not to be in the best interest of the child.

Strict policies guiding the use of force and physical restraints on children during their detention should be adopted and implemented.

Children shall be detained separately from adults, unless it is in their best interest to be kept with family members also detained.

Female and male children shall be held separately, unless it is in their best interest to be kept with family members also detained.

While in custody children shall receive care and protection, and the necessary social, educational, vocational, psychological, medical and physical assistance they may require.

4.6 Women in custody

Women shall only be searched by female LEOs, and in a manner that accords with women's dignity.

Female detainees shall be held separately from male detainees.

Women shall be provided with the facilities and materials required to meet their specific hygienic needs.

Women shall not be subject to close confinement or disciplinary segregation if pregnant, breastfeeding or accompanied by infants.

Women shall have access to obstetric and pediatric care before, during and after birth, which should take place at hospitals or other appropriate facilities, and never be subject to physical restraints before, during, or after childbirth.

4.7 Use of force on persons in custody

LEOs, in their custodial role with prisoners, shall not use force except in self-defence, in cases of attempted escape, or circumstances where faced with active or passive resistance. LEOs who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the Correctional Director. LEOs must at all times maintain a professional and respectful relationship with inmates and detainees.

Except in special circumstances, LEOs performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, LEOs at correctional facilities should not, under any circumstances, be armed with firearms unless they have been trained in their use.

Firearms are not to be discharged within correctional facilities due to the high risk of injury to other persons.

Sentry Guards on the outskirts of the facility may be armed with firearms.

LEOs, at correctional facilities, shall be given special physical training to enable them to restrain aggressive prisoners.

Effective management and practices are to be adopted to prevent the entry into correctional facilities of weapons and contraband. Where deemed reasonably necessary and appropriate, body cavity searches may be conducted on individuals entering the facility.

The use of handcuffs and limb restraints during a detainee's transfer are permissible as a precaution against escape, provided that they are removed when the detainee appears before a judicial or administrative authority. The following principles shall apply:

- a. instruments of restraint are to be used only when no lesser form of control would be effective to address the risks posed by unrestricted movement;
- b. the method of restraint shall be the least intrusive that is necessary and reasonably available to control the detainee's movement, based on the level and nature of the risks posed; and
- c. instruments of restraint shall be used only for the time period required, and they are to be removed as soon as possible after the risks posed by unrestricted movement are no longer present.

Any force employed against a detainee must immediately cease when the person detained is no longer resisting.

A record shall be kept of when restraints are used by correctional staff.

4.8 Interviews

The right of persons to remain silent during law enforcement questioning shall be respected at all times. It shall be prohibited to take advantage of a detained person for the purpose of compelling or inducing a confession, incriminating himself or herself, or to testify against another person.

No detained person, while being questioned, shall be subject to torture or other ill-treatment, such as violence, threats, intimidation, or methods of questioning which impairs his or her capacity of decision making or judgment.

All interviews, with a detained person, shall be recorded by the law enforcement agency conducting the questioning. The records should include:

- a. the date, time and place of any interview session;
- b. the identity of the LEOs who conducted the questioning and of any other persons present;
- c. the duration of any questioning session, recording start and finish times;
- d. the breaks between periods of questioning must be provided and times shown;
- e. confirmation of the following:
 - i. the detained person was given the opportunity to seek legal representation prior to the questioning;
 - ii. detained person was provided with medical examination, where necessary;
 - iii. the detained person had access to an interpreter during questioning (including sign language for the hearing impaired)
 - iv. any other actions necessary to ensure the detainee's understanding of and participation in the process; and
- f. details of any statements provided by the detained person, with verification from the individual that the record accurately recounts the statement he or she provided.

The right to free access of any complaints and oversight mechanisms should be made available to all detainees. All persons deprived of their liberty shall have the right to lodge a complaint with an independent investigative authority with a mandate to conduct prompt and thorough investigations into such matters.

4.9 Prohibition of torture

Disciplinary sanctions or restrictions on detainees must never amount to torture, cruelty, inhuman or degrading treatment or punishment. Force should never be used for the purpose of punishment.

The following practices are prohibited:

- a. indefinite solitary confinement;
- b. prolonged solitary confinement (in excess of 15 days);
- c. placement of a prisoner in a dark or constantly lit cell;
- d. corporal punishment;
- e. the reduction of a prisoner's diet or drinking water;
- f. collective punishment; or
- g. use of chains, irons and other instruments of restraints which are inherently degrading or painful.

Chapter Five:

Public Assemblies and

Protests

Chapter outline

- 5.1 Introduction
- 5.2 Planning for the policing of assemblies
- 5.3 Specialist teams and training
- 5.4 Uniforms, weapons and equipment
- 5.5 Prohibited acts
- 5.6 Riots in detention

5.1 Introduction

The United Nations guidance titled Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF) states:

“12. Everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Governments and law enforcement agencies and law enforcement officials shall recognize that force and firearms may be used only in accordance with principles.”

These principles assert:

“13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”

“14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9 (see Appendix C).”

5.2 Planning for the policing of assemblies

In instances of both planned and spontaneous assemblies, there must be a tactical plan in place for policing the assembly. This should be in writing and should clearly detail the placement of LEOs, the weapons they are to be armed with and their different responsibilities in policing the assembly.

Where there are LEOs from different bodies, they are to communicate and share plans and tactics so as to prevent:

- a. the duplication of effort;
- b. a waste of resources; and
- c. confusion or misunderstanding in implementation.

There should be a clear line of command in executing any such plan. A clear tactical plan is especially critical where there is ‘joint-policing’, for example, police and military personnel working together. The responsibility for executing such plans lies with the Superior Officer.

Boundaries of restricted areas for assemblies must be clearly defined and publicized. There should be a map of the route to be travelled by the assembly. Areas scheduled for protest or assembly must be clearly assessed and measures implemented by LEOs to mitigate riot, damage, injury and loss of life.

The tactical plan should record the steps for removing violent persons from the crowd. It is advised that in an effort to attract as little attention from other participants as possible, when removing such individuals,

and to reduce the risk of inciting tension in other individuals, violent persons must be isolated from the group before being arrested.

In cases of planned assemblies, arrangements are to be made for medical assistance to be in close proximity. Access routes and speedy transport to medical facilities should also be considered. Neighbouring hospitals should be made aware of the anticipated assembly.

In cases where physical obstacles are deployed in a protest or assembly, an attempt should be made to negotiate or de-escalate the situation before seeking to remove any debris or barriers.

It is important to maintain lines of communication for the duration of the assembly. So far as is possible, communication between LEOs and organizers is encouraged with the aim to develop a comprehensive law enforcement plan. This includes establishing and maintaining contact with organizers, the Department of Corrections, and potentially violent groups.

Good and effective relations between the LEOs and residents who live in the area(s) in which the assembly is to be held, is encouraged. Concerned or interested parties should be contacted and a representative therefrom allowed to monitor the assembly and its policing.

Participants and members of the public in general are to be made aware of the guidelines applicable to LEOs. This could be done with the use of media broadcasts on traditional and digital media, in the case of planned assemblies, or by loud speakers, where necessary, in the case of spontaneous assemblies.

A special area should be designated for media personnel so as to facilitate coverage of the assembly. Media personnel are allowed to air and cover the assembly as of right.

Participants of the assembly ought not to be prohibited from using their phones and other devices to record instances of the assembly, including the recording of violent or unlawful acts.

Policing personnel ought not to arrest someone merely for recording an incident, unless an offence under the law has been committed.

5.2.1 Debriefing

Debriefing, and after-action review, are to be conducted as soon as is reasonably possible after the conclusion of the assembly or protest. In instances of LEOs using their firearms and/or causing death or serious injury, an independent and effective investigation into the incident must be promptly conducted and carried out with adequate transparency in a reasonable amount of time.

5.3 Specialist teams and training

There should be specialist teams charged with the responsibility to police and respond to both instances of planned and spontaneous assemblies.

Personnel to be deployed for public assemblies are to receive tactical, operational and behavioral training, including training on de-escalation strategies to fulfill those responsibilities. Training should include understanding of the legal context and the permissible rights and freedoms of citizens.

The specialist team shall be provided with equipment, permitted by this policy, to allow for the effective policing of such assemblies.

5.3.1 Deployment of military forces

The maintenance of public order is a police duty. The use of the military in a law enforcement role is an exceptional measure that should only be taken where police agencies are unable to address a particularly serious threat of public disorder. The involvement of the military in law enforcement must be authorized at the ministerial level, with regular reviews of that authorization being scheduled.

Military forces deployed in such instances are to comply with the principles stipulated within this policy as well as the basic principles of Legality, Necessity, and Proportionality. Military personnel participating in the control of assemblies must be trained in operational public order management.

5.4 Uniforms, weapons and equipment

LEOs should be properly dressed in uniform and have their regulation numbers clearly displayed on vests and other protective gears.

In the case of members of the military, or private or medical personnel, they too should display their respective uniforms and a proper record of the identities of those LEOs and medics kept for inspection.

The following weapons are permitted for use in the policing and control of assemblies:

- a. batons;
- b. tear gas;
- c. water cannons;
- d. rubber bullets/ bean bags;
- e. shields; and
- f. barriers.

Firearms should be used only as a last resort, if other means are not practicable in the circumstances, where it is required in instances of self-defence, or defence of another, against an imminent threat of death or serious injury.

Kinetic impact weapons should not be fired randomly at an assembly, but must be aimed exclusively at the persons engaged in violence, and only when other methods have failed to stop the violence. Such weapons should be aimed at the lower part of the body so as to minimize the risk of serious injury.

Devices with indiscriminate effects and a high potential of harm, such as tear gas and water cannons, may only be used in situations for the purpose of dispersing a violent assembly, and only when all other means have failed to contain the violence.

LEOs should be equipped with loud speakers. This is necessary for the issuing of commands to the assembly and other individuals. Clear audible warnings must be issued prior to use of chemical irritants and participants must be given sufficient time to leave the area.

5.5 Prohibited acts

Officers are to remain professional and objective, regardless of the assembly's purpose, and whether or not the assembly is a lawful one. This applies even where the nature of the protest is a law enforcement issue.

The following are prohibited acts by law enforcement during assemblies:

- a. discharging cartridges with chemical irritants directly at a person;
- b. use of automatic firearms;
- c. firing live ammunition in the direction of assemblies;
- d. the tactic of 'skip-firing' projectiles off the ground (such a method is highly inaccurate and increases the risk of hitting the wrong person or causing serious injury);
- e. mass arrests (without an offence being committed by each arrested individual);
- f. provocation of participants; and
- g. use of force against trapped individuals.

5.6 Riots in detention

In situations of large-scale violent disorder in detention facilities, de-escalation must be the preferred mode of action, and a distinction made between those inmates who are engaged in violence and those who are not. Interventions by authorities must seek to minimize loss of life, injury or damage, and firearms may only be used to protect against such threats.

When applying force, specialist equipment or firearms, LEOs must give a warning of their intention to deploy such force or weapon and provide the person(s) involved with sufficient time to comply with their instructions; except in cases where delay would create an immediate risk of death or serious injury to the LEO or any other person, or when giving such a warning is impossible in the circumstances.

LEOs are encouraged to use, where possible, conflict prevention, mediation or other effective dispute resolution mechanisms to resolve conflicts. Every opportunity should be taken to de-escalate the incident and only as a last resort should control and restraint techniques be used.

Chapter Six: Accountability

Chapter outline

- 6.1 Introduction
- 6.2 The independent investigation
- 6.3 Reporting obligations and review
procedures for use of force
incidents
- 6.4 Post-incident procedures
- 6.5 Administrative review and
investigation
- 6.6 Disciplinary proceedings
- 6.7 Sanctions
- 6.8 Identification

6.1 Introduction

Law enforcement agencies have a unique function to enforce the law. This power will, on occasion, require the legitimate use of force to prevent, investigate and combat crime. Where such force is used and death, serious injury or other hurt occurs, there is a requirement for an independent investigation.

Such an independent investigation is related to the State's obligation to respect, fulfill and protect human rights. Independent oversight mechanisms are established to enhance and reinforce the compliance to the rule of law, and good governance principles, as well as the promotion and protection of human rights. When the law is breached, there is a responsibility to ensure that those culpable are held to account. The State is obligated to ensure truth, justice and reparation to the victims of such acts.

Law enforcement agencies must also adopt and implement a disciplinary system of accountability to encourage the professional performance of its members and safeguard the institutional integrity when it is so breached.

6.2 The independent investigation

The purpose of an investigation by an independent oversight body is:

- a. to establish the full facts of the incident;
- b. to ensure that culpable and discreditable conduct is uncovered;
- c. to allay suspicions of wrongdoings by LEOs, where justified;
- d. to identify and remedy dangerous practices and procedures, where necessary; and
- e. to bring closure to all parties.

Such investigations should be thorough, objective, and impartial, and conducted in a timely manner. The oversight body is expected to act within the ambit of its regulatory or legal jurisdiction in the exercise of their function.

The independent oversight body shall consult with the law enforcement agency to ensure that the complainant and witnesses are protected against ill-treatment or intimidation as a consequence of making the complaint. Where there has been an attempt by the LEO to ill-treat or intimidate a witness, this should be treated as a separate investigation by the independent body.

Where no independent oversight body exists, the investigations should be conducted by internal affairs department, or the relevant unit of the law enforcement agency, and by a person who holds a higher rank than, and is unconnected from, the person(s) who is the subject of an investigation.

Interim reports on investigations should, ideally, be completed within thirty (30) days. If the LEO is unable to complete the report within this time period, an explanation must be provided to the relevant investigative body.

A detailed statement should be recorded from each complainant. Such statements should include: nature of the complaint, particulars of the complainant and accused, date of birth of the victim/complainant and gender. A central collection point should be established for all such complaints and must be recorded with a unique number.

A Memorandum of Understanding (MOU), and/or working protocols, should be established between the independent oversight body and law enforcement agencies to ensure the effective working arrangement and co-operation between such organizations.

Where a LEO (concerned officer) is involved in a fatal shooting or other serious injury incident, a written statement must be submitted to the independent oversight body when requested by them. This statement should contain the LEO's name, signature, regulation number and a detailed account of the incident. That LEO should not be aided by any other officer concerning the content of the statement.

LEOs involved in shooting incidents, not involving death or serious injuries, must provide an initial report within twenty-four (24) hours of the incident to the independent oversight body. Where a LEO is involved in such incidents, a written statement should be provided within forty-eight (48) hours to the independent oversight body, as above. This statement should contain the LEO's name, signature, regulation number and a detailed account of the incident.

Once a concerned LEO has been involved in a fatal shooting incident, he or she should be assessed by their internal Administrative Review panel to determine their suitability to continue operational duties and the re-issuing of their firearm. The LEO's supervisor should ensure that this assessment is complied with.

Once force is used, LEOs must also make the instrument of force used, available for inspection by the appropriate officer and oversight investigator.

It is recommended as a good practice that law enforcement agencies introduce a Use of Force Report Form (see Appendix A) to record when any LEO draws or deploys a use of force instrument. See Appendix A for recommended example form. LEOs must complete a Use of Form Report form for each person upon whom such force was used. Unless incapacitated, the form(s) should be submitted prior to the end of the LEO's shift. The Use of Force Report form is also applicable where an instrument of force has been drawn but not used,

6.3 Reporting obligations and review procedures for use of force incidents

Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents involving the use of force or firearms by LEOs, resulting in death or serious injury, whether on or off duty.

Law enforcement agencies must report forthwith any incidents concerning death or serious injury, or use of any firearm, howsoever caused, to the independent oversight body.

In cases of death or serious injury, a detailed report shall be sent promptly to the competent authorities responsible for the independent investigation and administrative review.

6.4 Post-incident procedures

Superior Officers must maintain leadership and control, following fatal and non-fatal shooting incidents. In the first instance, they should ensure that the essential procedures following the operational discharge of a firearm enables:

- a. that immediate medical assistance is provided for all injured persons, whoever they may be. Intentional failure or delay in providing such first aid will require a fulsome explanation.
- b. the commencement of a post-shooting investigation; and
- c. that support be provided for concerned LEOs.

6.5 Administrative review and investigation

When death or serious injury is occasioned by the use of force, an administrative and criminal investigation of the incident shall commence immediately.

The administrative review is a separate enquiry from the criminal investigation of an incident. Although the criminal investigation may require some time to reach a conclusion, the administrative review shall be short, reaching a preliminary judgment within forty-eight (48) hours of the incident.

The scope of the investigation will include all the surrounding circumstances of any death or injury, particularly the events prior, during and after the incident. This will include: operational plans, briefings, command and control, and interviews with all personnel involved.

The Administrative review and investigation will determine whether:

- a. rules, policies or procedures were breached;
- b. the policy or plan was clear and effective to cover the situation;
- c. current training is/was adequate; or
- d. supervision and direction have been applied properly.

The outcome of the administrative review should:

- a. determine policy violations and/or training inadequacies and will report to the appropriate authority recommending criminal, disciplinary or remedial action; and
- b. provide documentation for an annual review at assessment by the head of the Law Enforcement Agency.

In each case when a LEO uses a firearm or other deadly force; the following procedures will be followed:

- a. the Superior Officer shall relieve the LEO from duties in any operational assignment. The Superior Officer must also take measures to ensure that the LEOs involved are kept separate and apart from

each other so that they have no opportunity to collude and give a false or inaccurate account of what transpired during the incident.

- b. the Superior Officer in charge may either assign the LEO to administrative duty or relieve the member from all law enforcement duties, pending the outcome of the administrative review.
- c. the Superior Officer for the Division in which the incident occurred or his/her designate and the Force Chaplain shall conduct a preliminary review to determine:
 - i. if the shooting seemed justified;
 - ii. if policies and procedures were followed; and
 - iii. the physical and mental well-being of the LEO, to determine resumption of law enforcement duties.
- d. the administrative review panel shall submit a factual written report within twenty-four (24) hours of the occurrence, to the oversight body and the head of the law enforcement agency;
- e. the head of law enforcement agency, on the recommendation of the administrative review panel, has the right in all cases to determine the return of the LEO to operational duties.

Although it is not necessary for the oversight body to be present during the administrative review process, the organization, shall be entitled to receive information concerning the deliberations during the process, and the results of the proceedings. The independent body may provide relevant information to the administrative review panel for deliberation.

Governments and law enforcement agencies shall ensure that arbitrary or abusive use of force and firearms by LEOs is punishable as a criminal offence under their law.

In implementing these procedures it is essential that the potential evidence is not jeopardized or a LEO's safety compromised. It is recognized that incidents involving the discharge of a firearm by a LEO are stressful for all involved. The welfare needs of those involved must be attended to by Superior Officers whilst maintaining the accuracy and integrity of the investigation.

Operational issues, which are required to be addressed by Superior Officers, in the immediate after-math of a shooting incident, where someone has been killed or seriously injured, include:

- a. management and preservation of the scene;
- b. commencement of the investigative stage;
- c. securing of weapons, ammunition and exhibits (including LEO weaponry);
- d. withdrawal from the scene of principal LEOs;
- e. welfare considerations;
- f. notification to independent investigative body, where such exists;
- g. the separation of LEOs involved to maintain the integrity of subsequent debriefing;
- h. appointment of an initial investigating LEO;
- i. transfer of command of the scene to independent investigators;
- j. media strategy determined;
- k. defusing of community tension;

- l. appointment of family liaison officers; and
- m. notification of the coroner or pathologist.

In addition to the other responsibilities stated in this policy, Superior Officers should ensure that:

- a. LEOs under their command are aware of all applicable policies and standard operating procedures governing use of force instruments;
- b. any report of the use of force disclosed to them by a LEO is submitted in accordance with the policy and/or standard operating procedures of the issuing authority;
- c. the oversight body is notified, forthwith, where use of force results in any death or serious injury incidents;
- d. a report is made by the LEO involved in any shooting incidents, failure of which, may result in the Superior Officer being subject to disciplinary and/or criminal sanctions;
- e. any complaint of assault or torture made, should be immediately referred to the independent oversight body;
- f. proper records of all ammunition and firearms issued to and returned by members, are kept; and
- g. there are periodic checks done of all firearms and ammunition in the custody of the armory and the member.

With regard to c and e above, LEOs have no discretion in referring incidents to the independent oversight body.

Where the use of force is directed by a senior LEO, for example in cases of public disorder or in planned operations, the official giving such directions must also complete the Use of Force Report form justifying their directive.

Supervisors have a responsibility to check that a Use of Force Report form has been completed by the concerned LEO(s) involved and that each form is signed by that supervisory officer and is available for inspection.

6.6 Disciplinary proceedings

Where force is used by a LEO which does not result in criminal proceedings, a disciplinary enquiry must be conducted by the relevant authority governing the official, to see whether this policy has been breached.

Subsequent to a disciplinary enquiry and when disciplinary proceeding have been instigated, such proceedings must be observed to be fair to both the victim and the LEO. Both parties shall be permitted to have an attorney present.

At the conclusion of the disciplinary proceedings, the complainant/victim, the independent oversight body and the Police Services Commission (or any similar body) are to be informed of the outcome, in writing, as soon as reasonably practicable.

Records should be created for decisions made during both the disciplinary enquiry and proceedings. Such records should show the rationale and outcome of any determinations made. Responsibility for the creation of these records rests with a senior LEO conducting the disciplinary enquiry or the senior individual for the disciplinary proceedings.

6.7 Sanctions

A breach of any of the provisions of the Caribbean Human Rights and Use of Force Model Policy shall be regarded as a potential act of misconduct.

Any LEO who knows that another LEO is breaching, or has breached these rules, and fails to promptly report the breach to the appropriate Superior Officer in the force or to the independent investigative agency, commits a breach of this policy.

A LEO who, after an appropriate disciplinary proceeding has been conducted, and has been found to have breached this policy, shall be liable to a sanction by the disciplinary board, which may result in dismissal or a lesser penalty.

In determining the applicable penalty, the disciplinary board shall consider any aggravating or mitigating circumstances to include:

- a. the extent and gravity of the breach;
- b. the previous disciplinary record of the LEO; and
- c. whether the breach was associated with an incident where the rights of a citizen were infringed.

6.8 Identification

All LEOs must be easily identifiable with either their name, regulation number or a unique identifying mark visible on their clothing.

Obscuration or covering up of such name, number, or mark constitutes an infraction of this policy and may be subject to sanction if the LEO is found guilty in disciplinary proceedings.

Where protective equipment, such as body armour and helmets are being worn, the unique identifiers on the protective equipment must accord with the unique identification mark that is the regulation number, name, or such other unique identifier, of the LEO.

A LEO should not wear the protective equipment of another unless express written permission is given to do so. Where permission is granted for a LEO to wear the protective gear of another, the unique identification mark, where possible, ought to be concealed/ removed, and replaced with the corresponding unique identification mark of the LEO who will be wearing it.

Where it is not possible to have the unique identification mark removed and replaced, then the person granting permission should cause a record to be created which states, the type of gear being assigned, the

identification mark of the protective gear, the date, time and duration of assignment to the LEO, the name of the LEO who will be assigned, the general area of operation/duty and the reason for the assignment.

LEOs must not wear clothing (eg: masks, hoods) in a manner which obscures or disguises, or otherwise obstructs the identification of the LEO, unless written authority is given prior to any such use, and the reason for the approval.

Chapter Seven: The Use of Force Committee

Chapter outline

- 7.1 Establishment and composition of the Use of Force Committee
- 7.2 Role and functions of The Committee

7.1 Establishment and composition of the Use of Force Committee (“The Committee”)

There shall be a committee, called the Use of Force Committee, comprising a representative from each law enforcement agency, the independent police oversight body, and such other persons as may be designated by the Minister.

7.2 Role and functions of “The Committee”

The Committee is responsible for:

- a. developing or approving policies and/or guidelines for each protective gear and instrument of force;
- b. to test, evaluate and authorize each instrument of force weapon, prior to its procurement;
- c. to determine the acceptable standard operating procedures for the use of different weapons;
- d. to approve weapons to be used by LEOs, and;
- e. to advise the Minister and Private Security Regulator of all the above.

The Committee shall be charged with establishing rules and regulations for each instrument of force, which should include:

- a. the approved ammunition (where applicable);
- b. an explanation of the effect of the weapon or device and the approved method of use;
- c. prohibitions for the circumstances and the manner in which it is to be used;
- d. precautions to be taken before use;
- e. the associated risks and the measures to be taken to mitigate against those risks; and
- f. detailed accountability provisions where each instrument of force is used.

The Committee shall also be responsible for establishing guidelines, which shall advise the Minister on:

- a. the prevention of the abuse of the instrument; and
- b. the use of a particular instrument of force.

Such guidelines must be made publicly available, and should be provided as an addendum to this Caribbean Human Rights and Use of Force Model Policy.

The Committee shall regard as secret and confidential all documents, information or things disclosed to them in the execution of their duties, that publishes or appear to publish tactical information, save and except where it does so to the Minister.

When the Use of Force Committee sits to consider the introduction of a new instrument of force, its evaluation should include:

- i. a needs analysis;
- ii. determination of operational requirements;
- iii. technical evaluation (what it can and cannot do, ease of handling, risks when handling, reliability, accuracy, effectiveness);
- iv. medical assessment of the particular health risks associated with each type of weapon;
- v. impact on human rights;

- vi. the risk which the weapon offers for abuse;
- vii. operational performance trials; and
- viii. accountability for use.

The Committee may also, during the trial phase, consult medical experts, scientists, human rights organizations and other relevant stakeholders, who, in their view, may be able to provide information which will assist in their decision making.

Equipment should be excluded if it:

- a. is found to be so inaccurate there exists a significant risk of causing injury to persons other than the targeted individuals;
- b. causes harm which is disproportionate to the objective;
- c. aims to achieve an objective that is equally achievable with a less harmful device; or
- d. would violate the prohibition on torture and other cruel, inhuman or degrading treatment.

Where instruments of force are new there may be provisional regulations governing their use during the pilot-phase. Once the pilot-phase has ended, the use of these instruments is strictly prohibited until and unless approval is granted by “The Committee”.

Before authorizing the procurement of a new instrument of force, the Minister shall consult with “The Committee”.

Once approval is granted by the Minister, and the instrument of force is added to the list of “Approved Instruments of Force” the procurement of said instrument is at the election of the individual law enforcement entity, through its appropriate channels.

Chapter Eight: Training

Chapter outline

8.1 Recruitment, training and
performance management

8.1 Recruitment, training and performance management

Recruitment processes must focus on skills and competencies of potential recruits, which include the determination of a candidate's appropriate attitudes, moral values, physical fitness, educational competence and suitable references. Those that do not match the preset criteria should not be allowed to join a law enforcement agency.

Recruitment must be free from bias or any discriminatory practices concerning race, gender, social status. Selection processes must be fair and transparent and open to regular review and appraisal.

All LEOs are to be selected by effective screening procedures and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

Prior to enrolment for basic training, it shall be mandatory for all new law enforcement recruits to undergo a polygraph test, as well as psychological evaluation, to properly and thoroughly screen applicants with a view to ensuring that those with prior involvement in human rights violations and/or connections to criminal activities are excluded from consideration.

It shall be a requirement for admission into respective law enforcement agencies that all recruits must study and familiarize themselves with the provisions or stipulations of the Caribbean Human Rights and Use of Force Model Policy, Universal Declaration of Human Rights, BPUFF and the UNODC-OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement. All LEOs must be provided with sufficient training, and be tested in accordance with appropriate proficiency standards in the use of force.

Those LEOs who are required to carry firearms should be authorized to do so only upon completion of special training in their use. Law enforcement agencies must establish a training programme to ensure that all LEOs are given annual firearms training and necessary refresher training. A database of attendance and qualification scores must be maintained centrally, providing a record of all firearms training provided. This will provide a reference point in any post-shooting investigation, detailing evidence of the member's competence and qualification to carry a specific firearm. These records should be accessible at the local level to allow Superior Officers to be aware of weapons authorized to be carried by LEOs under their Command.

Although Superior Officers are ultimately responsible for ensuring that those under their command are properly trained to perform their jobs effectively, LEOs are reminded of their own responsibility to identify suggestions to their Superior Officers, areas in which they may need additional training. LEOs are also required to maintain a high level of competence in the use of weapons and knowledge in relation to policy and current legislation in respect of firearms.

Firearms may only be issued to, and carried for operational duties, by LEOs who have successfully completed an initial firearms training course in the particular weapon and who have successfully re-

qualified in its use during the last twelve (12) months. Superior Officers must ensure that all LEOs, for whom they have responsibility, comply with training and requalification.

Where an LEO fails to requalify in a particular weapon, the Senior Firearms Instructor (or relevant person) will inform that LEO's Superior Officer, who will then make an assessment as to the duties that the LEO will be required to perform pending further training.

Where LEOs are unsuccessful in requalification, they will be required to undergo additional training for certification to achieve the requisite standard. Where a LEO continues to be unable to achieve the requisite standard, the matter will be referred to the Senior Director of Human Resources for direction as to the future role and deployment of that officer.

In the training of LEOs, special attention must be given to:

- a. issues of ethics and human rights;
- b. alternatives to the use of force with firearms;
- c. the peaceful resolution of conflicts,
- d. the understanding the dynamics of crowd behaviour; and
- e. de-escalation, negotiation and mediation tactics

It is encouraged that all Superior Officers receive specialized training in de-escalation techniques.

Law enforcement agencies should continuously review their training programmes and operational procedures, with reference to and experience from, previous shooting incidents by law enforcement agencies.

Training of LEOs in effective communication skills should include effective communication skills focusing particular attention to engagement with children, persons who are disabled, drunk or intoxicated, mentally disturbed, or in a highly agitated state.

Training must include an understanding of the use of all types of instruments of force, self-defence and empty hand techniques to control aggressive persons.

It shall be mandatory for LEOs to receive basic first aid training to enable them to assist all injured persons. This training should give special attention to helping persons affected by the use of certain types of weapons, such as chemical irritants, and should include emergency first aid for gunshot wounds.

Stress and grief counselling must be made available to LEOs who are involved in situations where force and firearms are used. This is mandatory and shall not be at the LEO's own discretion to seek such support.

Special operational teams should be subject to additional and specialized training with focus on their physical, moral, and psychological well-being.

Superior Officers must be able to notice and observe when certain circumstances or operations seem to affect a LEO's judgment. In these cases, commanders are required to take appropriate action and assign other duties in the interim.

Law enforcement agencies must implement an "Early Intervention System" to ensure that Superior Officers are trained to identify early signs of trouble which may be displayed by LEOs under their command, or who may be at risk of misconduct.

The system will be one in which incidents can be reported by colleagues, members of the public or family members as it concerns use of force by a LEO. The "Early Intervention System" would enable an examination of similar reports, the number of such reports, and whether a pattern can be determined. There will then be a meeting with the LEO to discuss the report and his/her behaviour or attitude; which may result in the recommendation for counselling or training.

In order to lessen the misuse of firearms, whether accidentally or intentionally, Superior Officers have a responsibility to the public, to take reasonable care to ensure that LEOs under their command are fit and suitable to be entrusted with a firearm, and interact with members of the public.

Law enforcement agencies must also ensure that before Superior Officers are promoted, or their service contracts renewed, consideration must be given by the panel reviewing or assessing his/her tenure to the number of shooting incidents which occurred under their direct command. Superior Officers must show whether, and what action was taken by him/her against a LEO under their command who was involved in multiple shooting incidents, or reasonably explain why no action was taken against that LEO.

It shall also be mandatory for Superior Officers to undergo a full polygraph testing procedure before promotion or renewal of service contracts.

Law enforcement agencies shall ensure the establishment of an effective performance management process which involves regular assessments, by Superior Officers, of LEOs on the basis of previously established indicators, as well as monitoring the personal situations of LEOs under their command.

Appendices

Chapter outline

- A. Suggested Use of Force Report Form
- B. Use of Force Expanded Guidelines on Permitted Weapons
- C. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF)

Appendix A

Suggested Use of Force Report Form

Name of LEO: _____

Date: _____ Time (24hrs): _____ Location of Incident: _____

On Duty: ☐ Yes ☐ No

☐ Uniform: Plain Clothes ☐

Subject's Name: _____

☐ Adult ☐ Child

Gender: ☐ Male

☐ Female

This **Use of Force Report Form** is to be completed in its entirety. All questions are to be answered by either check box or comments made. ALL completed forms are to be signed and submitted to their supervisor. The original is to be delivered to the Training and Developmental Unit.

1. Empty Hand Control

Effective Reactions ☐ Caused Unconsciousness ☐ Did not cause unconsciousness

Empty Hand Technique

☐ Yes ☐ No

☐ Wrist lock

☐ Arm Entanglement

☐ Thumb Lock

Other

☐ Yes ☐ No

Describe (Justified given circumstance)

2. Pepper Spray Drawn (Visual deterrent)

☐ Yes ☐ No

Contaminated Subject

☐ Yes ☐ No

Name of subject contaminated by Officer/s _____

3. Handcuffs

☐ Yes ☐ No

a. Chain link Handcuff

☐ Yes ☐ No

b. Rigid bar Handcuff

☐ Yes ☐ No

c. Flexi cuffs

☐ Yes ☐ No

4. Impact Weapons

☐ Yes ☐ No

a. Expandable Baton - Drawn (Visual deterrent)

☐ Yes ☐ No

b. Expandable Baton – Used

☐ Yes ☐ No

c. Part of body struck – Specify: _____

5. **Canine deployed** ☐ Yes ☐ No
 Was subject bitten? ☐ Yes ☐ No
 Where was subject bitten – Specify _____
6. **TASER deployed** ☐ Yes ☐ No
 Serial Number _____
☐ 'Red Dot'/Pointing ☐ Arching 'Device'
7. **Firearm** ☐ Yes ☐ No
 Serial Number _____
 Drawn ☐ Yes ☐ No Aimed ☐ Yes ☐ No Fired ☐ Yes ☐ No
8. **Injuries** (excluding pepper spray contamination) ☐ Yes ☐ No
 a. Name of LEO(s) _____
 Medical Treatment ☐ Yes ☐ No
 b. Name of Subject (s) _____
 Medical Treatment ☐ Yes ☐ No
9. **Subject's weapon(s) recovered:** ☐ Yes ☐ No ☐ Unknown
 If yes, Serial number, make and model: _____
10. **Was the subject, known or appeared to be, under the influence of:**
☐ Alcohol ☐ Drugs ☐ Both Drugs and Alcohol
☐ Emotionally Mentally Distressed ☐ Unknown ☐ No Use Suspected
11. **Brief summary of why use of force deployed**

Reporting Officer (Name, signature and badge number)	Supervising Officer (Name, signature and badge number)
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Detailed Use of Force Guidelines on Permitted Weapons

These guidelines are not meant to act as standard operating procedures but should guide the development of the rules and regulations governing the use of each instrument of force.

Permitted Weapons

Handcuffs and limb restraints

a. What is it used for?

- i. Handcuffs are a universal law enforcement restraint device to secure a person's wrists together.
- ii. Handcuffs should be available to all LEOs, and be personal issue to LEOs who have been trained in their use and should be carried as part of normal patrol equipment. Only official issue handcuffs should be used.
- iii. Limb restraints may be used in the following circumstances:
 - Moving a person from the scene of an arrest to a vehicle.
 - Transporting a person into or from a vehicle or cell.

b. Risks and mitigation

- i. Handcuffs are at risk of being over tightened and cause pain, restricted blood flow and may result in numbness. After handcuffs have been applied the LEO must check to ensure that the handcuffs have been tightened to the appropriate level and double locked to prevent further tightening. Where possible, a warning should be given to the detained person that struggling may cause the handcuffs to tighten and cause unnecessary injury.
- ii. Limb restraints should only be used for the necessary amount of time by LEOs who have received appropriate training, which includes an understanding of the medical implications associated with the use of the device.
- iii. If the individual experiences difficulties in resuming normal breathing, then medical assistance must be sought immediately and must be given precedence over conveying the individual to the police station or place of detention.

c. Special precautions and prohibitions

- i. Handcuffs should only be employed when there is an objective reason to believe the offender might escape or is likely to use violence against the LEO or someone else.
- ii. A LEO need not wait for a physical act from the individual to decide whether to place him or her in handcuffs.
- iii. A LEO should take into account the actions of the person prior to detention, including:
 - If violence has already been displayed in the circumstances that led to the detention, regardless of whether or not the detention was for an offence involving violence;
 - Verbal and non-verbal indications from a person of a possible likelihood of violence;
 - When a person is known, or is believed, to be likely to use violence based on previous experiences.
- iv. Handcuffs or limb restraints should never be used with the sole purpose to punish someone.
- v. Handcuffs should be removed as soon as there is no longer a need for their use (e.g., the person no longer poses a threat or risk, or less likely to flee).
- vi. The following factors should also be considered in deciding whether or not handcuffs should be applied or continued upon a person:
 - age,
 - gender,
 - respective size and apparent strength and fitness of the detained person.
- vii. When handcuffs are used the condition of the person should be monitored to ensure that there is no particular risk of death or injury.
- viii. Where LEOs apply handcuffs they must report it and account for the period of time the handcuffs were applied before their eventual removal. LEOs shall record all use of handcuffs in their official notebooks and will include the following information: date, time, place and reason.
- ix. If the resistance by the detained person is such that it is unsafe or impractical for the LEO to carry out the functions outlined above or provide a warning, then the LEO should record this fact in their official notebook, highlighting the specific reasons surrounding the incident.

- x. Weighted restraints, metal limb restraints, such as leg cuffs or chains that connect the limbs with chains to handcuffs and belt, as well as non-adjustable ones such as fixed rings, leg iron, fetters or shackles are strictly prohibited. Soft restraints should always be preferred.
- xi. Tying someone's hands and legs together behind their back (hog-tying), should not be used given the serious discomfort and suffering it causes, and the risk of asphyxiation it poses.

Batons

a. What is it used for?

- i. A baton has several principal functions as a use of force instrument:
 - It is a universal symbol of authority that provides legitimacy to LEOs and indicates the capability to use lawful force.
 - It can be used defensively to protect the LEO or other persons from physical aggression or assault.
 - It can be used as a compliance tool with the aim of ensuring submission, controlling or disarming a person for the purpose of arrest, for example by aiding in the application of arm locks.
- ii. Each LEO must be trained in baton use, and develop the ability to use force dependent on the law enforcement objective and the threat encountered. A baton is not intended to be a lethal use of force weapon.

b. Special precautions and Prohibitions

- i. Batons must only be used in cases where a lesser amount of force would be ineffective to achieve a lawful aim, and only such force as sufficient to obtain control of the subject shall be used.
- ii. LEOs must demonstrate restraint and assess whether raising a baton causes the desired effect, without the need to hit the person.
- iii. Baton strikes to certain areas of the body, such as head, thorax, neck and spine are prohibited, in view of their potential lethal consequences, unless there is a potentially lethal threat to a LEO. The arms and legs are the preferred targets to strike. Care should be taken to avoid striking vital organs, eg: the kidney or the groin area.
- iv. A situation where law enforcement is seeking to control a highly violent person is a dynamic and ever-changing encounter, where the LEO will have to adjust his or her response to the conduct encountered. Where a LEO strikes someone repeatedly, or whilst the person is on the ground, this may amount to excessive use of force and should be investigated as such.
- v. All persons struck by a LEO's baton should be medically examined by a doctor or at a hospital.

Firearms

a. What is it used for?

- i. A firearm, as defined in this policy, can be used to fire less-lethal rounds, and some less-lethal launchers are also firearms.
- ii. There are many different types of firearms, but LEOs are typically equipped with either handheld guns, such as a pistol or a revolver, or long guns, such as a rifle. Both handheld guns and long guns can be single-shot, semi-automatic or automatic:
 - A **single-shot firearm** needs to be manually reloaded after each shot, in order to build pressure to ignite that shot.
 - A **semi-automatic firearm** shoots a single shot with each pull of the trigger but does not need to be manually loaded each time, as it uses the energy of one shot to reload the next. As a result, it can shoot much faster than a single shot device.
 - An **automatic firearm** will continue to fire as long as the trigger is pressed until the magazine is empty. However, it can also be set at single-shot mode.
- iii. LEOs should not use their firearms in fully automatic mode, except:
 - where the LEO is facing overwhelming fire power;
 - there is no option to retreat; and

- the risk to civilians is minimal.

b. Ammunition

- Only ammunition subject to strict factory quality control should be issued for operational purposes. The type of ammunition issued must be appropriate for the particular weapon type.
- Full metal jacket bullets may be utilized for the purpose of training, or where authorization is granted by the Commanding Officer for its use.
- LEOs must use only appropriate expanding ammunition whilst on duty.
- Suitable provision should be made to facilitate the safe carriage of personal issue ammunition. This includes the use of magazines, magazine pouches and similar devices for other ammunition types.

c. Holsters

- Approved holsters and ancillary equipment, including ammunition, magazines, and pouches, are issued to LEOs for both overt and covert carriage of handguns. This equipment is provided on the basis of detailed and agreed specification standards. Only holsters designed for the model of weapon carried should be used. For safety reasons, holsters should cover the trigger guard.
- Members are reminded that use of “unofficial” holsters and equipment could leave them personally liable in the event of loss or damage to weapons.

Electroshock weapons: Taser

a. What is it used for?

- The Taser is a type of electroshock weapon intended as a non-lethal weapon. The weapon fires two small electrodes and two small barbs attach to the person. The weapon is designed to temporarily incapacitate a subject through use of an electrical current which interferes with the body’s neuromuscular system. The device delivers its electrical charge in a five second cycle which can be stopped, extended or repeated.
- Use of a Taser is subject to the same criteria as firearms. A LEO who uses an electroshock weapon should be able to justify its initial use, as well as each subsequent application, as each application of shock must meet the standards of necessity and proportionality.
- Ordinarily, the firing will be sufficient to render a subject incapable of continuing an attack or other conduct which justified the use of Taser, and is likely to result in the subject collapsing to the ground. The effect is not intended (nor is it likely) to render the subject into a state of unconsciousness.
- Provided both barbs attach correctly to the person, with sufficient spread, the effects are likely to be instantaneous. It should, however, be recognised that no incapacitating device, including firearms capable of discharging conventional ammunition, is universally effective, and there may be individuals on whom the Taser may not be effective at all or only partially so.
- The direct incapacitating effect is only likely to last for as long as the electrical charge is being delivered. It is therefore important that an incapacitated subject is approached and restrained quickly and effectively.
- It should be noted that medical evidence indicates the repeated application of electrical charges to a person can increase the likelihood of serious medical consequences. Consequently, repeated applications should be avoided, where possible.

b. Risks and mitigation

- Children and persons of small stature are considered at possible greater risk than adults and this should be stated in the guidance and training modules. For pregnant women and people with heart replacements or weak hearts, the effects can be serious and unpredictable.

- ii. LEOs should avoid “taser” sensitive areas (such as the head, neck, groin or heart area).
- iii. LEOs must ensure that anyone who has been “tasered” undergoes medical examination and close monitoring to identify as soon as possible any health risks that may occur as a result. Where the need for medical attention is urgent, this should take precedence over transferring the subject to a police station.
- iv. Secondary injuries may result from unsupported falls, flammability, positional asphyxia and acute behavioural disturbance/excited delirium.
- v. Extra care should be taken, and immediate medical assistance should be provided to assess an individual suffering from the effects of drugs, or those who have been struggling violently, as the effects may be seriously damaging, or even irreversible.
- vi. The Taser should not be used in an environment where, due to the presence of a flammable substance in the atmosphere or escaping gas, its use is likely to result in an even more hazardous situation.

c. Special precautions and prohibitions

- i. Any use of an electroshock weapon should be reported and its use recorded on the Use of Force Form. The electroshock weapon contains a computerized function that retains data of all discharges of the device. The device must therefore be checked by the relevant supervisor after the completion of every duty.
- ii. Each division of a law enforcement agency must account for all the Tasers they are provided with. A record issuance and receipt of the Taser, and its component parts, shall be maintained. The log must contain the serial numbers of each Taser and all the cartridges distributed.

Dogs

a. What are they used for?

- i. In law enforcement dogs are used either to search for people or goods (e.g. explosives, drugs), or as an instrument of force. This section will address using dogs as an instrument of force.
- ii. Dogs are routinely used to assist in the search, pursuit, apprehension and detention of a subject or someone who is actively resisting arrest or assaulting the LEO. They can also be deployed to:
 - disarm a suspect armed with a firearm or other weapon;
 - guard and escort suspects after arrest;
 - defend against attack;
 - protect members of the public and property;
 - act as a deterrent in situations of general disorder;
 - used to support cordons, escort marches/groups,
 - assist with the dispersal of a crowd or to help arrest or detain someone.

b. Risks and mitigation

- i. It is essential that the capabilities and limitations of using dogs are fully understood prior to their deployment. Dogs and their handlers need to be well-trained and certified and the advice of the handler should be sought prior to deployment.
- ii. When deployed dogs can be either, muzzled or un-muzzled, on or off a leash, with each option having a different impact and varying levels of risk.
- iii. Dogs should be trained to “find-and-bark” rather than “find-and-bite”.
- iv. In general:
 - Only trained dogs should be used in combination with their handler;
 - Dogs may only be used by qualified dog handlers who bear ultimate responsibility for their deployment;
 - Using an un-muzzled dog represents an increased use of force and should only be used in circumstances where such force becomes necessary;
 - The decision to deploy a dog, and its reasons, as well as the outcomes, should always be recorded by the dog-handler.

c. *Special precautions and prohibitions*

- i. Untrained dogs should never be used.
- ii. Dogs should not be used in an offensive role in a public order situation. Deployment of dogs in a public order situation is dependent on the tactical plan that has been prepared and which must clearly specify what they are to be used for and under what circumstances.

Horses

a. *What are they used for?*

- i. Whether the deployment of horses is useful depends on the situation, the terrain and also the type of violence encountered. Deployment of horses is not always appropriate on safety grounds. As in all cases involving the use of animals, their welfare and protection also must be ensured.
- ii. Horses can be used to charge a group of violent people and disperse them, where the horse rider may use a baton, and can support other officers who are on foot.
- iii. Horses shall not be used to ride over people.
- iv. LEOs on foot need to be trained when deployed with mounted police.

b. *Special precautions and prohibitions*

- i. While the use of horses offers unparalleled advantages to monitoring and controlling crowds, a rider may not have full control of the horse and is not at all times able to instantly correct the level of force used. It is essential to use horses in the right situations and to make an assessment of how crowds may react.
- ii. For security reasons horses should not be used in close proximity to barriers, and when used for the dispersal of crowds, escape routes should be identified and communicated.

Riot Control Agents (RCA)

Tear gas and pepper spray

a. *What is it used for?*

- i. Tear gas cartridges and pepper spray are designed to be used to disperse groups that present an immediate and direct threat, and when conventional methods of policing have been tried and have failed, or are unlikely to succeed. It can take up to one minute before its effects are noticeable, and effects can last for hours.
- ii. Tear gas and pepper spray may be utilized on assemblies or formations who continue to be aggressive and who refuse to disperse, despite earlier efforts.
- iii. Pepper spray should be employed at close range where the demonstrator is sprayed in the face in order to temporarily disable or disorient him or her. It can be used for up to 4 metres, but optimum accuracy will be achieved over a distance of 1.25 to 2 metres.
- iv. Due to the possibility of other LEOs and uninvolved bystanders being affected, pepper spray should not be used under the following circumstances:
 - At a distance of less than one metre;
 - In an enclosed area (e.g. a car);
 - On a subject who is restrained or handcuffed;
- v. In all aforementioned cases, LEOs must be able to justify their decision to use it in these circumstances.

b. *Risks and mitigation*

It should always be considered that there exists a risk of escalation, and of other harm being caused by crowds fleeing when tear gas and pepper spray are used.

- i. Tear gas and pepper spray should not be used against someone who has a firearm as it may lead to him or her firing indiscriminately.
- ii. Tear gas and pepper spray shall not be used against someone who is driving.

- iii. Where practicable, tear gas and pepper spray should not be used on those who are vulnerable through age (including children), alcohol, drugs and mentally disturbed persons. When dealing with mentally disturbed persons who may be prone to violence, consultation with relatives and health care professionals is recommended.
- iv. Basic first aid should be administered at the scene, or as close as possible thereto, when circumstances permit. Subjects in custody, to whom a chemical agent, has been applied shall be accorded professional first aid, and such facts shall be noted in the custody record.
- v. Once the subject is controlled, the officer should give them reassurance that the effects of the spray are temporary. The subject should be instructed to breathe normally, as this will aid recovery and prevent hyperventilation. If possible, remove the subject to an uncontaminated area. Exposure to fresh air will permit the particles to blow off the body, and normally result in recovery from significant symptoms in approximately 15 minutes.

c. *Special precautions and prohibitions*

- i. Only experienced and trained LEOs are allowed to launch riot control agents (RCA).
- ii. Never fire RCAs from hand held launchers directly towards a person. Many persons have died or been seriously injured from the impact of a RCA container.
- iii. It is prohibited to use tear gas or pepper spray that is shot or thrown into a confined area to conduct an arrest of a person who may have a firearm ready for use, or otherwise poses a great threat to life or limb.
- iv. Never expose the same targets to RCAs several times during a short time period.
- v. RCAs should not be deployed in wide areas against larger groups, unless the level of violence has reached such a high level that LEOs cannot address the threat by directly targeting violent persons only.
- vi. Any modification of the chemical composition (eg. higher concentration) of the tear gas, for the sole purpose of inflicting severe pain on protestors and, indirectly bystanders, is strictly prohibited.
- vii. Chemical toxicants (e.g. fentanyl derivatives) that affect the nervous system as a form of anesthetic, should never be used in ordinary law enforcement duties, due to risk of death and/or permanent disability to those exposed.
- viii. Only the Superior Officer on the ground can decide to deploy tear gas based on his or her assessment of the scene, and whether the use of tear gas would be necessary, proportionate, and effective. He or she must thereafter order the use to the LEOs.
- ix. The deployment of RCAs must always be documented, including type, amount and reason for use of force.
- x. After the event, the Superior Officer must check that the contaminated site has been properly and completely cleared of the pollutant. A detained person who has been exposed to a RCA must be decontaminated.
- xi. Always conduct effective investigations and apply accountability measures into the misuse, of RCAs and analyse the cause of any shortcomings of standard operating procedures, trainings or orders.

Water Cannons

a. *What is it used for?*

- i. Water cannons should only be used in situations of serious public disorder where there is the potential for violence that may cause loss of life, serious injury or widespread destruction.
- ii. It is essential that the capabilities of water cannons are fully understood prior to deployment and a tactical advisor specifically trained in the use of this equipment should be available.
- iii. Water cannons may also be utilized when demonstrators become unruly and aggressive, forcing LEOs to retreat to secondary positions.
- iv. The use of a water cannon should be accompanied by the employment of LEOs on foot. Considerations for its deployment should include media impact and the availability of well-trained officers.
- v. In order to meet the requirements of necessity and proportionality, the deployment of water cannons should be carefully planned and managed with rigorous command and control at the Superior Officer level.

b. Special precautions and prohibitions

- i. A water cannon should not be used indiscriminately against a crowd.
- ii. In using a water cannon, it is important to monitor the pressure that is being used. Too high a pressure can knock people over, strike their head, or cause objects or debris to hit them, and may result in serious injuries.
- iii. Water cannons should not be used against anyone who is unable to move, for example protesters who have locked themselves on a fence, older persons, injured persons or persons with disabilities, children and individuals at elevated height.
- iv. Water should not be mixed with chemicals.

Shields

- i. Shields are a type of protective equipment for LEOs, and should be deployed to protect against risk of harm or injury to themselves or another.
- ii. It is the responsibility of both the individual LEO, as well as their Superior Officer, to ensure that shields are used in the manner prescribed.
- iii. Where a LEO has been provided with a shield, which they are required to use in a specific operation in protection of themselves, but fail to do so, this constitutes a breach which may be dealt with as a disciplinary matter of both the individual and their supervisor.
- iv. Protective gear ought to be upgraded and or replaced based on the manufacturers recommendations.
- v. Assignment of a protective gear, which is not in accordance with the manufacturer's specifications, is strictly prohibited.

Appendix C

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

Whereas the work of law enforcement officials¹ is a social service of great importance and there is, therefore, a need to maintain and, whenever necessary, to improve the working conditions and status of these officials,

Whereas a threat to the life and safety of law enforcement officials must be seen as a threat to the stability of society as a whole,

Whereas law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Whereas the Standard Minimum Rules for the Treatment of Prisoners provide for the circumstances in which prison officials may use force in the course of their duties,

Whereas article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,

Whereas the preparatory meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Varenna, Italy, agreed on elements to be considered in the course of further work on restraints on the use of force and firearms by law enforcement officials,

Whereas the Seventh Congress, in its resolution 14, inter alia, emphasizes that the use of force and firearms by law enforcement officials should be commensurate with due respect for human rights,

Whereas the Economic and Social Council, in its resolution 1986/10, section IX, of 21 May 1986, invited Member States to pay particular attention in the implementation of the Code to the use of force and firearms by law enforcement officials, and the General Assembly, in its resolution 41/149 of 4 December 1986, inter alia, welcomed this recommendation made by the Council,

Whereas it is appropriate that, with due regard to their personal safety, consideration be given to the role of law enforcement officials in relation to the administration of justice, to the protection of the right to life, liberty and security of the person, to their responsibility to maintain public safety and social peace and to the importance of their qualifications, training and conduct,

The basic principles set forth below, which have been formulated to assist Member States in their task of ensuring and promoting the proper role of law enforcement officials, should be taken into account and

respected by Governments within the framework of their national legislation and practice, and be brought to the attention of law enforcement officials as well as other persons, such as judges, prosecutors, lawyers, members of the executive branch and the legislature, and the public.

General provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

(b) Minimize damage and injury, and respect and preserve human life;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Special provisions

9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

(a) Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;

(b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;

(c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;

(d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;

(e) Provide for warnings to be given, if appropriate, when firearms are to be discharged;

(f) Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

Policing unlawful assemblies

12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Policing persons in custody or detention

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

Qualifications, training and counselling

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those

law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

Reporting and review procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

27 In accordance with the commentary to article 1 of the Code of Conduct for Law Enforcement Officials, the term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

