

THE NIGERIA POLICE FORCE

DRAFT PROPOSAL:

REVIEWED FORCE ORDER 237

MANUAL OF GUIDANCE ON THE

USE OF FORCE AND FIREARMS

BY POLICE OFFICERS

SECTION ONE

A. INTRODUCTION

1.1 The Constitution of the Federal Republic of Nigeria (1999) confers on the Nigeria Police Force the duty to maintain law and order, and keep the peace of the country. The Constitution also provides for Fundamental Human Rights for all the people of Nigeria, including the right to life. The use of lethal or potentially lethal force by police officers is authorized under some circumstances. These circumstances are strictly regulated by the law, meaning that, the Police need to have a good understanding of the rules governing the use of force and firearms, as set out under Nigerian laws and international human rights laws.

1.2. This Force Order has been developed to provide knowledge and information necessary for Police officers to safely and effectively resolve incidents to which this policy guidance applies. It seeks to provide definitive advice and guidance in relation to relevant roles and responsibilities, with detailed procedures as to how to effectively handle incidents involving the Police use of force and firearms. There is no question that Police officers' authority to use force and firearms to protect themselves and the public carries with it serious responsibility. The Nigerian community and the Police require that police officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances. It is necessary, therefore, that the Nigeria Police Force provide appropriate guidance to its officers in order to ensure that the authority to use force and firearms is exercised in a

manner consistent with the Nigeria Police Force's basic duty to protect human life.

1.3. The Nigeria Police is committed to ensuring the use of force and firearms in any situation shall be limited to only the force necessary to contain aggressive actions and or overcome specific resistance by the subject in order to accomplish a lawful objective

1.4. Use of lethal force is a measure of last resort. Thus, officers shall exhaust all other proportional means of apprehension, or defense of his or herself or another, before resorting to the use of lethal force. **(See Force Order 84 Indiscriminate Shooting by Members of the Force).**

1.5. The Nigeria Police is committed to upholding lawful, professional, and ethical standards through supportive leadership and supervision before, during, and after use of force incidents. This includes prevention efforts, in taking appropriate steps to prevent unnecessary use of force, use of effective tactics in handling force incidents and conduct, dispassionate and objective review and investigation, and analysis of every incident. In addition, officers will undertake mandatory training in the use of force, proper use of standard operating procedures as reflected in force orders; and undertake mandatory continuous psychometric tests, etc.

1.6. This new Force Order goes further than the prior policy in so far as it includes a more detailed set of rules designed to guide officers in the decision to use force, including firearms.

1.7. This Manual of Guidance is intended to provide:

- a.** An analysis of the law and policy guidance relating to the use of force;
- b.** Standard Operational Procedure for the Police use of force and firearms in the wider context of general policing activity;
- c.** A basis for the training of all Police personnel in matters relating to the operational use of force and firearms,

1.8. This manual incorporates the principles of:

- a. Chapter IV Fundamental Rights, Constitution of the Federal Republic of Nigeria (1999);
- b. The African Banjul Charter on Human Rights;
- c. United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- d. The International Covenant on Civil and Political Rights (ICCPR); and
- e.** The United Nations Code of Conduct for Law Enforcement Officials (CLEO).

B. Definitions.

1.9 Authorized Weapon/Firearm: A weapon in which an officer has received permission to carry and use in the discharge of that officer's duties, and for which that officer has received training in the technical, mechanical and physical aspects of the device; and developed a knowledge and understanding of the law, rules and regulations regarding the use of such a weapon.

1.10. Lethal Force: Is that degree of force likely to result in death or serious physical injury. The intentional or unintentional (accidental) discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes use of lethal force. A threat to cause death or serious bodily harm, by the showing or aiming of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that lethal force will be used if necessary, does not constitute lethal force.

1.11. Force: Force is any physical effort used to dissuade, control or restrain another, or to overcome the resistance of another. It includes: the physical presence of a police officer; verbal and visual warnings, including display of weapons; soft physical pressure; hard physical pressure, non-lethal force and lethal or potentially lethal force.

1.12. Less Lethal Force: Is the force that is neither likely nor intended to cause serious physical injury or death. This includes the use of approved defensive/physical tactics, approved chemical substances, less than lethal weaponry, police dogs and horses, and the authorized baton. It should be noted however that **any weapon could be lethal**. The risk of death or serious injury will depend on the specific technical characteristics of the weapon (the mechanism of injury) **and** the way in which it is used. Weapons described as "less lethal" can kill (e.g. a strike to the head with an impact weapon, or the use of chemical agents in enclosed spaces) in the same way that a weapon described as "lethal" can have a fatal outcome.

1.13. Imminent Threat: Describes threatened actions or outcomes that may occur during an encounter which could reasonably be expected to cause death or serious bodily harm immediately or before the imminence of such a threat can be eliminated by the police through a procedure provided by this Force Order. The period involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. However, for a threat to be imminent there must be some degree of immediacy, i.e. a matter of seconds, not hours.

1.14. Minimum Amount of Force: The minimum amount of force is the least amount of force that is proper, proportional and necessary to achieve a lawful objective.

1.15. Physical Force: Physical force is one type of force (see above at para 1.11). Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the Police Officer's authority, or to protect persons or property. Examples include wrestling a resisting subject to the ground, using wrist-locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.

1.16. Serious Injury: This is a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of anybody member or organ. See above at para 1.12.

1.17. Substantial Risk: Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when it is foreseeable that someone is likely to be injured or killed. For example, firing a weapon into a confined space (room, vehicle, etc.) exposes those persons to a substantial risk of harm.

1.18. Use of Force: This is the use or imminent threat of physical means that may harm person/s or cause damage to property.

1.19. Violent Felony: A felony involving the commission of a violent act, or when there is reasonable cause to believe that serious physical injury or death might be inflicted upon another person.

SECTION TWO
THE LAWS RELATING TO THE USE OF FIREARMS AND
CIRCUMSTANCES WHEN THE USE OF FIREARMS ARE
AUTHORIZED

A. Introduction

2.1. Whereas it may be difficult to enumerate or to deal with all the circumstances in which it may be necessary for a Police Officer to use firearms, however, officers can only use firearms in the situations regulated under this Force Order. The following are principles by which a Police Officer should be guided. It must be realized that these guidelines cannot over-ride the law and that if a Police Officer is charged with an offence arising out of his/her use of firearms, it is for the court to decide whether, in the circumstances, his/her action was justified.

2.2. It is also of the utmost importance that all Police Officers realize how very essential it is to guard against the slightest misuse of firearms or lethal force. Officers are to exercise the utmost forbearance humanly possible and that prudence can dictate, before resorting to the use of a lethal weapon, which may result in serious injury or imminent death of a human being.

2.3. The Nigerian laws provide that Police Officers may be called upon to deal with incidents involving the Police use of force or firearms. The use of force and firearms is also regulated by rules under international human rights laws. This Section gives a critical explanation and provides officers with the knowledge and information necessary for them to safely and effectively resolve incidents thereby maintaining public safety and preventing crime.

2.4. National and International laws prescribe the circumstances in which the use of force is allowed. In Nigeria, the relevant laws include: the Constitution of the Federal Republic of Nigeria (1999); the *Criminal Code and the Criminal Procedure Act* (both applicable in the Southern States in Nigeria); the *Penal Code* and the *Criminal Procedure Code* (both applicable in the northern states in Nigeria); and the *Administration of Criminal Justice Act* (2015) and the Nigeria Police Act. The Administration of Criminal Justice Law (2015) is a Federal Law applicable in Federal High Courts. States of the Federation may adopt same to be applied in their respective states after adoption by the State House of Assembly for Administration of Criminal Justice System in the State.

2.5. The use of force and firearms by police officers, as authorized under Nigerian laws, is also in compliance with the rules set out under the African Charter on Human and People's Rights, the International Covenant on Civil and Political Rights (ICCPR) and the Basic Principles on the Use of Force and Firearms (BPUFF) by Law Enforcement Officials (BPUFF). Specifically, BPUFF key aspects as it relates to the FO 237:

- "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 (violent felony)";
- "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”.

The section generally provides overview of the basic guidelines on the use of authorized weapons/firearms as well as individual officers’ responsibilities in accordance with the law.

2.6. The Constitution of the Federal Republic of Nigeria (CFRN 1999) Chapter IV Fundamental Rights articulates when a person’s life can be taken:

S.33 (1) *“Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”;*

(2) *A person shall not be regarded, as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary -*

(a) for the defence of any person from unlawful violence or for the defence of property:

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or

(c) for the purpose of suppressing a riot, insurrection or mutiny.

S.34. (1) *Every individual is entitled to respect for the dignity of*

his person, and accordingly -

(a) no person shall be subject to torture or to inhuman or degrading treatment;

(b) no person shall be held in slavery or servitude; and

(c) no person shall be required to perform forced or compulsory labour.

B. Power to Use Force and Firearms in self-defense:

2.1. This is provided in **Sections.286, 287 of the Criminal Code.**

Section 286 recognizes the right of self-defense against unprovoked assaults: Whereas **S.60 (a) of the Penal Code** provides for the right of private defense affecting human body. Under the Criminal Code, it allows such force as is "*reasonably necessary to make effectual defense*". As with every other use of this sort of phrase in the law, the person using the force must be able to explain the grounds on which he/she based his/her decision to do so and why the force that they actually used was proportional in the circumstance. It should be noted that the power is to "*make effectual defense*", not to gain retribution or retaliate. It is a power to defend yourself or someone else from an assault and once the threat of further assault has gone (for instance, if the assailant has turned and ran away) the power of self-defense lapses (though other powers, such as arrest, may still be available).

2.2. If an unprovoked assault is reasonably anticipated to cause death or grievous injury then **S.286 of the Criminal Code** would allow the use of force, which may be fatal in response, similarly **S.265 of the Penal Code** states the requirements of such defense to include "grave and sudden provocation".

2.3. Section 287 of the Criminal Code deals with provoked assaults. Where a person provokes an assault they can lawfully then use lethal force to protect themselves, if the person fights back, if the original assault was likely to cause death or serious injury to the original victim. The whole process of deciding what force is “proportional” is perhaps best viewed as a balancing exercise – the force used in self-defense must be in proportion to the force used in the original assault. Deciding what is proportional in a particular situation is not a fine art and actors will have very little time in which to judge their reactions. Under BPUFF, firearms can only be used to protect against an imminent threat of serious injury or death. The fact that someone fights back does not automatically mean that firearms would be allowed, as it does not automatically mean that the fighting back is a threat to life.

2.4. A Police Officer attacked by a person using fists and feet would be able to justify using fists and feet, and probably baton, in response. Responding to the situation with a firearm would not be reasonable unless the attacker represents an imminent threat of death or serious injury, and less extreme measures are insufficient. It would be a very different matter if a person armed with a knife or a gun attacked the officer: in such circumstances the use of a firearm in defense would be far more easily justified as proportionate.

C. Power to use force in making an arrest:

2.1. By virtue of **S.261 of the Criminal Code**, it is lawful for any police officer who is engaged in the lawful execution of any sentence, process or warrant or in making any arrest, and for any person lawfully

assisting him/her to use such force as may be proportionally necessary to overcome any force used in resisting such execution or arrest. **Section 31** of Criminal Procedure Code provides that the person making arrest may use "all means necessary to affect the arrest" provided the person to be arrested resisted the arrest and only when the arrest itself is lawful and proportional. It is worthy of note to state that the Administration of Criminal Justice Law (2015) does not provide for any form of use of force in making arrest, the act is silent on that respect. **Section 4** of the Act stated the mode of arrest and provides for two (2) exceptions: "*submission to the custody by word or action*" in the absence of these, the only powers given by the Act is "*touch*" and "*confinement*". The *officer* making the arrest **must** be able to explain why he/she did what he/she did and why he/she believes there was no other less forceful alternative. In other words, the police officer must be accountable for his/her actions. He/she is always expected to take the course of action that involves using the **minimum** amount of force to achieve his/her lawful purpose. This section also offers protection to persons assisting the Police Officer in making the arrest. The use of the words "lawful execution" at the start of this section is important. It only applies to lawful arrests – any force used during an unlawful arrest is not authorized by this section and would result in potential prosecution for assault or infringement of fundamental rights of the victim.

2.2. As stated above, **Sections 271, 272 and 273 Criminal Code** cover situations under which force may be used by a police officer in the performance of his duties. Particularly, Section 272 provides a similar power for any person making an arrest to use force to prevent

escape, quite unlike a Police Officer; a private person who is making an arrest is not authorized to use lethal force in any circumstances.

2.3. Once a lawful arrest has been made, the law also permits the use of force to prevent a suspect escaping. Section 271 of the Criminal Code Act empowers a Police Officer to use force to prevent escape during the arrest process itself. If the arrest of the suspect is for perpetrating a particularly serious crime involving grave threat to life, then, the Police Officer may use lethal force “if he/she cannot by any means otherwise” make the arrest of a suspect escaping from lawful custody, provided the escapee constitutes imminent threat of death or serious injury. This is extremely important. The section does not give the Police *carte blanche* to use lethal force: they must justify in every case why they had no alternative. As has been noted previously, the death of any person at the hands of the Police should be thoroughly investigated to ensure that the actions of the officers were lawful and unavoidable.

2.4. Some other powers to use force in making arrests include:

- i. Requirement to touch or confine a person arrested unless they submit to custody by word or action. **Section 3 Criminal Procedure Act & Section 4 Administration of Criminal Justice Law (2015)**
- ii. Limitation of use of handcuffs or bindings on an arrested person. **Section 4 Criminal Procedure Act. Section 5 (a-c) Administration of Criminal Justice Law (2015).**
- iii. In making the arrest the Police Officer or other Person making the arrest shall actually touch or confine the body of the suspect,

unless there is a submission to the custody by word or action.

Section 6(6) Criminal Procedure Act & Section 4 Administration of Criminal Justice Law (2015)

- iv.** A Police Officer or any person authorised to arrest is criminally responsible for any breach of the law used in making the arrest
Section 298 Criminal Code Act.

D. Power to use force in preventing escape

2.1. Section 273 deals with where the arrest has been completed but where the person then attempts to escape, or others attempt to rescue them. Here a Police Officer or any other person may use such force which is, "*on reasonable (proportional) grounds necessary*" to prevent the escape or rescue, including, provided the offence for which the person has been arrested is one for which a power of arrest without warrant exists. Again it is not a "*carte blanche*" and the officer must be able to explain why no other alternatives were available and why the use of lethal force was proportional. Again, lethal force is only acceptable to protect against imminent threat of serious injury or death posed by the escapee.

E. Power to use force to prevent a breach of the peace or violent assemble.

2.1. This is treated in S. 275 - Criminal Code Act 1990 and S. 276 - Criminal Code Act 1990. In S.275 and S. 276 the force must not only be necessary, but "*reasonably proportioned to the danger apprehended*". This is another example of how the law requires a

person using force to carry out a balancing exercise that can be expressed in the form of two questions:

- i. If I do nothing, what will be the consequence?
- ii. If I use the force I intend, what will be the consequence?

F. Power to Use Force to prevent crime, etc.:

2.1. Sections 281, 282 and 285 - Criminal Code Act 1990 deal with the use of force to prevent crime etc. Section 281 provides a general power, applicable to any offence where there is a power of arrest without warrant. This includes a huge range of offences, and may include many, which are relatively minor in nature. It is suggested that an officer using force to prevent an offence being committed should consider how serious the offence is, and compare that to the injury he/she is likely to cause using the force he/she intends. Lethal force cannot be used to prevent crime unless there is a grave threat that someone would die or be seriously injured as a result of the crime.

2.2. The section also provides the power to use force to prevent a person of unsound mind carrying out acts of violence to people. Here the officer should bear in mind that the suspect is really ill and may not really be responsible for his/her actions. Great care should be taken by officers dealing with these situations to ensure that force is only used as a last resort, when there really is no alternative.

2.3. Section 282 provides a specific power for a householder or someone acting on his/her behalf, to use force to protect his/her dwelling house. Officers executing search warrants should be alert to the existence of this power – the householder may genuinely mistake

them for burglars, particularly if they are in mufti, if they do not make it very plain that they are the Police.

Section 285 provides the power to use force to prevent an act of provocation or an insult being repeated. However, the law explicitly prohibits the use of lethal force or force that would cause serious injury.

There is a saying:

*"Sticks and stones may break my bones,
But words will never hurt me"*

2.4. It is suggested that a Police Officer should be able to retain their self-control when faced with verbal insults or acts of provocation and should not resort to the use of any significant force in response, even though this section may permit such a response in law.

2.5. In all cases where force has been used by Police Officers, no matter how much injury has actually been caused, there should be a review of the circumstances by their supervisors and, in all serious or potentially serious cases, an investigation by Force Provost Marshall (FPM).

2.6. Although the main powers allowing officers to use force have been alluded in this manual, there are numerous others to be found elsewhere in legislations. Whenever an officer relies on any power, they should ask themselves whether they have acted:

- i.** Within the restrictions in the relevant law; and
- ii.** Proportionally in all the circumstances

2.8. The last of these, the criminal liability of a person using excessive force is worthy of note. Excessive use of any power will result in the officer responsible being liable for prosecution for assault, depending on the nature of any injury caused. This includes:

- a.** Any force used unlawfully (i.e. where no power to use force exist)
- b.** Use of force in a situation that is authorised by the law, but which amounts to excessive use of force because it is disproportionate or unnecessary.

G. USE OF FIREARMS

2.1. The Police has a duty to protect life and preserve public order. All situations that involve the use of firearms or other lethal weapons have the potential for fatal consequences and the Police must be able to react accordingly. The Nigeria Police will therefore maintain a firearms capability. But police may also use firearms when the adversary has no firearms but in another way poses an imminent threat to death or serious injury.

2.2. The Force recognises that an individual's right to life and the safety of the general public are paramount considerations when contemplating Police use of firearms. Officers should therefore recognize that their conduct prior to the use of force, including the display of a firearm, may be a factor, which can influence the level of force necessary in a given situation.

2.3. Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of

force, by placing themselves or others in jeopardy, or by not following the content of this force order. Officers should continually assess the situation and changing circumstances, and modulate the use of force appropriately.

2.4. The issue of firearms to the Police, the deployment of armed officers and the management of firearms incidents will be strictly controlled and will be effected only under rigorous standards of training, authorization, operational command and accountability.

H. Individual Officer's Responsibility In the Use of Force

2.1. The Nigerian Criminal Code Act (**Sections 25, 298 Criminal Code Act 1990**) makes it clear that Police Officers are individually responsible for their actions, including senior officers for their instructions and supervision or lack thereof. If they use force or make an arrest or carry out any other coercive action against a member of the public they will be held responsible. If they have acted unlawfully, they may be subject to an investigation and to a disciplinary hearing. Therefore, the ultimate responsibility for the use of force or firearms rests with the individual officer, who is answerable ultimately to the law in the courts. Individual officers are accountable and responsible for each round they fire and must be in a position to justify them in the light of their legal responsibilities and powers. The Officer concerned, whether intentional or otherwise, must report any discharge of a weapon other than in training. The pointing of a firearm at any person constitutes a use of force, an assault and must also be reported and recorded.

2.2. It is therefore, of the utmost importance that, all Police Officers realize how very essential it is to guard against the slightest misuse of firearms or force. Police officers are to exercise the utmost forbearance humanly possible and that prudence can dictate, before resorting to the use of a lethal weapon, which may result in the wounding or causing death of a human being. A Police Officer must remember that his action in using firearms, which results in causing death or wounding of a human being is open to investigation by the courts and he is liable to be held responsible for his action under criminal law; if the court finds that his use of firearms was unreasonable in the circumstances.

I. Authority to Fire

2.1. A Senior Officer can authorize when shots may be fired, but such authorization will not exempt the authorizing officer or the firer from his/her responsibility. Where the firer refuses to obey an order he/she considers to be "unlawful", such action shall be subject to investigation by the Provost Unit. No general rule can be laid down and much will depend on the circumstances of individual incidents.

2.2. However, it may also be appropriate for a senior officer to direct that shots will be fired. Such a direction will not exempt an individual or authorizing officer from his/her responsibility and, therefore, must always be supported by appropriate and necessary information to justify the firer's actions. Senior officers will also be held responsible for orders given in the use of force or firearms. An example of circumstances where directed fire may be necessary would be in a siege or terrorist incident.

J. Oral warning

2.1. Police Officers in possession of firearms shall identify themselves as such and shall give a clear warning of their intent to use firearms. Sufficient time for the warnings to be observed, unless to do so would unduly place them or any person at a risk of imminent death or serious harm, or it would be clearly inappropriate or pointless in the circumstances of the incident.

2.2. Officers encountering a situation, such as the *use of deadly force to prevent assembly of persons whose actions constitute imminent threat of death or injury*, if circumstances and safety considerations allow, shall be preceded by a verbal warning first. The preferred verbal warning is:

"In the name of the President all persons assembled here are commanded to disperse peaceably and go to their homes or about their lawful business. Persons who disobey this order are liable to be dispersed by force and to imprisonment for five years. God save the President."

2.3. Officers approaching situations where they can anticipate a hostile, armed individual should attempt to first call for assistance, and then take a position of cover before encountering the individual.

K. When the Use of Firearms/Lethal or Potentially Lethal Force is Authorized.

2.1. An officer shall use only the force reasonable, necessary, and proportionate to effectively bring an incident or persons under control,

while protecting the lives of the officer or others. In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a lawful police objective. Thus, a Police Officer may use firearms/lethal or potentially lethal force under the following circumstances: -

(a) *When attacked and there is an imminent threat that the police officer will be killed or seriously injured, and no other means are available to avert or eliminate the danger of saving his/her life.* In such circumstance, a Police Officer would have to prove that he was in danger of losing his life or of receiving an injury likely seriously to endanger his life. It would be most difficult to justify the use of firearms if attacked by an unarmed man. If persons made a concentrated attack upon him, armed with machetes, firearms or bow and arrow or other lethal weapons he would be justified in using a firearm to save his life. In a case where a person fires at him, he would also be justified in firing to defend himself. If attacked by an individual with a heavy stick or machete he would have to prove that other less lethal means available to him were not sufficient to protect his life.

(b) *When defending a person who is attacked and he/she believes on proportional grounds that he/she cannot otherwise protect that person being attacked from imminent death or serious injury;*

(c) *When necessary to disperse violent assemblies, but only when there is an imminent threat of death or serious injury, and less extreme measures are insufficient.* In all circumstances, the Force Continuum should guide the officer's actions.

N.B. *Note that indiscriminate firing into a crowd is always unlawful. Firearms may only be used against the person(s) posing an imminent threat of death or serious injury.*

N.B. *Under no circumstance will warning shots be fired over the head of persons violently assembled.*

N.B. *Remember that 12 or more people must remain violently assembled beyond a reasonable time after the reading of the proclamation, and that the persons conduct may lead to imminent death or serious injury to the police or other persons, before the use of firearms can be justified;*

(d) *If he/she cannot by any other means arrest a person who being in lawful custody escapes and takes to flight in order to avoid re-arrest. Provided the escapee poses a threat of imminent death or injury to the police and innocent persons; This power is conferred by section 271 and 135 of the Criminal Code. A person charged with a particularly serious crime involving grave threat to life or misdemeanor who escapes from lawful custody, and by his/her escape commits a particularly serious crime involving grave threat to life, this brings him/her within a class of persons who may be fired on even if he/she has only been charged with stealing. Firearms must only be used as a last resort, the accused must have escaped from lawful custody and he must take to flight to avoid re-arrest. A person charged with or convicted of a simple offence who is escaping from lawful custody shall not be fired upon, except by his/her escape at that very moment poses an imminent threat of death or injury to the police or others; and*

(e) *If he/she cannot by any other means arrest a person who takes to flight in order to avoid arrest. Provided his/her escape poses imminent threat of death or serious injury to the police or innocent persons;* and provided the offence for which the person is escaping from is such that is a “particularly serious crime involving imminent death or serious injury.” This covers the case where a fugitive has not been in lawful custody if the offence with which he is charged or of which he has been convicted is particularly serious crime involving imminent death or serious injury. This power is conferred by section 271 and 135 of the Criminal Code.

2.2. In addition, as to 2.1 (e) above, this covers the case where a fugitive has not been in lawful custody and takes to flight in order to avoid arrest in the first instance. The fugitive may then only be fired upon when he or she poses imminent threat of death or serious injury. As in the previous case i.e. escaping from lawful custody, firearms should only be used if there are no other less lethal means of effecting his arrest, and the circumstances are such that his subsequent arrest is unlikely. A Police Officer who cannot effect such a criminal’s arrest by any other means should warn the criminal that unless he stops and surrenders he will fire upon him. If the criminal fails to stop, the Police Officer is then justified in firing at the criminal.

SECTION THREE

CIRCUMSTANCES WHEN USE OF FORCE IS UNAUTHORIZED

A. Reasonableness: A police officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, a police officer shall **NOT** resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement purpose at no increased risk to the officer or another person.

B. Warning Shots: Firearms shall not be used as a signaling device. A firearm shall not be used to summon assistance or to give signals or to warn a fleeing felon to stop. This does not mean that officers may not discharge their firearm without the intent to kill or disable, if in their best judgment there is no alternate method of convincing a would-be attacker that they are ready and able to defend themselves or others if the potential threat is not discontinued.

C. Firing at or from Vehicles

3.1. The use of firearms against moving motor vehicles is inherently dangerous and usually ineffective.

3.2. Officers approaching vehicles should do so from a safe direction and provide themselves an opportunity to move to an area of safety, if necessary. When approaching a vehicle, officers shall use appropriate safety measures and shall not place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

3.3. Officers shall move out of the path of any on-coming vehicle instead of discharging a firearm at it or any of its occupants. Moving to cover, repositioning and/or waiting for additional responding units to gain and maintain a tactically superior Police advantage maximizes officer safety and minimizes the necessity for using lethal force.

3.4. Officers shall not fire from a moving vehicle. Officers shall not fire at a moving vehicle or any occupant of a moving vehicle. The officer's use of lethal force may be justified if the occupant of a moving vehicle poses an imminent threat with a firearm or fires upon an officer or another, and all other reasonable means to avoid the danger.

3.5. Where an officer feels compelled to fire at a motor vehicle or its occupant(s), the conduct of the officer shall be evaluated in accordance with sound tactical principles including the following:

- a.** Cover or tactical relocation;
- b.** Safe distance;
- c.** Incident command and tactical leadership;
- d.** Tactical approach;
- e.** Regard for viable target acquisition;
- f.** Due regard for background, including location, other traffic, and innocent persons;
- g.** Due regard for crossfire; and
- h.** Controlled fire and management of ammunition.

D. Prohibition of Pointing of Firearms at Persons: Officers shall not point firearms at persons except when reasonably justified under the circumstances. In situations, involving the strong possibility of great

danger (e.g. searching a building or approaching premises on a report of a robbery in progress, etc.) officers should carry their weapon in a position that will facilitate its speedy and safe use. While officers should not point a weapon unless they are prepared to use it, the fact that they have done so must not be interpreted as an obligation to fire.

E. Physical Attacks:

3.1. Officers shall utilize all less-lethal weapons and firearms in the manner consistent with their training and Standard Operational Procedures. Examples of prohibited use include, but are not limited to:

- a.** Head strikes with an impact weapon;
- b.** Deliberately or recklessly striking an individual's head against a hard, fixed object (e.g. concrete floor, wall, etc.);
- c.** From a standing position kicking an individual in the head with a shod foot while the individual is lying on the ground/floor;
- d.** Kneeing an individual in the head, deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object
- e.** Chemical spray being used as a choking device, or in enclosed spaces.
- f.** Use of any weapons against individuals who are already restrained.
- g.** Firing a Taser at the head or chest.

3.2. Officers shall not kick or use a leg strike of any kind on anyone who is lying in a prone position or who has been placed in a position of disadvantage.

3.3. Officers shall not use firearms against person whose conduct is

injurious to his/her self.

3.4. Officers shall not use firearms to subdue persons whose actions are only destructive to property.

3.5. Officers shall not employ any weapon not authorized by the Force or with which they have not received training and demonstrated their proficiency.

3.6. Officers shall not fire warning shots in the air or over the heads of assemblage of people (**see Force Order No 58**).

3.7. Officers shall be subjected to disciplinary or criminal proceedings or both if found to have contravened provisions of this Force Order.

SECTION FOUR

CIRCUMSTANCES WHEN USE OF LESS-LETHAL WEAPONS ARE AUTHORIZED

A. Introduction

Less lethal weapons are devices designed with the intention to induce compliance in pursuit of legitimate Police operational objectives, with a reduced risk of serious or permanent injury or death to the subject on whom they are applied. Less lethal weapons are intended to reduce the resort to firearms and should be used as tools of transition; officers must be prepared to fully exploit the brief opportunity to safely take the suspect into custody. It should be noted however that **any weapon could be lethal**. The risk of death or serious injury will depend on the specific technical characteristics of the weapon (the mechanism of injury) **and** the way in which it is used. Weapons described as "less lethal" can kill (e.g. a strike to the head with an impact weapon, or the use of chemical agents in enclosed spaces) in the same way that a weapon described as "lethal" can have a non-fatal outcome. The risk of death or serious injury from the use of a particular weapon will depend on its specific technical characteristics (the mechanism of injury) **and** the way in which it is used.

B. Use of Impact Weapons

4.1. Officers in uniform may carry long baton bonded with sling or the expandable baton.

4.2. Officers in mufti may carry short plastic baton with sling or the expandable plastic baton.

4.3. The batons shall only be used for its intended purpose and in the

manner for which training has been provided.

4.4. Officers shall use only batons issued by the Force. Head strikes with an impact weapon are prohibited.

4.5. Any individual who has been subjected to the effects of Impact Weapons shall immediately receive appropriate medical attention by the Force Medical Unit.

4.6. Except in emergency circumstances, Impact Weapon shall not be used in the following situations or used in a situation where there is a reasonable likelihood of severe injury or death:

- a.** When the person is handcuffed;
- b.** when the person is confined in a police vehicle;
- c.** where the person is in control of a motor vehicle;
- d.** where the person is in danger of falling or becoming entangled in a machinery or heavy equipment which could result in death or serious bodily injury;

4.7.A report shall be made in all circumstances when Impact Weapon has been used.

C. Use of Chemical Spray Gas (CSG)

4.1. Officers may carry a chemical spray with pouches in a pressurized 100ml container.

4.2. The use of CSG should be considered prior to the employment of an impact weapon.

4.3. Officers may carry an issued CSG if they have successfully

completed training on how to use it.

4.4. Under no circumstances will any type of CSG munitions be utilized on a subject inside of a vehicle, until the vehicle has been immobilized.

4.5. CSG should not be used in enclosed spaces.

4.6. The authorized use of CSG during disturbances, unrests, and barricaded suspects shall have as a primary objective one or all of the following:

- a.** Prevention of violence;
- b.** Suppression or dispersal of unlawful assemblies with minimum hazard to the public and police personnel;
- c.** Incapacitation and removal of a barricaded person or suspect endangering life, property and public safety and security;
- d.** Area/building deprivation to prevent further destruction of property when other means are not practical

4.7. CSG shall not be used or use to threaten, to disperse demonstrators or other who are not actually endangering public safety and security.

4.8. The CSG device shall only be used for its intended purpose and in the manner for which training has been provided. Except in emergency circumstances, the CSG shall not be used in the following situations or used in a situation where there is a reasonable likelihood of severe injury or death:

- a.** When the person is handcuffed;
- b.** when the person is confined in a police vehicle;
- c.** where the person is in control of a motor vehicle;
- d.** where the person is in danger of falling or becoming entangled in a machinery or heavy equipment which could result in death

or serious bodily injury;

4.9. Only unit commanders, or those authorized, may carry and/or have readily available the Smoke Pistol, Riot Gun, Multiple Charge Riot Gun or any other chemical munitions.

a. Only unit commanders, or officers authorized, are authorized to dispense chemical munitions (i.e., a riot gun, etc.).

b. The minimum distance at which a Riot Gun shall be utilized is 100 meters. It must not be fired directly at individuals or crowds due to the risk of serious injury from impact.

c. Officers authorizing the use of CGS shall be held accountable for its use and be fully prepared to justify that decision.

d. Officers utilizing a Riot Gun shall announce their intentions prior to use via the formal declaration:

"In the name of the President all persons assembled here are commanded to disperse peaceably and go to their homes or about their lawful business. Persons who disobey this order are liable to be dispersed by force and to imprisonment for five years. God save the President."

4.10. "Riot control agents, as defined by the Chemical Weapons Convention, are the only chemical agents that may be used as weapons for law enforcement."

4.11. A report shall be written in all instances when CGS has been used.

4.12. Use of Respirator Mask: Protective respirator masks shall be

issued to officers to protect them in all instances when CGS will be used.

4.13. Any individual who has been subjected to the effects of CSG shall immediately receive appropriate medical attention.

D. Use of TASER

4.1. TASER is a less lethal hand held electronic immobilization weapon used for controlling assaultive/high-risk persons. The use of this device is to facilitate a safe and effective response in order to minimize injury to suspects and police officers.

4.2. Only approved official TASER shall be used by police officers.

4.3. Any individual who has been subjected to the effects of TASER shall immediately be taken to the hospital for medical attention.

4.4. The application of TASER shall be discontinued immediately the suspect is immobilized or does not pose an immediate threat to themselves, the officers or the public.

4.5. The TASER shall not be aimed at the head or chest, and shall not be used to deliver repeated electric shocks.

4.6. Except in emergency circumstances, the TASER shall not be used in the following situations or used in a situation where there is a reasonable likelihood of severe injury or death:

- a.** When the person is handcuffed;
- b.** when the person is confined in a police vehicle;
- c.** where the person is in control of a motor vehicle;
- d.** where the person is in danger of falling or becoming entangled in a machinery or heavy equipment which could result in death or serious bodily injury;
- e.** where the person is close to a flammable or combustible fumes;

- f.** person known to have a pacemaker or known to be pregnant;
- g.** Where the person is near any body of water that may present a drowning risk.

4.7. A report shall be made in all circumstances when TASER has been used.

4.8. Less-lethal weapons issued by the Force may be employed in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons, when the level of physical resistance encountered dictates their use, and force is being used:

- a.** to halt or prevent use of force by another person upon himself/herself or another person, or
- b.** to deter an attack by an animal upon himself/ herself or another person.

4.9. Articles or implements not designed as a weapon, nor issued for this purpose by the Force, shall not be utilized as a weapon unless no reasonable alternative exists, and the action is clearly required to protect the officer or another from imminent threat of death or serious physical injury.

4.10. Officers confronted by a person armed with a chemical spray should attempt to place themselves beyond the effective range of the spray. The mere possession by another of a chemical spray does not in itself create an imminent threat of serious physical injury; however, officers must consider the intentions and the ability of the subject to employ the spray and the appropriate degree of force required to gain control of the situation.

4.11. Upon the lowering or elimination of resistance by the subject,

officers shall similarly reduce their use of force while maintaining control of the subject.

SECTION FIVE

ISSUANCE AND HANDLING OF FIREARMS

A. Introduction

5.1. This Section outlines the criteria that **must** be used before firearms will be issued to Police Officers, together with the procedure and some of the considerations that **must** accompany the issuance of firearms and their carriage.

B. Possession and Use of Authorized Firearms

5.1. Firearms will be issued to Police Officers when an appropriate authorizing officer approves their issuance, carriage, overtly or covertly, during the course of patrolling or for a specific firearms operation.

5.2. There can be no justification, therefore, for making use of a weapon based solely on the fact that firearms have been issued. In effect, the authority for issue merely authorizes the carrying of the weapon.

5.3. The following criteria therefore apply:

- 1.** Where the authorising officer has "*reason to suppose*" that they, in the course of their duty, may have to protect themselves or others from a person who:
 - a.** is in possession of a firearm, or
 - b.** has immediate access to a firearm, or
 - c.** is otherwise so dangerous that the officer's use of a firearm may be necessary.

2. A Police Officer is deemed to have used a firearm when the weapon is:

- a. Pointed** at another person, or
- b. fired** at another person in self-defence or in defence of another whether or not injury or death results, or
- c. discharged** in any other operational circumstances, including unintentional discharge, or
- d.** For the humane destruction of animals which are dangerous or are suffering unnecessarily. The humane destruction of an animal is a duty which may fall to the Police if the animal represents a danger to lives or property, or if it is in such a condition that it must be killed to avoid unnecessary suffering, and no veterinary surgeon or licensed slaughterer is available to perform the task or they are otherwise unable to do so.

5.4. The use of the words '*reason to suppose*' sets the level of knowledge required as to the existence of a threat justifying the issue of firearms at a far lower level of probability than that which would actually justify their use.

C. Deployment of Armed Officers

5.1. Armed officers are considered as being 'deployed' when they are required to conduct a specific task during which their possession of a firearm, with appropriate authorization, is a required element.

D. Authority to issue firearms

5.1. It is the responsibility of a Unit Commander or any officer in-charge of a team to make decision on when to deploy firearms. Officers involved in making the decision of whether or not to issue firearms should have received a level of training, which is sufficient to allow them to make a sound judgment on the matter. The training should enable them to make this important decision on the basis of the intelligence and recommendations received from the Unit or requesting Officer.

5.2. Only NPF-authorized firearms shall be used while in the performance of official duties.

E. Self-authorization to Use Firearms

5.1. Officers may encounter crime situations that threaten public safety and will need to immediately self-authorize the use of firearms without following standard procedure.

5.2. In such circumstances, officers are expected to act in accordance with their training and be ready to use the weapon without reference to the officer in charge of the Unit or Police formation.

5.3. However, the appropriate officer (e.g. Charge Room Officer) should immediately contact the usual authorizing officer (CP, Area Commander or DPO) for information and review of the self-authorization.

5.4. They shall always report any use of a firearm in line with prevailing procedures.

F. On-Duty Use of Firearms

- i.** Officers in uniform will carry only authorised firearm, which shall be fully loaded with 8-30 rounds (depending on weapon type), including a round in the chamber.
- ii.** Officers working in specific undercover assignments may carry the Pistol Berretta, Tokarev pistol, Makarov Pistol browning DA or the Armourer may authorize any other special firearm. For these weapons, officers are required to wear an approved holster.
- iii.** Regardless of the magazine capacity, no more than 8-30 rounds (total) shall be in the weapon including one (1) round in the chamber.
- iv.** Extra Magazine shall be permissible only with the approval from the Armourer, but shall not increase the authorized number of rounds carried.
- v.** Officers are not authorized to carry more than one handgun while on duty.
- vi.** Officers carrying firearms shall not consume, or be unfit whilst under the influence of, alcohol. Officers receiving a course of drug treatment should seek Police medical officer advice concerning the possible side effects

G. Off-duty Use of Firearms

- i.** While off duty, officers may carry a police-issued firearm. However, the officer shall seek for authorization to do so and must explain the reason/s for the need to carry firearms off-duty.
- ii.** Officers who carry an authorized handgun off duty shall also have in their possession an official Force identification card.
- iii.** An officer desiring authorization to carry a handgun other than one issued by the Force shall follow the guidelines in **Force Order No. 298**, Application to Bear Firearms by Members of the Force.
- iv.** When carried off duty, the handgun must be concealed and handled in a manner so as not to cause public alarm.
- v.** Officers shall not carry firearms of any type while off duty if they are consuming, or anticipate consuming, alcoholic beverages or are under the influence of any substance, drug or intoxicant.
- vi.** The Force will issue ammunition to be carried in all authorized handguns, both on duty and off duty. Officers shall account for ammunition/s used after their tour of duty. If any rounds are missing, they must explain.
- vii.** When an officer has been approved to use an authorized weapon, the firearm shall be kept in the double-action status (on safety, un-cocked), except during the actual process of firing the weapon.
- viii.** Officers shall use all reasonable means available to avoid surrendering their firearm during a tactical situation.
- ix.** Whenever an officer carries a firearm to his or her home, this shall be safely locked up in a safe in order to prevent loss of the firearm, or that it is used for other than a policing objective.

H. Safety and Security of Firearms

- i.** All firearms, which are not being used for operational purposes, shall be stored in the armoury.
- ii.** It is the responsibility of the Armourer to ensure that all firearms are stored in a secure location, when the said firearms are to be kept elsewhere due to operational needs.
- iii.** Officers who are authorized to handle firearms are responsible for the safe handling and secure storage of all firearms in their possession.
- iv.** Clearing and unloading of all authorized firearms shall be done safely and in the manner trained. If an officer is unfamiliar with the operation of a firearm, the weapon should not be handled and the Armourer should be notified.
- v.** For safety reasons, the Armourer shall clear firearms only inside the Armoury.
- vi.** Firearms shall not be unloaded or cleared in the field, except under urgent circumstances when such action is necessary for safety.
- vii.** Whenever an officer enters a location where firearms are prohibited, he/she will provide for the safety and security of his/her firearm.
- viii.** During emergencies, authorization may be given to bring a weapon into a restricted facility.
- ix.** On-duty officers while at the airport, who have a specific need to be armed, and who are required to enter a secure area shall:
 - a)** Have authorization letter in their possession, indicating the nature of their official duty and why they would need access to a secure area while armed.

- b)** Report to the airport Divisional Police officer (DPO).
 - c)** The DPO will inspect the letter and provide an escort to the airside terminal or through the secure area.
- x.** Armed officers departing from an airport on scheduled commercial flights must contact the airlines they are travelling with to complete the required forms to fly with their firearms.
- i.** The final decision to allow an armed officer onto a plane lies with the airline representative and the aircraft's captain. The captain may require the weapon to be secured in the cockpit during the flight.
 - ii.** Off-duty officers are required to follow existing regulations regarding firearms on commercial flights.
 - iii.** Any firearm carried inside luggage, must be declared with the airline and carried in an unlocked hard case inside the luggage.

I. Firearms Safety Rules: Officers shall observe all standard rules pertaining to firearms. The rules are:

- i.** Treat all firearms as though they were loaded;
- ii.** Never point a firearm at anyone unless you are ready and willing to shoot that person;
- iii.** Always keep finger off trigger and outside of trigger guard until on target and ready to shoot;
- iv.** Be sure of target and backstop.
- v.** No one taking any substances that would impair his/her ability to correctly respond to audible or visual cues will be allowed on the range. This includes alcohol or any drug prescription;

J. Specific Range Rules: Officers at the range shall observe the following rules:

- i.** All firearms training must be properly and adequately supervised;
- ii.** Strict discipline must be maintained;
- iii.** On picking up a firearm, open the cylinder (or remove magazine and open the action) and check to see that it is unloaded;
- iv.** Never give a firearm to or take a firearm from anyone unless the action is open;
- v.** Never anticipate a command;
- vi.** Before loading a firearm, be sure there is no obstruction in the barrel.
- vii.** Unload when and as instructed;
- viii.** Keep the firearm pointed down range at all times;
- ix.** Never draw a handgun from the holster with the finger in the trigger guard;
- x.** No smoking on the firing line;
- xi.** No talking on the firing line except for instructions to the shooters;
- xii.** Never permit the muzzle of a firearm to touch the ground;
- xiii.** Never go in front of the firing line until it has been cleared and the command is given to go forward;
- xiv.** Never dry fire on the range except under supervision of the instructor;
- xv.** Pay strict attention to the range officer(s), they will tell you exactly what to do;

- xvi.** No one should be on the firing line except those firing;
- xvii.** Never assume anything; always ask for clarification.

SECTION SIX

GENERAL TRAINING IN USE OF FORCE/FIREARMS

A. Training in Use of Firearms

6.1. The need for comprehensive and continuous training for police officers in the use of force shall be a standard management practice.

The Force recognizes that inappropriate use of force by police personnel can create problems between the Force and communities.

6.2. The Force is required to conduct bi-annual training on the lawful and appropriate of force and firearms. The training must reflect standards established by this manual and other use of force policies.

6.3. Police training in the use of force shall address culture, community diversity, mental illness, youth management, ethnic diversity, and conflict mediation; aspects that improve how police relate with community and reduce use of force. Training shall also focus on skills that can avoid, prevent, or de-escalate a situation that might otherwise result in violence.

6.4. In addition, officers issued with firearms shall receive training in weapon retention techniques. Officers shall be equipped with the physical skills required to deal with situations where there is potential for a subject to attempt to remove a firearm from them and thereby pose a threat to any person.

- i. The purpose of this section is to establish a framework for continuous firearm and use of force training;
- ii. To create a level of consistency and standardization in firearm training;
- iii. To enable good practice in use of force; and
- iv. To build trust with community members and minimize confrontations.

B. Training Content

- i. Police Legitimacy:** Police training in the use of force should aim at building trust with community members ensuring police act legitimately thus gaining public confidence. This requires treating citizens fairly and with respect. This module will have programmes on community policing, partnership development, and techniques of persuasion, problem solving, and conflict resolution. Joint police-community training is mandatory.
- ii. Scenario-based training on use of force:** This module requires police personnel to be exposed to a continuous training in rules guiding use of force, proficiency in use of firearms, officer discretion and violent confrontation management. Training methodology will emphasize role-playing scenarios for disarming suspects, negotiating, crowd behaviour, mediation, and conflict resolution and be realistic.
- iii. Working with Young persons:** This module will expose officers to management of youths, and working to improve relationships between police and youths. Content will include strategies for asserting authority and getting compliance from young persons without arrest or use of force, recognizing and addressing negative perceptions, and developing and using community based partnership.
- iv. Crisis Management Training:** This module introduces police officers on how to address specific behaviours, especially those of mentally ill persons. Officers will learn how to initiate conversations and make assessments that can help diffuse unstable situations.

- v. Use of Force Report and Investigation:** This module will be a specialised training in the investigation of use of force incidents.
- vi. Firearms Proficiency Training:** Police officers will be trained in how to effectively and safely handle their firearms. The module will include training officers in how to shoot, handle a weapon safely, and attain the required range marks. Along with their ability to handle their weapons safely and effectively, the module will also emphasize officers' responsibility to public safety, personal safety and firearms safety at their homes. At the end of the training officers will be assessed and expected to attain the required minimum standards.

6.1. At the end of training, the **Force Firearms Training Officer** will assess officers undertaking training in the use of firearms against the following skills and competencies to decide their suitability to bear firearms:

- i.** Communication and Planning,
- ii.** Restraint and Control,
- iii.** Emotional Strength,
- iv.** Teamwork and Co-operation,
- v.** Information Assimilation,
- vi.** Decision Making under Pressure,
- vii.** Alertness,
- viii.** Impact and Assertiveness,
- ix.** Interpersonal Sensitivity,
- x.** Marksmanship.

6.2. The Force Medical Officer shall assess trainees with regards to the following and issue a certificate:

- i. Fitness:** Force Medical Officers shall assess the level of physical fitness of the officer. This level should be determined on the basis of a role-related fitness test. All certified officers should be subject to annual monitoring of their fitness and continued suitability to carry firearms;
- ii. Stability:** Force Medical Officers shall be satisfied that potential and current certified officers have a stable and mature attitude towards the carrying of firearms in stressful situations. Officers shall undergo psychometric tests;
- iii. Hearing:** Officers undertaking firearms training shall undertake audiometric test. Regular testing thereafter will help detect any signs of hearing damage;
- iv. Eyesight:** Force Medical Officer must satisfy themselves that trainees meet an approved standard of eyesight necessary to be trained.

C. Proficiency Standards: In addition to meeting the conditions in **B6.1** and **B6.2** officers are expected to attain the following proficiency minimum standards:

- i.** Making an assessment in a case based scenario whether use of firearm is needed or what alternative could be used;
- ii.** Use of any target capable of being scored;
- iii.** A minimum passing range score of 70% of the total possible score;
- iv.** For semi-automatic weapons, a minimum of 50 rounds fired at a range of at least 20 to 100 metres with at least 20 rounds at or

- beyond 20 metres;
- v.** For fully automatic weapons, a minimum of 30 rounds fired at a range from 10 to 20 metres, with at least 25 rounds fired in full automatic, shot bursts of two or three rounds, and at least five rounds fired semiautomatic, if possible with the weapon;
 - vi.** Demonstration of proficiency in the care and cleaning of all weapons used; and
 - vii.** The Force Firearms Training Officer shall determine the safety and functioning of the weapons.

D. Condition for Issue and Use of Firearms

6.1. Firearms shall only be issued to officers who have current authorization certificate and trained in a particular class/type of weapon and have continued to undergo corresponding tactical training on its use.

6.2. Officers' certificate for the use of a particular weapon shall be reviewed i.e. tested on a regular basis to ensure their weapons handling and accuracy continue to be of sufficient standard. When they fail to pass the exam they will hand in the firearm or will not be authorized to sign for firearm until they do pass.

6.3. Each certified officer shall have a Weapon Proficiency/Authorization Card (endorsed by the Force Firearms Training Officer) showing the type of weapon that may be issued to him or her.

6.4. The weapon Proficiency/Authorization Card **MUST** be produced before a weapon is issued and should always be carried by the officer.

SECTION SEVEN
BASIC TACTICS IN THE DEPLOYMENT OF FORCE/FIREARMS
TEAMS

A. Basic Principles

7.1 The decision to deploy any weapons to be used for any operations shall depend on the following factors:

- a.** level of force required to meet the threat;
- b.** type of situation to be dealt with;
- c.** distance between the armed officer and the threat;
- d.** information as to type of weapons used by the subject;
- e.** operational environment; and
- f.** training and experience of the armed officers involved.

7.2. At short range, carbines firing handguns may be appropriate; at long range, rifles and carbines using rifle ammunition may be used.

B. Tactical Approach

7.1. The fundamental duty of all police officers is to protect life and property.

7.2. Police Officers are usually exposed to risk when called upon to deal with situations involving armed subjects. A form of tactics is necessary to minimize risk to officers. Police officers shall be guided by sound tactical principles when involved in any tactical incident.

7.3. Tactics are plans and means designed to achieve objectives set by strategy. Tactics will be formulated based on common sense, teamwork, training, force orders and knowledge of firearms, including

their limitations, techniques and knowledge of the law.

7.4. Tactical options used in any situation will depend on the information available and the threat assessment made.

7.5. When reasonable under the totality of circumstances, officers should use de-escalation (force continuum matrix) techniques, such as verbal persuasion, and other force prevention tactics focused on increasing the safety of the officer and the public.

B. Tactical Operational Aim

7.1. The aim of any operation involving the use of firearms shall be to identify, locate, contain, control and neutralize the threat posed. Officers shall aim to manage or minimize the threats.

7.2. The degree of threat justifying the use of firearms is such that it must be neutralized (i.e. ensuring no continuing threat exists).

7.3. A primary consideration in determining sound tactics is whether the actions of police officers increase or decrease the safety of officers and the public. All officers shall be prepared to clearly articulate the circumstances, which informed their decisions.

7.4. Officers in-charge of a tactical operation must develop a Tactical Operations Plan ensuring that all police actions have a legal basis and do not unnecessarily interfere with individual's rights and freedom. The tactical plan must follow the **PLAN** principle of being Proportionate, legal, Accountable and Necessary.

C. Factors Determining Reasonable Use of Force: It is recognized that officers are expected to make split-second decisions and that the amount of an Officer's time available to evaluate and respond to changing circumstances may impact his/her decision. Therefore, the use of force in whatever circumstance must have been "**absolutely necessary**" and "**strictly proportionate**" to the threat posed by the suspect or the achievement of the permitted objective.

7.1. Whenever lawful use of force is unavoidable, officers should exercise restraint, minimize damage, ensure assistance and medical aid are provided and ensure relatives of the injured are notified as soon as possible.

7.2. Test of Proportionality and Necessity: Whilst various degrees of force exist (**See Force Continuum Matrix**), officers are expected to use only that degree of force proportional and necessary under the circumstance. The following factors shall apply in evaluating whether an officer has used force proportionally:

- i.** The conduct of the individual being confronted (as proportionally perceived by the Officer at the time);
- ii.** Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects);
- iii.** Influence of drugs/alcohol (mental capacity);
- iv.** Proximity or access of firearms to the individual;
- v.** The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained;

- vi.** Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances);
- vii.** Seriousness of the suspected offense or reason for contact with the individual;
- viii.** Training and experience of the officer;
- ix.** Potential for injury to the public, officers and suspects;
- x.** Risk of escape;
- xi.** Other exigent circumstances.

7.3. The test of proportionality and necessity must embody allowance for the fact that police officers are often forced to make split-second decisions (in circumstances that are tense, uncertain, and rapidly evolving) about the amount of force that is necessary in a particular situation. The reasonable test in an excessive-force case is an objective one: the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

D. Armed Confrontation Scenarios

Tactical incidents include, but are not limited to, responses to crimes in progress, building searches and /or area containment, barricaded suspects, open spaces, hostage situations, foot or vehicle pursuits, and any other law enforcement situation where sound principles and tactics should be employed. The following tactical options shall be applied only when it is considered to be lawful and proportional to the identified threat:

7.1. Confronting Armed Subjects in Buildings

- a.** An assessment of the threat level of premises **MUST** be conducted before sending officers to the place. Tactics shall be based on information obtained concerning the potential threat.
- b.** Where the threat level is high, consideration shall be given for the deployment of armed officers (Police Mobile Force, etc) But where the threat is low, it may be necessary to do no more than arm the officers for their own protection. In such situations, officers' weapons shall be carried covertly.
- c.** Officers shall quietly vacate the premises immediately the operation is completed without the knowledge of any person in the vicinity.
- d.** Where it is assessed that the threat is great, the tactics used shall be more overt. Consideration shall be given as to whether the armed subject is aware of Police presence within the vicinity or premises as entry into premises exposes officers to a high risk.
- e.** Where it is assessed that the armed subject is aware of Police presence, the tactic to be adopted shall be that of containment and negotiation resulting in the subject leaving the premises.
- f.** The option is available for officers to enter into the premises with intention of arresting the subject and securing evidence before the subject can destroy them. However, this must be adopted after specific analysis of all information available before a decision is made to enter the premises.
- g.** Even where the armed subject is aware of Police presence, it may still be necessary to enter the premises in order to save life. Such circumstances include rescuing hostages, where it is anticipated that lives are at risk; where the armed subject takes

to flight, in order to protect lives; where all other means of attempting to establish contact with the subject fails.

7.2. Confronting Armed Subjects in Open Spaces

a. Open spaces, particularly in rural and urban settings present peculiar difficulties whilst conducting operation involving the use of armed officers.

b. Officers shall ensure that the area to be searched is contained. Maps and a general knowledge of the particular area shall be considered in identifying areas of concealment and observation.

c. The search of open spaces is usually difficult requiring a substantial number of officers. The terrain shall determine the nature and speed of search. Search in the dark shall be conducted only when it is absolutely necessary, or else, it shall be done during daylight.

d. Aerial observation, using helicopters should be considered.

e. Confronting armed subjects in urban areas presents particular difficulties. People are exposed to high risk as a result of population density. Officers shall ensure that their actions are structured to quickly contain the area and minimize the risks to people.

7.3. Confronting Armed Subjects in Vehicles

a. Officers are often confronted with potentially armed situations that involve armed interceptions, checking stationary vehicles, road blocks or static vehicle inspections, road patrols, armed subjects travelling on federal highways or stopping armed

subjects at specific checkpoints.

b. Where it is suspected that occupants of a vehicle are armed, officers not armed shall not attempt to stop the vehicle but seek for armed backup.

c. Where feasible, air support shall be used to monitor the progress of the vehicle

d. Officers approaching a vehicle shall use appropriate safety measures and shall not place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

e. Officer shall not fire at a moving vehicle or any occupant of a moving vehicle. However, officers may use firearms if the occupant of a moving vehicle poses an immediate threat with a firearm or fires upon the officer or another, and all other reasonable means to avoid the danger failed.

f. Officers shall not fire from a moving vehicle.

7.4. Intercepting Armed Subjects

a. Situations may arise where there is need during an operation for the Police to intercept armed subjects as a result of information that a wanted person will be in a certain location at a particular time, or that an armed attack is anticipated on a person, premises, or vehicle.

b. In such situations, the officer in charge operation shall ensure that officers act in unison, and are provided with suitable and adequate protection.

c. Uniform personnel should be available at a discrete distance to quickly respond to support plain-clothes officers and to deal

with members of the public.

d. Alternatively, the area can be saturated with uniformed officers to deter the subject from escaping or carrying out their criminal act.

e. Where an interception increases risk to the lives of people involved, consideration shall be given to abort the operation on grounds of public safety.

7.5. Deployment of Armed Patrol Teams (APTs)

a. Occasionally armed patrol teams are deployed for anti-crime patrols, escorts, or responding to emergencies or incidents and may be required to use firearms.

b. Such deployment shall be authorised by the officer in-charge the police formation conducting the anti-crime patrols, escorts, emergency and incident response;

c. Officers on patrol must be fully armed in the course of conducting any operational assignments.

d. Patrol vehicles must be manned by Police Officers suitably trained in the use of weapons and equipment to be carried by the vehicle.

e. Where it becomes imperative for a patrol team to respond to incidents, the team must first identify and locate the armed subject; and plan to deal with the armed subject who is surrendering.

f. Armed patrol teams may be considered for inclusion on pre-planned operations involving the deployment of firearms.

g. Sufficient number of armed patrol teams shall be deployed to spontaneous incidents to effectively contain the scene of the

threat.

7.6. Deployment of Air Support Services (ASS)

a. Air support may be deployed to provide assistance to operations through provision of floodlights of an area; thermal imaging; public address; video downlink; distraction or aerial photography.

b. Such deployment shall be authorized by the officer in-charge the police formation conducting the air support operations, anti-crime patrols, escorts, emergency and incident response;

c. There shall be no firing of weapons or launching of any munitions from the aircraft in the air or on the ground.

d. The safety and operation of the aircraft shall be the responsibility of the pilot. The pilot in charge has primacy and his/her instructions shall be binding on all persons on the aircraft.

7.7. Deployment of Canine Support Services (CSSs)

a. The use of dogs to attempt to apprehend or seize a subject is a use of force. Special precautions are required to ensure that such force is not used unnecessarily or unreasonably.

b. Such deployment shall be authorized by the officer in-charge the police formation conducting the anti-crime patrols, escorts, emergency and incident response.

c. Police dogs may be attached to any Police operations.

d. Police dogs shall be deployed only where less potentially injurious techniques are insufficient.

e. Dogs shall be used for the purpose of pursuit and apprehension of subjects suspected to have committed a serious

or violent felony; tracking and searching of open grounds; initial search of buildings, vehicles etc.; and restraint of compliant subjects.

f. A verbal warning shall be given prior to deployment of Police dogs. Dogs shall be trained to follow the approach of “find and bark”, rather than “find and bite.”

g. The full procedures for the deployment of canine is clearly articulated in FAI No. 13. Dogs shall only be deployed in combination with their trained handler.

7.8. Deployment of Marine Support Services (MSSs)

a. Where it is apparent that the Force will undertake operations on water involving armed personnel disembarking at a point where there is an immediate threat from armed subjects, a rigorous risk assessment must be conducted.

b. Such deployment shall be authorized by the officer in-charge the police formation conducting the operations, anti-crime patrols, escorts, emergency and incident response;

c. Responsibility for the safety of Police boats, personnel and any equipment on it, rests with the officer in-charge of the boat.

d. All transportation by water shall be conducted from Police operated boats, capable of carrying a minimum of four armed personnel in addition to crew.

e. The use of non-police boats may be considered when the need is only to convey armed personnel to areas where there will be no operational deployment.

E. Report of Operational Use of Force/Firearms

- a.** In all situations involving the deployment of firearms a report **MUST** be written and submitted to the Senior Officer.
- b.** Report shall articulate sufficiently the reason and the effectiveness of the operational deployment, response, and number of bullets fired etc.
- c.** Report shall include all aspects of planning, control and decision-making processes to enable an objective assessment of the incident.
- d.** Report shall also include time, date and nature of incident; time and date armed officers and patrol team deployed; number of firearms resources utilized; additional resources authorized and called for.
- e.** Records of the issue, and operational use, of firearms shall be maintained in the Incident Duty Register.

F. Force Continuum Matrix (FCM)

7.1. The Police will use the Force Continuum as a scale of force alternatives, to mediate the level of response used in a given situation. When the use of force is necessary, officers should, to the extent possible, use an escalating scale of options and not employ more lethal means unless it is determined that a lower level of force would not be, or has not been, adequate.

A. Levels of Resistance:

- i. Non-Verbal and Verbal Non-compliance:** The subject expresses his/her intention not to comply through verbal and non-verbal means.
- ii. Passive Resistance:** The subject does not cooperate with the police officer's command. He or she is uncooperative, shouting or

using foul language but does not pose imminent threat to the police officer or public safety.

- iii. **Semi – Active Resistance:** Subject is engaging in defensive resistance and taking action to prevent being taken into custody. Subject may already pose a minor threat to the officer and to public safety;
- iv. **Active Resistance:** At this level of resistance, the subject is already posing a more serious threat to the police officer and to public safety. This may be manifested through punching, kicking, biting or pushing;
- v. **Assaultive/ Aggravated Active Resistance:** This includes actions that are likely to result to death or serious bodily harm to the officer. These may include discharge of firearms, use of blunt or bladed weapons such as knives, and extreme physical force.

B. Levels of Control

- i. **Officer Presence:** The image that an officer presents or conveys can in many cases influence the outcome of the situation. This includes all symbols of authority including the badge, uniform, and marked police vehicles. The officer should be mindful of body language, always maintaining the highest level of vigilance;
- ii. **Verbal Commands:** Effective verbal commands can many times reduce or manage anxious, aggressive, or violent behavior. The level of control includes any verbal requests, directions, or commands from the officer to a subject. Verbal interaction is present at every level of resistance;

- iii. **Soft Empty Hand Control:** These techniques are not impact oriented, and include pain compliance pressure points, takedowns, joint locks, and simply grabbing onto a subject;
- iv. **Hard Empty Hand Control:** These techniques are impact oriented and include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to get a subject under control and include strikes to pressure points such as the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck). Defensive strikes are used by an officer to protect him or herself from attack and may include strikes to other areas of the body including the abdomen or head;
- v. **Use Chemical Spray Gas:** CSG is approved for use in situations where the officer believes that the attempt to control a subject may result in injury to the subject or the officer. CSG should be utilized at a range of 3 to 8 meters, and should be accompanied by loud verbal commands;
- vi. **Baton or other Impact Weapon:** Less lethal impact weapon strikes are targeted towards major muscle groups. The common peroneal nerve on the side of the leg is the primary target for impact weapon strikes;
- vii. **Taser:** The TASER device is used in situations where a subject presents an imminent physical threat to an officer, themselves, or another person;
- viii. **Dogs:** This level of control involves the use of dogs to pursue and apprehend subject/s;
- ix. **Lethal Force:** Lethal force is any manner of force that is reasonably likely to cause death or serious injury. This includes, but is not limited to, the use of a firearm, striking the head or

neck area with an impact weapon, or the choking of an arrested person

7.2. Each situation is unique. Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force by progressing up or down the force continuum. *It is not the intent of this manual to require officers to try each of the options before moving to the next*, as long as the level of force used is reasonable under the circumstances **(See Appendix A for a detailed explanation).**

SECTION EIGHT

HANDCUFFS AND RESTRAINTS

A. Managing the Use of Handcuffs

8.1. Officers should not handcuff persons arrested or placed in custody except when, in the judgment of the officer, handcuffing is necessary and for the duration necessary.

8.2. Detainees or suspects should be handcuffed with hands behind their backs and in the appropriate position. No detainee or suspect should be handcuffed with hands in front unless an injury, deformity, age, or disability makes it necessary to do so.

8.3. Police Officers in uniform or in plain clothes shall carry double-locking handcuffs. The handcuff key shall be kept on the officer's person at all times.

8.4. Handcuffs shall be removed in the interview/interrogation rooms for the purpose of furthering the investigative process unless there is an objective reason to believe doing so would put the interrogating officers at risk.

8.5. Officers shall be responsible for the efficient operation of their handcuffs. Handcuffs shall be inspected frequently, cleaned and lubricated to prevent malfunction.

8.6. Handcuffs and restraints shall not be used to punish, to display authority or as a show of force.

8.7. Officers shall not handcuff suspects to a fixed object except in an emergency. After handcuffs have been applied the officer must check

to ensure that the handcuffs have been tightened to the appropriate level and to prevent further tightening. The suspect should be warned that struggling may cause the handcuffs to tighten and cause unnecessary injury.

8.8. Officers shall neither handcuff themselves to detainees or suspects nor use a single cuff as a "come-along".

8.9. When handcuffs are used, officers shall maintain physical control over the handcuffed detainee or suspect by securely holding onto the detainee or suspect while the detainee or suspect is being transported on foot.

8.10. Any use of handcuffs shall be reported. Both the use of the handcuff, and the duration need to be accounted for.

8.11. Handcuff Removal

- i. When removing handcuffs, place the detainee or suspect in an off-balance position.
- ii. Unlock the handcuff by turning the key toward the wrist until the double- lock is released, then reverse the direction to disengage the handcuff jaw.

8.12. Use of Flex-Cuff

- i. The flex-cuff should be used only as a last resort when other handcuffs are not available. It should be removed as soon as possible after arriving at the police station or detention place.
- ii. The officer should make sure the flex-cuff has some slack or play,

and should make sure that the flex-cuff will not pinch or cut the suspect's wrists when placed in the patrol vehicle.

- iii. The flex-cuff should not be used on a detainee or suspect who has taken some type of drug, which takes away his feeling of pain. Injury is likely in this case.
- iv. The flex-cuff should be removed with cutters.

8.13. When deciding to use any restraint, officers should carefully balance their safety concerns with factors that include, but are not limited to:

- i. the circumstances or crime leading to the arrest;
- ii. the demeanour and behaviour of the arrested person;
- iii. the age and health of the person;
- iv. whether the person is known to be pregnant;
- v. whether the person has a hearing or speaking disability. In such situations, consideration should be given to handcuffing to the front in order to allow the person to sign or write notes;
- vi. Whether the person has any other apparent disability.

B. Restraint of Detainees

8.1. Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonable to assure the safety of officers and others. When deciding whether to remove restraint from a detainee or suspect, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

8.2. A female detainee or suspect shall not be handcuffed to a male

suspect except in an emergency.

8.3. After handcuffing, female detainees or suspects shall be searched by female officers except in exigent circumstances, to include:

- i. Situations in which sufficient probable cause exists to search the female prisoner for weapons;
- ii. Situations in which female officers are not available to conduct the search.

8.4. Restraint of Pregnant Persons

Females who are known to be pregnant should in principle not be restrained unless it is absolutely necessary, and when they are, be restraint in the least restrictive manner that is effective for officer safety and in no event shall these persons be restraint by the use of leg irons or handcuffs behind the body.

8.5. Restraint of Juveniles

A juvenile under 18 years shall not be restrained unless the officer has reasonable suspicion that the juvenile may resist, attempt escape, injure the officer or damage property. A juvenile shall not be handcuffed to an adult except in an emergency.

SECTION NINE

HANDLING PERSONS UNDER CIRCUMSTANCES INVOLVING THE USE OF FORCE

A. Introduction

9.1. This Section seeks to briefly outline the general considerations necessary in the handling of persons under various circumstances involving the use of force or firearms. Police Officers at, or surrounding the scene of an incident involving the deployment of firearms may well encounter people in a number of different contexts with an appropriate response often being a matter of life and death.

B. Managing and Handling Suspects

9.1. All armed officers shall receive training in the handling of suspected armed subjects.

9.2. Close proximity of armed subjects to officers at final stages of an incident presents risks. Officers with firearms are at risk and must take extra care to prevent being disarmed.

9.3. Sufficient number of officers and resources must be present to provide suitable response to armed confrontations.

9.4. Dog handlers, batons, incapacitant sprays shall be made available wherever possible to enable officers' deal with threats using only such force as is absolutely necessary.

9.5. Officers approaching suspects will make verbal contacts by:

- a.** identifying themselves as Police Officers to the suspect and the fact that they are armed;
- b.** identifying the suspect by name or by an identifying feature;
- c.** establish control by requiring the suspect to stop moving and put his/her hands in view;
- d.** arrest the suspect in accordance with the provisions of the law.

9.6. The suspect shall be given clear and concise instructions to direct them to position in which they can be arrested, searched, and if necessary, handcuffed.

9.7. Only one officer shall be in control of the situation and give verbal instructions.

9.8. Officers must ensure that all threats have been minimized before approaching the suspect.

9.9. Officer shall not be in a hurry to arrest a suspect, but ensure that they establish control in a professional manner taking time to plan the arrest procedure if possible.

9.10. Officers must be aware of the perimeter of fire at all times, in order to prevent putting their colleagues or other persons in harm's way.

9.11. Armed officers shall provide firearms cover while unarmed officers undertake to arrest and handcuff the subject.

9.12. Only armed officers shall escort subjects arrested from the scene.

C. Managing and Handling Persons with Disability.

9.1. Persons with disability are those who are not expected to behave in a rational manner as a result of some form of mental impairment, either permanent or temporary.

9.2. Officers shall in all circumstances ascertain why subjects are not responding to instructions or communicate, as the inability to recognize these may escalate the tension.

9.3. As much as practicable, officers shall gather intelligence about subject/s who may have previous history of psychological disorders.

9.4. Only trained officers in basic negotiating skills shall be deployed to deal with subjects.

9.5. As much as practicable, the Force medical team should be deployed to handle subjects.

D. Managing and Handling Witnesses

9.1. During the course of an incident, people may be caught up in the incident, whilst others may be put at risk because of location as the incident develops.

9.2. Officers shall ensure that witnesses and other persons are treated appropriately and safely removed from harm's way.

9.3. After ensuring safety of witnesses, officers shall ensure that they collect information from such persons that may be useful for tactical planning or investigation.

E. Managing and Handling Hostile or Aggressive Suspects in Police Detention.

9.1. When confronted with an immediate threat by a detainee to his/her safety or the safety of other detainees, police officers shall take necessary and reasonable actions to defend themselves and others and control the detainee. A hostile or aggressive detainee is one who displays the following characteristics:

- a.** Is continually verbally defiant and abusive toward the police officer or other detainees;
- b.** Uncooperative to any verbal commands given by a police officer;
- c.** Displays aggressive, assaultive, hostile, or violent behaviour toward the police officer or other detainees;

- d.** Passively resists the efforts of officers by ignoring commands or not acknowledging their presence.

9.2. Police officers confronted with such detainees shall be guided by the following:

- a.** The officer shall request the presence of appropriate back up prior to handling a hostile or aggressive detainee;
- b.** Officers should not attempt to enter the cell, holding area or confined space to contact or remove a hostile or aggressive detainee unless immediate threat is present. The Charge Room Officer (CRO) shall develop a planned tactical approach to the situation that will reduce the possibility of physical confrontation or injuries. Tactical equipment such as CSG or TASER may be used if a detainee displays resistive behavior.
- c.** Where there is an immediate threat of physical harm or the need for immediate intervention, the CRO and Cell Guard shall take appropriate action including the use of force.
- d.** When the detainee appears to be mentally ill, the CRO shall immediately evacuate the detainee for medical attention.
- e.** Detainees who are uncooperative and combative, have a history of making false allegations against officers, shall be managed by two officers. As much as is practicable such management should be videotaped to safeguard officers against potential future litigations.

F. Managing and Handling Medical Treatment of Suspects

A suspect **MUST** be taken to the hospital for treatment whenever the

person:

- a.** Suffers a gunshot wound.
- b.** Strikes their head on a hard object, or sustains a blow to the head/face, as a result of the application of force by police personnel, regardless of how minor any injury to the head/ face may appear.
- c.** Is hit with a weapon projectile (tear smoke, etc.) or hit with a baton.
- d.** Sustains a canine bite resulting in any bleeding or penetration of the skin.
- e.** Has injuries that appear to require medical treatment.
- f.** Alleges that substantial force was used against them, whether or not they have any apparent injuries or requests medical treatment;
- g.** Has been subjected to Taser

F. Managing and Handling Public Information

9.1. The Police Public Relations Office (PPRO) shall manage the dissemination of information to the public concerning Police action/s.

9.2. Information may be disseminated through visits to persons involved in the incident for explanations and reassurance; video recordings or press briefings or the distribution of information leaflets explaining police action/s.

9.3. The PPRO shall maintain a video recording facility to enhance the safety and effectiveness of officers in the performance of their duties, and provide a reviewable electronic record of incidents.

9.4. Officers are encouraged to use any recording method, including

the use of any handheld device (i.e. phones) to record incidents, interviews, crime scenes, and any other situation requiring an audio/visual recording.

SECTION TEN
REPORTING AND INVESTIGATING THE DISCHARGE OF
FIREARMS

A. Discharge of Firearms by a Police officer

10.1. On several occasions, police actions involving the use of firearms create situations that challenge the competence of police officers in the use of firearms and allegations of abuse of human rights. Police actions in use of force situations may further give rise to both civil and criminal litigations. It is expected that all firearms discharge incidents or use of force incidents resulting to imminent death or serious injury be investigated with the utmost thoroughness, professionalism and impartiality to determine if officer actions conform with guidelines stipulated in this Force Order. This section deals with guidelines for the reporting and investigating the discharge of firearms and use of force by police officers.

10.2. If a member of the Police Force discharges a firearm while on duty, whether intentional or unintentional; whether anyone is injured or not, the member must report to his or her immediate Senior Officer of the incident. This must be subject to investigation, which must be open, transparent and the integrity of all actions taken must be maintained.

10.3. An officer who discharges firearms under circumstances described in this Force order must make a Use of Force Report and submit it to his/her Senior Officer as soon as possible. Each officer is responsible for explaining and articulating the specific facts, and reasonable inferences from the facts, which justify the officer's use of

force.

10.4. Where an officer is involved in a use of force situation and is perceived traumatized, such officer shall be afforded leave for medical and psychological counseling.

B. Surrender of Discharged Firearm

10.1. If a person is killed or injured as a result of the discharge of a firearm by a member of the Police Force, the member must immediately surrender the firearm for ballistic testing to the member's superior or an investigating officer.

C. Investigating the Discharge of a Firearm

10.1. All incidents involving the discharge of a firearm, including accidental discharges, whether anyone is injured or not, shall be investigated by the Provost Marshall or subjected to criminal investigation as the case may be.

10.2. Unintentional Discharge of Firearms

Different circumstances and environments exist for the police use of firearms. These could be either an operational or training setting, where firearms could be discharged unintentionally these could happen in the following scenarios;

- a. Involuntary Discharge of firearms:** This could be direct or indirect discharge of firearms without deliberate or conscious intent. However, under a training or range environment involuntary discharge will have to be seen in a different context due to the controlled environment that a range setting provides.

For example, if a police officer in a range fires down after targets have been removed, this cannot be classified as an Unintentional Discharge. Thus, in a training setting, ***Involuntary Discharge*** may be defined as, the involuntary direct or indirect discharge of firearms, without deliberate or conscious intent (such as may be caused by involuntary muscle contraction, postural disturbance, or inter-limb interaction), whereby danger has been caused or likely to have been caused to the user or another individual or damage has been caused to property.

b. Accidental Discharge of firearms: This can be defined as, the accidental discharging of firearm caused by mechanical malfunction of the firearm, or malfunction of ammunition. It could also be caused by a physical event that could not be prevented or foreseen by the user.

c. Negligent Discharge of firearms: This can be defined as, the negligent discharge of a firearm caused by an act, which could and should have been foreseen and prevented. This act would be accompanied by a degree of negligence or recklessness.

10.3. If a firearm malfunction is reported, the Armourer shall be called back to duty to take custody of the weapon.

10.4. The involved officer's firearm and gun belt, if necessary, shall be taken for investigative purposes by the investigator in charge of the scene, before it is unloaded or otherwise examined.

10.5. The firearm will be made safe only at the armoury.

10.6. Photographs should be taken of the firearm and of conditions

related to the event.

10.7. An officer relieved of his/her firearm for investigatory purposes shall be furnished with a replacement, unless his/her emotional state indicates he/she should be relieved of a firearm or if he/she is under suspicion of having discharged firearms unlawfully.

10.8. If a replacement firearm is issued, the officer shall be offered the opportunity to become familiar with the newly issued firearm at a firearm training session.

D. Procedure for Investigating Discharge of Firearms

10.1. Any incident where the police have discharged firearms will be the subject of investigation. The scope of the investigation may be wide-ranging. It will not only include the circumstances of any injury to, or death of any person who may have been shot, but also the circumstances leading up to a shooting and all the surrounding issues as the management of the incident.

It is important that investigations into the discharge of firearms are carried out expeditiously, and as much as practicable such investigation should be independently conducted by the Provost Marshall. The Senior Officer notified of the discharge must:

- a)** Initiate an investigation as to the reason for the discharging of the firearm and whether the reason falls within the provisions of this Force Order on use of force and firearms, and
- b)** Submit a full report to the Commissioner of Police (CP) or the Officer in charge of his command, including a recommendation

for disciplinary proceedings; or criminal investigation, if the discharge was intentional; counselling or further training on proper firearm safety procedures if the Senior Officer considers that insufficient training may have contributed to the discharging of the firearm.

- c)** If a person is killed or injured as a result of the discharge of a firearm by a Police Officer, the officer in charge command must promptly initiate an investigation into the incident.
- d)** On completion of the investigation, the Officer in charge command must submit a report of that investigation to the Commissioner of Police in charge of command or Senior Officer in charge of formation.
- e)** On reviewing the report the CP may make any further inquiries into the incident that the CP considers necessary, or
- f)** Suggest the advisability of reviewing, revising or reformulating new policy, strategy, tactics, or training.
- g)** A failure to report will have consequences, i.e. lead to disciplinary/criminal proceedings.

10.2. Procedure at Scene of Firearms Discharge

The first officer arriving at the scene of a shooting incident will obtain a brief synopsis and provide updated information to investigators as they arrive.

10.3. After obtaining the synopsis and assessing the scene, the officer will remain with the involved officer(s) until he/she is released to the Provost Marshall Investigators.

10.4. If the officer reports a malfunction of the firearm, the Armourer

shall be called back to duty to take custody of the firearm.

10.5. The Armourer will issue a replacement firearm and holster, unless the officer's emotional state indicates he/she should be relieved of a firearm or if he/she is under suspicion of having discharged firearms unlawfully.

10.6. If a malfunction was reported, the Armourer in the presence of the investigating officer and a ballistic technician shall make the initial review of the firearm's condition.

10.7. A sketch map of the scene should be made. Photographs should be taken of the firearm and of the condition found.

10.8. The officer(s) involved shall give a brief synopsis of the incident to assist in the investigation; however, he/she may be cautioned before a statement is taken. The intention is to assist in the investigation without compromising any of the subject officer's rights. Statements taken from the officer(s) who have discharged firearms or who have used deadly force shall be used to determine:

- a) Whether anyone is injured? If so, where are they located?
- b) Are there any other suspects? If so, what are their description, direction and mode of travel? How long have they been gone? What crime(s) are they wanted for? What firearm(s) are they armed with?
- c) Was the officer involved in the shooting?
- d) Where was the officer when the shooting took place?
- e) How many rounds did the officer fire and in what direction did the officer fire?
- f) Was any other officer involved in the shooting?
- g) Did the suspect fire at the officer? If so, from what direction were the rounds fired?

h) Are there any firearms or evidences that need to be secured/protected? Where are they located?

i) Are there witnesses? If so, where are their locations?

10.9. The scene shall be secured by establishing a perimeter with crime scene tape and access shall be limited to only authorize persons needed to investigate the scene and provide medical assistance.

10.10. The entire area shall be surveyed for relevant facts. Witnesses and individuals who are present and who depart/departed the scene, including potential suspects and suspect vehicles shall be separated.

10.12. All evidence shall be protected from loss, destruction or damage. Ensure that all items at the scene are not moved; noting the original location and position of persons, firearms, and other relevant objects and evidence.

10.13. Names, addresses and phone numbers of all witnesses and other persons present at the scene shall be recorded. Request shall be made for them to remain in order to make a brief statement whether or not they saw the incident.

10.14. Efforts should be made to have the involved officer remain at the scene until detectives arrive. However, should the nature of the incident or location dictate the officer leave the area, the officer will be taken to the station and detained for his/her safety.

10.15. The officer shall not be released without authorization from the

officer in-charge station.

D. Handling Media

10.1. As soon as an incident involving the discharge occurs, it becomes an issue of grave concern to members of the public. The Police Public Relations Officer (PPRO) should immediately formulate a media strategy to respond to the press. At the earliest opportunity, a clear factual account of the incident should be provided to the PPRO. Care must be taken to protect the officer(s) involved from undue publicity. No information that might identify the officers concerned with the incident should be passed to the media. Early information should be given to the media confirming that the shooting occurred and the Force has commenced investigation in accordance with standard practice.

E. Report of Discharge of Firearms and Use of Force

10.1. At the end of each calendar year, the Commissioner of Police or Officer in charge formation must submit to the Deputy Inspector-General of Police (DIG) Department of Operations (DOPS) a statistical report on all discharges of firearms and use of force by members of the Police Force. As a general matter, use of force that should be reported to include any use of a firearm, electronic restraint device, or chemical agent such as pepper spray; and any use of punches, hits, kicks, or other physical efforts to seize, control, or repel a civilian or suspect (with or without a firearm or other implement).

10.2. The report must be made in a thorough, factual, and in an objective manner; and should include the following information, as applicable:

- a) the respective number of shots fired by firearms, chemical gas guns, use of TASER, batons used etc.;
- b) the number of Police Officers involved in each incident;
- c) the number of shots fired intentionally;
- d) the number of shots fired unintentionally;
- e) the number of persons injured as a result of shots fired or use of force;
- f) the number of persons killed as a result of shots fired or use of force;
- g) all damages to property resulting from shots fired or use of force.

10.3. The DOPS should analyze data on firearms discharges, in conjunction with other data, to detect potential patterns of at-risk conduct and advice on the appropriate corrective actions to be taken.

SECTION ELEVEN

TACTICAL RETREAT

A. Tactical Retreat: This section includes the option to retreat and disengage from an escalating tactical operation. This makes it clear that “pushing forward” with force is not always the best option, as it may lead to escalation; and there might be situations where stepping back, maybe to call for back-up or simply to wait a moment, might be the

best way and logical thing to solve a conflict.

11.1. The primary duty of a police officer is to preserve and protect life. However, when a situation escalates dangerously, and a sustained police officer intervention seriously increases danger to the lives of police officer, persons other than the suspects, or the suspect, the option of tactically retreating may be considered appropriate.

11.2. If due to insufficient time and distance or the nature of the situation, the option to disengage may be acceptable. If the officer determines that the option to retreat is tactically appropriate, the officer may consider retreating in order to contain and consider other options, such as seek alternative cover, wait for back-up, specialty units, etc.

NOTE: Regardless of the demonstrated behaviour of the suspect at the time of the operation, the on-going risk assessment may require that the officer's preparation and/or response be consistent with the overall risk assessment of the operation. For example, a situation where a subject is believed to be armed and dangerous based on reasonable grounds, is an indication to responding officers to conduct a high risk arrest and point their firearms at a suspect. Even if the suspect does as he/she is told, the totality of the situation still reflects a high risk situation that must be responded to accordingly.

Assessment of risk and subsequent operational response cannot be based simply upon a snapshot of suspect's behaviour, but must take into account all the available information.

APPENDIX: A
FORCE CONTINUUM MATRIX (FCM)

	SITUATION OR TYPE OF THREAT POSED BY OFFENDER/SUSPECT	USE OF FORCE CONTINUUM	AUTHORIZED FORCE LEVEL	POLICE OFFICER LANGUAGE AND DEFENSIVE POSTURE
1	<p>COOPERATIVE</p> <p>Person/group is UNARMED and cooperative and does not pose a threat to the police officer or to public safety</p>	<p>PHYSICAL PRESENCE</p>	<p>VERBAL COMMANDS</p> <p>Use of lethal and non-lethal force NOT authorized.</p>	<p>Use polite language. Assume normal ready stance. Waist and leg with holstered firearm should be positioned away from the person, group or suspect you are speaking to. Maintain eye contact. Keep your hands on the</p>

				side or loosely clasped in front of your belt buckle.
2	<p>RESISTANT (PASSIVE) Person/group is UNARMED, uncooperative, shouting, angry, or using foul language but does not pose an imminent threat to the police officer or to public safety.</p>	PHYSICAL PRESENCE	<p>VERBAL COMMANDS Use of lethal and non-lethal force NOT authorized</p>	<p>Use polite but firm language. Use directives or instructions to make the person/group more cooperative or compliant. Normal ready stance. Waist and leg with holstered firearm should be positioned away from the person, group or suspect you are</p>

				<p>speaking to.</p> <p>Maintain eye contact and increase peripheral awareness. Place your hands in front of your belt buckle, with the tips of your fingers lightly touching --- ready to draw a non-lethal weapon, if necessary. Use firm language to give instructions or directives, making your voice moderately loud but not at "shouting" level.</p>
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3	<p>RESISTANT (SEMI-ACTIVE)</p> <p>Person/group is UNARMED but actively resisting verbally; and may already pose a minor threat to the police officer and to public safety.</p>	<p>SOFT EMPTY HANDS TECHNIQUES</p>	<p>CONTROL TECHNIQUES</p> <p>Use of non-lethal force is authorized, including joint manipulations and other body control techniques.</p>	<p>Use firm language with a moderately loud voice. Use directives or instructions to make the person/group more cooperative or compliant. When cooperation or compliance is not attained using verbal directives, cautiously approach the person/group and apply control techniques using only light force. Maintain</p>
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				<p>eye contact and increase peripheral awareness.</p> <p>Do NOT draw nor use firearms and other lethal weapons.</p> <p>DO NOT use the baton/truncheon.</p> <p>Police officer should continue to issue firm instructions or directives while restraining or controlling a resisting person/group.</p> <p>If necessary, call for back-up.</p>
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4	<p>RESISTANT (ACTIVE) Person/group is resisting physically and/or verbally; and already poses a more serious threat to the police officer and to public safety.</p> <p>At this stage, the person/group is resisting but does not directly physically attack the police officer or any civilian in the area.</p>	<p>HARD EMPTY HAND TECHNIQUES</p>	<p>CONTROL & COMPLIANCE TECHNIQUES Use of non-lethal weapons is authorized, including joint manipulations and other body control techniques. Do NOT draw nor use firearms and other lethal weapons. If necessary, use the baton or truncheon with calibrated force. Only hit the resisting person(s) on fleshy or</p>	<p>Use firm language in a loud voice to command the person/group to cooperate and stop resisting. If necessary, call for back-up.</p>
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			<p>thick portions of the arms, torso, thighs, and legs.</p> <p>Avoid hitting the head, face, neck, collarbones, elbows, knees, spinal column, feet, ankles, and other very sensitive body parts. Strikes to these parts may cause long-term or permanent damage.</p> <p>Police officer should continue to issue firm instructions or directives while</p>	
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			restraining or controlling a resisting person/group.	
5	<p>ASSAULTIVE (POSSIBLE BODILY HARM)</p> <p>Person/group is UNARMED but resisting physically and/or verbally; and already poses a more serious threat to the police officer and to public safety.</p> <p>At this stage, the UNARMED person/group is resisting and has physically attacked or has threatened to attack the</p>	<p>HARD HANDS, POLICE BATON & OTHER NON-LETHAL FORCE</p>	<p>DEFENSIVE TACTICS</p> <p>Use of non-lethal weapons is authorized, including joint manipulations, body control techniques, pepper spray and baton/truncheon.</p> <p>Do NOT draw nor use firearms and other lethal weapons.</p>	<p>Use firm language in a loud voice to command the person/group to stop resisting.</p> <p>While approaching the person/group, the police officer may draw his/her baton and assume a ready striking stance.</p> <p>If the situation escalates and the</p>

	<p>police officer or any member of the public.</p>		<p>The use of joint manipulations and body control techniques must not result in long-term injury or permanent physical damage.</p> <p>If necessary, use the baton or truncheon with calibrated force. Only hit the resisting person(s) on fleshy or thick portions of the arms, torso, thighs, and legs.</p>	<p>person/group increases its level of verbal and/or physical resistance, the police officer should approach cautiously with his/her hand positioned and ready to draw the service firearm.</p> <p>Immediately call for back-up.</p>
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			<p>DO NOT hit the head, face, neck, collarbones, elbows, knees, groin, spinal column, feet, ankles, and other very sensitive body parts. Only use striking techniques (punches, kicks, knee and elbow strikes, head butts, etc.) against an unarmed but resisting subject as a last resort.</p>	
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			Police officer should continue to issue firm instructions or directives while restraining or controlling a resisting person/group.	
6	<p>ASSAULTIVE (BODILY HARM)</p> <p>Person/group is ARMED and resisting physically and/or verbally; and already poses a serious threat to the police officer and to public safety. At this stage, the person/group has only made threats and has not yet</p>	<p>THREAT TO USE LETHAL FORCE</p>	<p>COMMENSURATE FORCE</p> <p>Use of non-lethal weapons and firearms is authorized.</p>	<p>The police officer must warn the person/group about resorting to violence. The police officer must direct them to lay down their weapons and stop resisting. The police officer may</p>

	<p>attacked the police officer and/or any member of the public.</p> <p>The person/group is only armed with blunt, edged or propelled weapons incl. baseball bats or wooden clubs, knives, bolos, swords, bow & arrows, slingshots, blow darts, brass knuckles, rocks, etc.</p>			<p>assume a combat ready position with his/her hand over the service firearm; or draw the firearm and point the muzzle to the ground.</p> <p>When necessary, take cover or use additional protective measures against a possible attack.</p> <p>Immediately call for back-up.</p>
7	ASSAULTIVE (SERIOUS BODILY HARM / DEATH)	USE OF LETHAL FORCE	LETHAL FORCE	After exhausting all means to make the

	<p>Person/group is ARMED and has attacked or is attacking the police officer and/or the any member of the public using lethal weapons.</p> <p>Person/group is armed with factory manufactured and/or improvised small arms, light to heavy weapons, and explosives.</p>		<p>Use of lethal weapons is necessary and authorized.</p>	<p>person, group or suspects to peacefully surrender, the police officer is authorized use calibrated lethal force to suppress the threat.</p> <p>Deploy Special Weapons and Tactics (SWAT) Unit if necessary. When attacked, the police officer is authorized to immediately engage and suppress the threat using his/her</p>
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				<p>service firearm.</p> <p>When armed resistance subsides, the police officer must cautiously approach the suspects using tactical movements.</p> <p>Wounded persons/suspects must be given first aid and/or brought immediately to the nearest hospital.</p>
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