

MAURITIUS PRISONS SERVICE**Standing Order No. 46****Use of Force by Prison Staff**General

Section 7 of the Prisons Ordinance, Cap. 313, stipulates that every Prison Officer -

- (a) shall wear the prescribed uniform and be provided with a baton;
 - (b) may be provided with arms, ammunition and other equipment necessary for the effectual discharge of his duties.
2. The Prison Staff are accordingly issued with the following arms, ammunition and equipment -
 - Batons
 - Federal Streamers
 - Tear Smoke Grenades
 - Tear Smoke Cartridges
 - Anti Riot Guns
 - Revolvers with ammunition
 - Shot Guns with ammunition
 3. The contents of this Order will, in that connection, form the basis of regular training practice and instruction for all ranks of the Prisons Service because making use of arms, ammunition and weapons is a grave responsibility which demands the highest standards of training, discipline, patience, courage and the exercise of scrupulous care and moderation in the use of force.
 4. According to law, namely section 246 of the Penal Code Ordinance, Cap. 195, any person may use force upon another person "if commanded by an actual necessity in the lawful defence of oneself or of another person".
 5. Consequently, the use of force, which includes weapons of any denomination, will only be resorted to by Prison Staff in cases of serious attacks, uprising or mutiny by prisoners and the use thereof is absolutely necessary to prevent the prisoners committing murder or inflicting dangerous wounds upon any person, including other prisoners and members of the prison staff,
 6. In the event of a serious attack by prisoners in band or a prison uprising or mutiny, the Senior Officer present will at the very outset and without any delay inform the Commissioner of Prisons and call for the Police to deal with the occurrence. No force shall be used by Prison Staff before the arrival of the Police when the use of force can be avoided, and in no case when the Police have taken charge of the situation.
 7. If the Senior Officer present is of opinion that delay in awaiting for the arrival of the Police will lead to death or dangerous wounds being caused to any person or to the burning or breaking of such place where there are persons whose lives are in danger, he may make the decision to use force pending the arrival of the Police. Such decision should only be made by the most Senior Officer present and on no account will any individual officer use any kind of weapon or Tear Smoke EXCEPT on command from that most Senior Officer, who is to exercise his discretion respecting the type and extent of force that need be used according to his own reasonable assessment of the situation, bearing in mind that NO MORE FORCE than is absolutely necessary should ever be used.

8. It must be emphasized that in exercising his right to use force, an officer stands on the same ground as any other member of the community with the difference that he is trained and equipped to use force when absolutely necessary and he must execute his duty in such circumstances resolutely, coolly, impartially and with preventive not punitive intent. Just as any member of the community is liable under the law He has no authority than any other person to use MORE FORCE THAN IS NECESSARY FOR THE PURPOSE OF DEFENCE. The degree of force used is essentially the responsibility of the individual officer.
9. When force is used, the Senior Officer at the scene shall take immediate steps to render first aid to injured persons and send them to hospital.

Use of Weapons

Batons

10. Batons are supplied to Prison Officers to enable them to protect themselves if violently attacked by a prisoner. In using his baton, the Prison Officer should aim at the collar bones, arms and legs of his assailant. These parts of the body are less likely to suffer dangerous injuries. Striking at the head should be avoided as far as possible. The use of batons should, only be resorted to in extreme cases when all efforts to arrest or overpower the prisoner have failed and the prisoner is likely to escape through the officer being overpowered, or when the officer is attacked by a violent prisoner of superior strength.
- 11.** When the baton has been used by a Prison Officer, he must immediately after report the fact to the most Senior Officer on duty and produce the baton for inspection. The Senior Officer is thereupon to submit a full report at the earliest opportunity to the Commissioner through his Officer in Charge.

Federal Streamer

12. The Federal Streamer should never be fired at point blank range as there is a risk of injuring the eyes or burning the skin of the person aimed at if this is done.
- 13.** The range of the weapon is from 15 to 20 feet. It must not be fired at a distance
- 14.** The antidote which is most effective is to wash the affected area with cold water for 3 to 4 minutes.
The Streamer should only be used in an extreme emergency, i.e. to arrest or overpower a violent prisoner or to defend the life of persons attacked, including the officer in possession of the streamer.

Tear Smoke

- 15.** Tear Smoke is a non poisonous gas which affects the eyes and the respiratory system and causes temporary incapacity. It is a humane weapon which causes no lasting effect or serious injury but it is very irritating and need to be used in large quantities to be effective. However the use of a small quantity intelligently and repeatedly has more effect than the use of a large quantity at one time.
16. Tear Smoke should normally be used as the first method of forceful dispersal of a riotous gathering.
17. Normally no other weapon must be used before Tear Smoke has been tried unless the situation is such that urgent and more drastic steps are needed to save or protect innocent lives
- 18.** Tear Smoke is supplied in the form of grenades and cartridges, neither will be used without the express order of the most Senior Officer present.

19. Grenades - Grenades are thrown by hand and their "effective range is limited to a distance of approximately 30 yards. Grenades are useful in providing a concentration of smoke but much of their efficacy will depend on the direction of the wind (i. e. blowing towards or away from the mob) and the locality, i.e. in an open space the dispersal of the smoke will be quicker than amidst a crowd where the effects of the smoke will linger.

20. Cartridges - Cartridges may be fired from signal pistols (Vervey) or riot guns and are intended for long range firing or laying a barrage. The range is of about 75 yards.

21. Tear Smoke is not readily perishable if kept in their sealed containers but -should not normally be kept in storage for more than five years from the date of manufacture. Once the containers are opened, the life of the Tear Smoke grenades or cartridges is reduced to three years.

Shot Guns and Revolvers

22. Revolvers and shotguns are intended for the personal protection of Senior Officers and their men in an extreme emergency.

23. These are lethal weapon which will never be taken out from the arms and ammunition vault or strong box except; on express orders from the Commissioner of Prisons or a Senior Officer acting on his behalf whether for training purposes, cleaning or use and an extreme emergency.

24. The cleaning of these weapons will only be done by experienced staff under the personal supervision of a Senior Officer

Safe Keeping of Weapons

23. Shotguns, revolvers and their ammunition and Tear Smoke pistols, grenades and cartridges must be carefully kept secure' under lock and key at all times in a vault or strong box. The ammunition for any given weapon is to be kept separate from the weapon and in a separate vault or strong box,

24. Secret detailed instructions have been issued to the most Senior Officers for the security of these weapons and ammunition.

10th July, 1980

(R. D. LUTCHMAYA)
Commissioner of Prisons