

What is considered acceptable contemporary policies on the use of force can be summarized in the United Nations:

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

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

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

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

Whereas the Standard Minimum Rules for the Treatment of Prisoners^{1/} provide for the circumstances in which prison officials may use force in the course of their duties,

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

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

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

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

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

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

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

General Provision

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

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

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

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

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

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

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

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

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

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

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

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

Special Provisions

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

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

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

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

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

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

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

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

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

Policing Unlawful Assemblies

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

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

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

Policing Persons in Custody or Detention

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

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

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

Qualifications, Training and Counselling

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions

and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

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

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

Reporting and Review Procedures

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

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

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

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

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

The types of situations that might involve the police officer in a use of force situation can be broken down as follows (from *Defensive Tactics for Law Enforcement, Public Safety & Correctional Officers*, by R.A. Flesch, Gould Publications, 1994): You will note that the matrix and its definitions are very specific and designed to be used as a guideline for an officer to be able to select effective, reasonable options in a verbal and physical encounter.

Use of Force/Levels of Resistance Matrix

ESCALATING RESISTANCE LEVELS 1 to 6 ⇨	6 Aggravated Physical	X	X	X	X	X	X	X	X	X	X	X	X	X
	5 Aggressive Physical	X	X	X	X	X	X	X	X	X	X	X	X	
	4 Active Physical	X	X	X	X	X	X	X	X	X	X			
	3 Passive Physical	X	X	X	X	X	X	X	X					
	2 Verbal	X	X	X	X	X	X							
	1 Presence	X	X	X	X									
		Ambival	Tactician/Strateg	Parad (non-negotiable)	Verbal Domination	Diplomacy	Dominant Domination	Timorousness	Fake Domination	Police Domination	Controlled Motion	Tactician/Strateg	Tactician/Strateg	Dan/Dr. Evans
		1 Officer Presence		2 Verbal Control		3 Physical Control		4 Tactician/Strateg/Weapons	5 Tactician/Strateg Control	6 Dan/Dr. Evans				
ESCALATING RESPONSE LEVELS 1 to 6 ⇨														

RESISTANCE LEVELS:

1. **Presence:** A subject is there, on the scene, in attendance of suspicious activity.
2. **Verbal Resistance:** A subject may verbally refuse to comply with an officer’s request or attempts to control the situation. The subject may threaten the officer with further resistance. Or, the subject may not respond to the officer.
3. **Passive Physical Resistance:** A subject physically refuses to comply or respond. He/she does not make any attempt to physically defeat the actions of the officer, but forces the officer to employ physical maneuvers to establish control. An example would be “dead weight.”
4. **Active Physical Resistance:** A subject makes physically evasive movements to defeat an officer’s attempt at control. This may be in the form of bracing or

- tensing, attempting to push/pull away or not allowing the officer to get close to him/her. No attempt to harm the officer exists at this level.
5. **Aggressive Physical Resistance:** A subject makes overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the officer or others.
 6. **Aggravated Physical Resistance:** A subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the officer or others.

OFFICER RESPONSE LEVELS:

1. **Presence:** The officer is there, on the scene, in attendance. This includes proper voice and/or other identification, body language and awareness by the subject that he/she is dealing with an officer.
2. **Field Interview Stance:** The officer adopts a stance outside of his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. The average danger zone is 6 feet for empty hand confrontations. The danger zone is an area around the subject that the subject controls and from which the subject can reach the officer in one movement. If two or more movements are needed to reach the officer, the officer is outside the danger zone. In such a position the firearm or strong side leg is back; the non-firearm or weak side leg is forward; the feet are about shoulder width apart; the knees are slightly bent giving balance, control, and a lower body center of gravity; the body weight is equally distributed; and the hands are up for guarding the upper body.
2. **Dialogue:** A two-way, controlled, non-emotional communication between the officer and subject, aimed at problem identification and/or resolution.
2. **Verbal Direction:** An officer tells or commands a subject to engage in, or refrain from a specific action or non-action.
2. **Touch:** An officer employs a soft, assisting touch when directing, or a firm strong touch prior to escalating to a higher level of force.
3. **Transporters:** Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer in order to gain and retain control over

the subject. Transporters are techniques that move the joints beyond normal range of motion. This will normally create enough pain in the subject to motivate him/her to comply with the officer's orders.

3. **Pain Compliance:** Techniques that force a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.
3. **Take Downs:** Techniques that, in a controlled manner, redirect a subject to the ground in order to limit his/her physical resistance and to facilitate the application of a restraint device. An example of this would be leg sweeps to the subject. At this level, it is the officer's responsibility to control the subject safely to the ground.
3. **Restraint Devices:** Mechanical tools used to restrict a subject's movement, such as handcuffs.
3. **Counter Moves:** Techniques that impede a subject's movement toward an officer or others such as blocking, parrying, dodging, weaving, re-directing, striking, kicking, or avoiding, followed by appropriate controlling techniques.
4. **Intermediate Weapons:** Weapons that are primarily used to control a subject, such as a baton, side handle baton, aerosol tear gas and flashlight. At this level, these weapons are nonlethal and are used to give the officer the tactical advantage. Intermediate weapons are normally utilized when empty hand tactics are not reasonable or failing but lethal force is not justified.
5. **Incapacitation:** Techniques that are intended to stun or render a subject temporarily unconscious, delivered with or without an impact weapon, such as a strike to a major nerve area, which results in moderate physical harm to the subject.
6. **Deadly Force:** Techniques that may result in imminent death or serious injury or permanent disfigurement, such as impact weapon strikes to head or use of firearms. Deadly Force techniques are a last resort.

In addition to the establishment of defined, easy to understand policies and enhanced training of officers, the use of technology is becoming quite popular and will continue to play an important role in helping police minimize the use of force. The use of video cameras helps officers identify dangerous situations without having to directly confront suspects. In crowd situations the officers can utilize video to make arrests of suspects at a later time when they are not part of a crowd or in a potentially volatile situation.

New, non-lethal weapons and restraining devices are being developed and tested on a daily basis. Chemicals that incapacitate without harming the person or the environment, such as pepper spray, are fairly common in Western nations and are becoming available in less wealthy nations. The use of sound and electronic impulses to incapacitate is being tested. Experiments with substances that form a glue-like cocoon and web-like nets shot from hand-held weapons are commonplace among manufacturers who supply police departments. The use of technology also is playing a major role in the development of training programs and systems that allow police officers in rural and very poor areas to utilize the same high quality instructors and practice methods that formally only were available to the elite forces or rich nations. Technology is also being used to develop tests used for the selection of personnel who will be better able to adapt to the police department's policies of "reasonable" force.

The future use-of-force policies and practices, based on current trends and projections by "futurists," indicate much more control on the individual police officer. Part of that control will come from supervision and better management. Some will come from enhanced training. A great deal will come from closer scrutiny by the media and human rights oriented, non-governmental organizations. Technology, both in the selection and training of personnel and the equipment they are given probably will provide the most dramatic changes as we move into the 21st century.