VPSHR course
Module 4: Human rights and the use of force

Protecting and respecting the rights of those we work with.
What is use of force
Options and means for the use of force

- What are my options?
- What am I authorised to do?
- What means do I have?
- What equipment do I have?
- May I use it? Am I trained to use it?
- When will I use it?
- What do I do after I use it?
Sample use of force continuum (progressive and graduated)

Source: Adapted from the Common Wealth Training Manual on Human Rights Training for Police (2006, Page 70)
General steps for the use of force

1. Respect is key.
2. Apply the **PLAN** principle.
3. Take charge of the situation.
4. Act as a team.
5. Communicate.
1. Respect is key
2. Apply the PLAN principle

- Necessity
- Proportionality
- Accountability
- Legality
3. Take charge of the situation

Establish professional presence and authority

Stay Calm

I am....

Who are you?

Identify yourself!

Position yourself

What are you doing?

Did you know that is a crime?

Now I will arrest/detain you!

Be alert

Establish visual control
4. Act as a team

+1 Rule

Together we work, together we protect, and together we respect human rights!
5. Communicate

I said stop!
I SAID STOP!

STOP!
DON’T MOVE

I’m warning you,
if you don’t stop,
then I will ..........
Guidelines and principles on the use of force

<<Change/ add if needed >>

- According to the laws of the country.
- Ask if you don’t know.
- Respect human rights and apply the PLAN principle.
- Only carry weapons or firearms if you are authorised to so, and if you are licensed and trained to safely use it.
- Report, review and investigate.
- Force is a final option, and not the first or preferred solution.
- Force used must be progressive and graduated.
- Give first aid and arrange for medical assistance.
- Not required to use force if your colleague, supervisor, other security personnel, or a law enforcement officer, tells you to.
- Need for clear policies, procedures and guidance on UOF.
UOF and firearms (UOFF) by security personnel

UN Code of Conduct for LEOs and UN Basic Principles on UOF and firearms, emphasises:

- Need for rules and regulations on the use of force and firearms
- Need to be equipped and make use of self-defensive equipment
- Need to be equipped and make use of self-defensive equipment
- Need for the use of non-violent means, and non-lethal incapacitating weapons and force
- Need for conditions before the use of force and firearms

Law enforcement officers shall not use firearms against persons except in self-defence or defence of others against 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 danger and resisting their authority, or to prevent his/her escape, or 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 to protect life.

Use only to protect self and other persons during imminent life threatening danger, if allowed to do so by law.
UOF and firearms (UOFF) by security personnel

- **GOLDEN RULE**: Use no firearms against persons
- If the **GOLDEN RULE** cannot be applied, check:
  - May I use it? AND
  - Do I mean to use it? AND
  - Is it the only solution? AND
  - Is the threat imminent? AND
  - Am I using it to protect life? AND

Can you legally justify the use of your firearm?

Consider a ‘warning shot’, only if legal and if safe to do so.
A practical example

1 – “STOP – Police!”
2 – “STOP or I will shoot!” “Drop your weapon”
3 – Give the person time to comply.

Procedure after use

- Report (Principle 6)
- Medical aid (Principle 5)
- Inform the relatives, friends or family (Principle 5)
- Stress counselling (Principle 21)
- File a report (Principle 22)

Consider a ‘warning shot’, only if legal and if safe to do so.

YOU will be held accountable for your decision to use your firearm!
Country law on the use of force and firearms for security purposes

<<Use this slide to introduce country specific laws on the use of force and firearms for security purposes>>
Company policy and procedure on the use of force and firearms for security purposes

<<Use this slide to introduce company policy and procedure on the use of force and firearms for security purposes>>
Activity: Green Card, Red Card: Scenarios on the use of force

Questions for reflection:

Q Was force used, and if so do you think it respected the rights of the person that it was used against?
Q Was the use of force proportional, in other words do you think the minimum force needed was used to contain the situation?
Q Was the use of force legal? In other words was the person using force authorised to do so and was the force used according to country law and relevant security policies and procedures?
Q What would you have done different? What other force options could have been used to contain the situation?
Use of force during containment and arrest

“"I am human and I have rights. Please treat me with dignity & respect.""

Q What are the rights of a person before, during, and after arrest?
Q Do we have to use force to arrest a person?
Q When will you use force to arrest a person?
Q What means/force options do you have to arrest/detain a compliant person?
Q What means/force options do you have to arrest/detain a non-compliant person that is unarmed?
Q What means/force options do you have to arrest/detain a non-compliant person that is armed?

Always apply the PLAN principle!
Force options for arrest by unarmed private security personnel

1) Ensure personal safety during approach.
2) Immediately call for back-up.
3) Call local law enforcement.
4) Arrange medical assistance (if needed).
5) Inform person of his/her rights.
6) Immediately hand over the person to the police.
7) Record, report and support investigation (if relevant).
Force options for arrest by private security personnel with defensive equipment

(no firearms)

Lesser-force option to defensive equipment

- Verbal commands
- Empty/soft hand control techniques
- Hard hand control techniques
- Incapacitating chemicals (e.g. pepper spray)
- Defensive equipment (e.g. baton)

Professional presence

Negotiation (verbal)

Progressive

1) Ensure personal safety during approach.
2) Immediately call for back-up.
3) Call local law enforcement.
4) Arrange medical assistance (if needed).
5) Inform person of his/her rights.
6) Immediately hand over the person to the police.
7) Record, report and support investigation (if relevant).
Force options for arrest by armed private or public security forces

(with defensive equipment and firearms)

**Lesser-force option to firearms**

- Empty/soft hand control techniques
- Verbal commands
- Negotiation (verbal)
- Professional presence

**Hard hand control techniques**

- Incapacitating chemicals (e.g. pepper spray)
- Defensive equipment (e.g. baton)

**Incapacitating chemicals (e.g. pepper spray)**

**Final option**

- Firearm: Standard ball ammunition
- Defensive equipment (e.g. rubber ammunition)

**Lesser-force option to firearms**

1. Ensure personal safety during approach.
2. Immediately call for back-up.
3. Call local law enforcement (if private security).
4. Arrange medical assistance (if needed).
5. Inform person of his/her rights.
6. Immediately hand over the person to the police.
7. Record, report and support investigation (if relevant).

**Progressive**

Law enforcement officers shall not use firearms against persons except in self-defence or defence of others against 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 danger and resisting their authority, or to prevent his/her escape, or 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 to protect life.
Use of force with protestors

“We have a right to protest, and we have rights as protesters. We also have the right to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.”
Before dealing with protestors

Confirm:
- Reason/root cause(s) for the protest and what are the demands?
- Who is leading the protest and can we negotiate?
- Lawful, unlawful, peaceful or violent protest?
- Avoided doing things that can escalate further levels of violence?
- If unlawful, but peaceful, do we really need to intervene?
- Rights of the protestors vs the rights of the company?
- Protestors on company property or in public space?
- Who is mandated by law to deal with protestors and do crowd management?
- Are we appropriately equipped and trained to deal with this? If not, who is?
- Role of company vs private security vs private security in dealing with protestors?
- Is the objective to monitor, block, isolate, arrest, control, and/or disperse protestors?
- We have a plan and we know who is in charge?
- Use of force protocol includes the use of lesser force options?
- Communication plan and mechanism in place between company, private security and public security forces?
- Briefed all security partners (i.e. company, private security personnel and public security forces) on the plan and they understand their respective roles and responsibilities?
- Emergency response services notified and ready to give medical support?
- Log in place to record all decisions, actions and outcomes?
Principles guiding the use of force during protests

- **Lawful**
  - Facilitate
  - Negotiate
- **Unlawful**
  - Tolerate
  - Intervene

- **Peaceful**
  - Observe
  - Disperse (Use force)

- **Violent**
  - Disperse (Use force)
Principles guiding the firearms during protests

UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers:

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

- **Principle 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.

*Never fire indiscriminately into a crowd. Innocent bystanders will get injured.*

*Did you know? Even rubber ammunition can be fatal!*
Country law on the use of force and firearms for protests

<<Use this slide to introduce country specific laws and procedures on the use of force and firearms when dealing with protests>>
Company policy and procedure on the use of force and firearms for protests

<<Use this slide to introduce company policy and procedure on the use of force and firearms when dealing with protests>>
Force options for crowd control by armed public security forces

(with special equipment and training)

- Professional presence with/without riot gear
- Dialogue, negotiation and mediation
- Deploy barbed wire
- Empty/soft hand control
- Hard hand control techniques
- Smoke and incapacitating chemicals (e.g. pepper spray)
- Maneuvers with defensive equipment (e.g. shields, batons, and helmets)
- Deploy water canon
- Firearms: Rubber ammunition (less lethal)

Use of warning shots (only if legal and if safe to do so)

Progressive

Activity: Discussion and scenario on the use of force during protests

Part 1: The meeting

Part 2: The protest

Part 3: Public disorder

Part 4: Finding the manager

Part 5: Chaos

Consider:

1) Rights of the protestors, mining company, community, employees and security personnel?
2) Relevant country laws and company policy and procedures?
3) Responsibility of private security vs public security forces (police)
4) Force options to deal with protestors?
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