# Module 4: Human Rights and the Use of Force

## Module Objective
At the end of this module, participants will be able to use of force in compliance with international standards, host government law enforcement policies, and company policies and protocols, using practical scenarios.

## Assessment
Specially designed group activities and sessions will be used to evaluate the application of knowledge acquired in this module.

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INTRODUCTION

This module focuses on the use of force (UOF):

- What is it?
- When to use force?
- What are the steps to use force?
- What is the company policy and protocols on the UOF?
- What are the guidelines for public security personnel (forces)?
- How to report UOF?

After learning some basic principles for the UOF, you will apply your knowledge in practical scenarios.

UOF: Some Basic Information

While working as security there is always the possibility that you will be expected to deal with situations that are dangerous, or violent. These situations may require you to use force.

When authorised to do so, you may have to use force in carrying out your duties.

Examples:

- Dealing with a verbally or physically aggressive person.
- Having to contain or arrest a suspect who is physically stronger or who refuses to be detained cooperate or be arrested.

The risk of dangerous work situations may also be slightly higher for public security forces (police), compared to private security personnel who work in more controlled environments.

When dealing with a dangerous or unpredictable situation, you usually have very little time to assess the situation and to decide on a proper response.

Good training can help you:

- React properly to the threat or possible threat.
- Respond with the use of appropriate tactics to address the situation, possibly including some level of force, if necessary, given the circumstances.
There are certain laws, policies and procedures that will guide you in applying the appropriate UOF.

Country laws will guide you in the use of lawful and proportional force to make people comply with the law or regulations.

However, this is not without some restrictions.

You must behave ethically, respect human rights and use lawful and proportional force.

Remember, you may be called to account for the force used during your actions.

Important!

In terms of duties and responsibilities, there is a clear difference between what the company and private security personnel can do compared to what public security personnel (forces) can do.
1. **WHAT IS THE USE OF FORCE (UOF)**

The UOF is governed by domestic laws and is usually authorized in a progressive series of actions, referred to as a “use of force continuum”.

Every law enforcement agency or security operation may have their own policies, procedures and UOF continuum that guide the use of such force.

Governments may (depending on country laws) allow law enforcement officials, citizens, corrections officers, or other security personnel to use force to prevent a crime from happening, or to deter persons from committing crime, or to protect themselves or others against serious threat to life.
1.1 My Options and Means to Use Force

Options to use force depend on the behaviour of the suspect and the level of the threat that such behaviour pose to you or other persons.

Consider your duties and responsibilities.

Are you a private security officer or a public security officer?

Are you AUTHORISED to use force?

What are your options?

What means do you have available to use?

Are you AUTHORISED to use weapons or firearms?

Think of your personal equipment and the weapons and firearms that you are trained in and authorised to use (e.g. a baton, chemical agents, or even a firearm).

You may find that you are unarmed and have no weapons at all.

You may not be authorised to use or be in possession of certain equipment and weapons. For example, in some countries only the police are authorised to use pepper spray.

You need to ensure that you are trained in the use of the equipment and weapons or firearms provided to you. Your employer has a responsibility to ensure that you are trained in the safe use of any weapons, firearms and equipment issued to you. You also need to know and apply the laws that apply to such use.

You also need ensure that the tactics and techniques used along with the equipment and weapons are authorised by your organization. For example, you may not be allowed to use your torch as a baton, or to use equipment without fully understanding the effect that it will have on the person that it is used against.
Ask yourself:

1. **What are my options? What am I legally authorised to do?**
   - Do nothing?
   - Continue to observe?
   - Call the police?
   - Call for assistance?
   - Provide a physical presence in uniform?
   - Use dialogue and the use of verbal commands?
   - Use negotiation, mediation, or persuasion skills?
   - Use soft hand and hard hand control techniques?
   - Use chemical or incapacitating agents?
   - Use batons and impact weapons?
   - Use lethal force?
   
   *The very last option that must be avoided at all cost and in compliance with the law.*

2. **What means and equipment do I have?**
   - Uniform (non-lethal)?
   - Verbal actions and directions non-lethal)?
   - My hands (soft and hard hand control techniques)?
   - Chemical agents such as pepper spray?
   - Handcuffs?
   - Torch?
   - Protective vest and clothing?
   - Batons and other impact weapons?
   - Weapons?
   - Firearms?

3. **If I have it:**
   - May I use it?
   - When will I use it?
   - What techniques can I use?
   - Am I trained to use it?
   - What do I have to do after I used it?
Remember:

If you find that you do not have the means to deal with a situation, then you are most likely not authorised or equipped to deal with that situation. Rather ask someone who does have the authority, ability and training to come and help you.

For example:

- A security officer who is unarmed will not be in a position to deal with an armed or dangerous suspect. It is recommended that the security officer call the local police for assistance.

1.2 Use of Force (UOF) Continuum

Your organisation/employer can use the options and means of force available to security personnel to compile a UOF continuum.

For example:

When looking at the sample UOF continuum, you see that as the suspect’s behaviour becomes more threatening, the security officer’s means of responding become increasingly forceful.

In other words, the response of the security officer matches the behaviour of the suspect to ensure that the force used is proportional to the situation.

Remember, the UOF continuum:

- Shows that if the force or threat decreases, then your actions should decrease. If the force or threat increases, then your actions should increase.

- Can help you use force that is proportional to contain a situation.

- Will be specific to your job, your force options and the means (equipment) that you have available.

- Does not give authority and duty to use all possible means. For example, public security personnel (forces) may be armed while private security personnel may be unarmed. As a result, private security personnel will only be able to use professional presence, verbal dialogue and hand control techniques as force options.

The UOF continuum, for the same action, can be different for private security personnel (personnel) compared to public security personnel (forces).

For example:
1. An unarmed **private security officer** needs to temporarily detain a person for purposes of handing him/her over to the local law enforcement agency.

### Force options for arrest by unarmed private security personnel

- **Progressive**
  - Professional presence
  - Negotiation (verbal)
  - Verbal commands
  - Empty/soft hand control techniques
  - Lesser-force option to hard hand control techniques
  - Final option: Hard hand control techniques

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

- **Progressive**
  - Professional presence
  - Negotiation (verbal)
  - Verbal commands
  - Empty/soft hand control techniques
  - Lesser-force option to defensive equipment
  - Defensive equipment (e.g. pepper spray)

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).
2. **Public security personnel (forces)** may be armed and authorised to arrest a suspect. In this example they have more force options than private security personnel.

- **Lesser-force option to firearms**: Use of warning shot, (only if legal and if safe to do so)
- **Final option**: Firearm: Good-calibre ammunition

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**My Notes**

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**Force options for arrest by armed private or public security forces**

- **Professional presence**
- **Verbal commands**
- **Empty/soft hand control techniques**
- **Missile/less lethal weapons (e.g. pepper spray)**

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**Progressive**

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).

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**My Notes**

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1.3 STEPS FOR THE UOF

Here are five simple steps to guide you in decisions on the UOF.

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.

All people have rights, and the use force will limit their rights. Force used has to equally respect and protect the rights of all people.

Make sure that you limit their rights only to the extent needed. Understand the rights of suspects and employees and respect them. Do everything possible to protect these rights.

If you act with respect towards others, they are more likely to respect you and to cooperate with you. While using force you have a responsibility to protect and ensure the safety of others, and to provide medical assistance to those injured.
Also respect the rules, guidelines and policies of your employer, and your work environment on the use of force. You must ensure that what you do does not lead to problems for you or your employer because you failed to follow the rules or laws of the country.

2. Follow the PLAN principle.

PROPORTIONAL force:

- The force you select to use must be the minimum force required to deal with the threat or to contain the situation.
- The force used is proportional to the threat against you or someone else’s life or property.

LAWFUL force:

- You are authorised to use force as part of your duties, in accordance with national laws, and according to approved policies and guidelines.
- You are also trained in the use of different force options and you are authorised and trained to use and be in possession of security equipment and weapons.

Force used is UNLAWFUL if the law and security policies do not authorise you to use force.
ACCOUNTABLE force:

- You use force in an ethical way that is compliant with the code of conduct (COC).
- You also accept full responsibility for your actions, and you are willing to write them down, report them, and appear before a court of law to explain your actions and the force used.

NECESSARY force:

- The force used to contain the threat or situation at hand was as a result of a threat against you, the company, or a bystander.
- You already considered and used lesser force options with no chance of success.
- You have no other option than to use force.

3. Take charge of the situation.

Stay calm.

- Do not respond to provocation or let anger control you. Keep a cool head.

Be alert.

- Look for anything out of the ordinary.
- Observe the situation and try to see what is going on.
• When a person approaches, observe their body language, how they move, or if they have tense movements.
• If they have a knife, a gun or some other weapon, they may look for it before using it.
• Try to visualize what a suspect could try to do and prepare yourself accordingly. This is called being mentally prepared.

Establish professional presence and authority.

• Announce your presence to establish authority and control. Look assertive, in control and professional.

  “STOP - SECURITY!”

  “POLICE! – STOP”

  “I am a security official. My name is... I am responsible for...”

• Your uniform is your first sign of official presence.
• Show confidence and control when confronting suspects to try and dominate him/her with your appearance and to discourage them from attack or further violence.
• Look the suspect in the eyes without losing vision of the slightest body movements (e.g. increased breathing speed, enlarged pupils, and contracting muscles) that may indicate intentions of attack or resistance.
• Attempt to identify the person/group posing a threat, as well as the reason why they are doing what they do.

  “STOP - SECURITY!”

  “I am a security official. My name is... I am responsible for...”

  “Who are you?” or “Identify yourself.”

  “Why are you doing this?” or “What are you doing?”

• Attempt to determine if the person or group know that what he/she/they are doing is not allowed.
“Did you know that you are not allowed to do that?”

“According to... (law, policy, or procedure)... you are not allowed to do that.”

- Inform the person or group that they are doing something that they are not allowed to do, and of the consequences thereof.

“According to... (law, policy, or regulation)... you are not allowed to do that.”

“Now I will have to contain you and hand you over to the police.”

(private security officials)

“Now I will have to arrest you...”

(law enforcement officials or security officials making a citizen’s arrest)

Position yourself.

- Place yourself where you control the situation.
- Allow your position to prevent a suspect from being in control.
- Use objects to shield you while restricting the suspect’s ability to reach you, for example position yourself in such a way that there is a table between you and the person that you are talking to.

Establish visual control.

- Do not look only in front of you.
- Look around.
- Ensure you can control the entire scene and that you know what is going on around you.
4. Act as a team.

You do not work alone. Call and ask for help.

The physical presence of one or more security officers may be all that is needed to contain a situation, or bring a suspect under control.

It is important to always look for an opportunity to assist your colleague. Ensure the team member closest to any threat has your support if needed.

Do not work alone, do not respond to a call alone, and never forget that you are part of a team.

When dealing with security issues, use the “PLUS-ONE RULE”: if there is one suspect, act as if he/she is not alone.

Call on your teammates to help you.
5. Communicate.

First try to communicate, negotiate, or use persuasion before using force. **Learn to use your voice.** It is your first and most important tool.

Talk to your team and let them know what is going on. Use a hand radio, hand signals, verbal commands, or dialogue to keep them informed about the situation.

The use of all types of force should be accompanied by the use of verbal persuasion, verbal commands, instructions, and explanations.

If you have to appear in court to explain your actions, you should as far as possible be able to say that you first warned the person, then informed, and finally expressed your intention to use force before doing so.

**Strip-phrases** can be used to diffuse verbal conflict.

**Example:**

An employee wants to enter the company premises at your control point. There are a lot of people and it takes a long time for employees to get into the facility. The employee is frustrated and angry at you and shouts “You are incompetent and slower than a tortoise”. Instead of getting involved in a word-fight, you can use strip-phrases to diffuse the situation, such as:

“...maybe so, but let us stay calm and allow me to do my job. If we work together then you we can all be on our way.”

“...that may be true, but that is not always the case, so let us stay calm and allow me to do my job.”

“...you are right Sir/Madam, I apologise for that. Now let us stay calm and allow me to continue my job.”

“...I apologise Sir/Madam, now let us stay calm and allow me to continue my job.”

“...you are right, let me call my supervisor and he/she can help us solve the problem”
Verbal commands can also be used to establish authority and presence to defuse the situation, or to warn and inform bystanders of threats identified.

“STOP!”

“DO NOT MOVE!”

“LISTEN TO ME!”

“PUT YOUR HANDS ON YOUR HEAD!”

“DROP YOUR WEAPON!”

“GUN!”

“KNIFE!”

“DANGER!”

Also, when dealing with a person that pose a threat or who is non-responsive to the use of strip-phrases, you can raise the volume and tone of your voice to establish psychological control over the person. You can also repeat what you said using more volume, tone, and confidence.

“….maybe so, but LET US STAY CALM AND ALLOW ME TO DO MY JOB. If we work together then you we can all be on our way”

“….I said stop, I SAID STOP…”

Verbal commands can also be used to warn, or deter suspects or persons from doing something that you do not want them to do.

“I SEE YOU!”

“DO NOT DO THAT!”

“STOP IT NOW!”

“IF YOU DO NOT DISPERSE, WATER WILL BE USED AGAINST YOU.”

“IF YOU DO NOT STOP, PHYSICAL FORCE WILL BE USED TO RESTRAIN YOU.”
Verbal commands can also be used to warn, or inform the person that is posing a threat, that you are going to use force against him/her. If the situation and time allows for it, then always warn the person and bystanders of your intention to use force.

**“IF YOU DO NOT STOP, THEN I WILL…”**

**“YOU ARE MAKING ME NERVOUS, IF YOU CONTINUE I WILL HAVE NO CHOICE BUT TO…”**

**“STOP, or…”**

Help commands can also be used to inform teammates that you need their assistance and that you cannot deal with the situation alone.

**“HELP ME!”**

**“HE/SHE IS TOO STRONG…”**

**“THEY ARE INJURED…”**

**“CALL THE POLICE…”**

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**Say Something!**

If you are confronted with something that does not seem right, remember you can always:

- Talk to your supervisor.
- Talk to your manager.
- Report it!
1.4 GUIDELINES AND PRINCIPLES ON THE UOF

Private security personnel and public security forces are obliged to comply with country laws and department/employer policies and procedures regarding human rights, ethics, and security.

In line with the UN Business and Human Rights Principles and their commitment to implement the VPSHR, companies also have a responsibility to uphold their commitment respect the human rights of the people and communities where they operate, and to take steps to help their security operations protect and respect human rights.

Despite our differences, these are some basic guidelines and principles on the use of force that we all can abide by. Let’s take a closer look at these.

1. Force must be used **according to the laws of the country** that you work in, and according to international and industry guidelines.

   National laws will tell you when you are allowed to use force, and how you should go about doing so.

   Laws will help you find the answers to the following questions:

   - What does the law say on the use of local force?
   - What are my responsibilities on the UOF?
   - What is self-defence?
   - When and how may I act in self-defence?
   - When and how may I act to defend others?
   - May I use lethal force? If so when and under which conditions will I be allowed to use lethal force?
   - May I use force to protect my own property, and the property of the company?
   - Can I use weapons to protect company property and facilities?
   - What will happen if someone is injured as a result of the force that I used?
   - What are the consequences of unlawful or excessive force used?

2. If you are **not sure** about the law, or whether you may use force, **ask** your supervisor.

3. Force used must **respect human rights** and must **comply with the PLAN principle** – it must be proportional, lawful, accountable, and necessary.
4. Only carry **weapons or firearms** if you are **authorised** to so, and if you are **licensed** and **trained** to use it.

   - Never carry, use, touch, or take possession of a firearm or weapon that you are not trained to use.

   - Using a handgun is not the same as using a rifle or a shotgun. When it comes to firearms, you should be trained in the same firearm and the same ammunition that you work with. Every firearm works different, and some ammunition cause more damage than others.

   - You should also be trained on how to approach deal with armed suspects in a safe manner.

5. Any force used may be a potential human rights violation and therefore it must be must be recorded, reported to your supervisor and investigated (if/as necessary).

6. The UOF must be a **FINAL option**, and NOT the first or preferred solution to a threat or situation. If possible, first try using dialogue, negotiation, mediation, or verbal persuasion before using force.

7. When force is used, it must be **progressive** and used in proportion to the threat or situation.

8. When force is used, immediately give **first aid** or arrange for **medical assistance** or treatment of those injured.

9. No one is allowed to break the law. You do **not** have to **implement** any **instruction** from your colleague, supervisor, other security personnel, or a law enforcement officer that will result in the **unlawful UOF**.

10. Private security, public security forces and companies need to have clear **policies, procedures and guidance** in place on the use of force.
Workplace specific policies and procedures

Every workplace has its own security protocols.

Ask your supervisor to explain the policies and procedures guiding the UOF and the use of any weapons at the workplace and as part of your job.

Examples of documents outlining the UOF include:

- Security Policies
- Standard Operating Procedures (SOPs)
- Rules of Engagement (ROE) or Directives on the Use of Force and Firearms (DUFF)
- Contingency Plans and Procedures for UOF

Contracts are usually used between companies and private security suppliers to reach agreement on security equipment, training, control of weapons and firearms, as well as conditions for the use of force.

Memorandums of Understanding (MOUs) are used to reach agreement with public security personnel (forces) on support, as well as the as well as conditions for the use of force, in support of company security operations.

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1.5 **GUIDELINES ON THE USE OF FORCE AND FIREARMS (UOFF) BY SECURITY PERSONNEL (FORCES)**

**Key Issues Addressed by the ICoC**

The International Code of Conduct for Private Security Service Providers (ICoC) (2010) provides guidelines and minimum standards for private security providers on numerous issues ranging from training, use of force, safety, human rights, employment conditions, etc.

1. Personnel are required to take all reasonable steps to avoid the use of force. If they must use force, it will be consistent with the law.

2. No firearms will be used except in self-defence or to protect others if they are about to be killed or very badly hurt.

3. Any security personnel formally asked take part in policing will follow the rules set out by the United Nations for law enforcement officials.

**Key Issues Addressed by the UN Principles**

The UN Code of Conduct for Law Enforcement Officials (1979) clearly states that law enforcement officials may use force only when **strictly necessary** and to the **extent required** to perform their duties (Article 3).

The UN Basic Principles on the Use of Force and Firearms (1990) guides the use of force and firearms by governments and **public security personnel (forces)** performing duties in support of company security operations.

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<th>1. The need for rules and regulations on the use of force and firearms.</th>
<th>Principle 1:</th>
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<td></td>
<td>• 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.</td>
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<td>• In developing such rules and regulations, governments and law enforcement agencies shall keep the ethical issues associated with the use of force</td>
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and firearms constantly under review.

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<th>2. The need to be equipped and make use of self-defensive equipment.</th>
<th>Principle 2:</th>
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<tr>
<td>• By equipping officials with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, there is a decreased need to use weapons of any kind.</td>
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<tr>
<th>3. The need to be equipped and make use of self-defensive equipment.</th>
<th>Principle 3:</th>
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<tr>
<td>• 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.</td>
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<th>4. The need for the use of non-violent means, and non-lethal incapacitating weapons and force.</th>
<th>Principle 4:</th>
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<tr>
<td>• Before using force and firearms, law enforcement officials are required to as far as possible use non-violent means.</td>
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<th>5. The need for conditions before the use of force and firearms.</th>
<th>Principle 4:</th>
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<tr>
<td>• Use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.</td>
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<tr>
<td>Principle 5:</td>
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<td>• Exercise restraint in proportion to the threat.</td>
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• For example, if I fire one shot at a person and that is enough to stop him/her, then it is not necessary to fire a second shot.

• Minimize damage and injury, and respect and preserve human life.

• For example, it is not safe to fire a shot at a person shooting at you if that person is hiding between other people.

6. The need for conditions for the use of force and firearms against persons.

Principle 9:

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

• In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Principle 10:

• “....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.”

To know whether you are authorised to use force and a firearm in a situation, you must be able to say YES to all the following questions:

☑ Are you authorised and able to carry a firearm? I have the right to carry a firearm and I am trained to use it.

☑ Do you mean to use it? I know what I am doing, and I mean to use the firearm.

☑ Is it the only solution? The use of my firearm is the only option available and the situation justifies it. I can do nothing else.

☑ Is the threat imminent? My or somebody else’s life is in serious danger now.

☑ Am I using it to protect life? The use of the firearm is necessary to protect myself, or someone else from being seriously hurt, or even die.

When you decide that you have no other choice but to use a firearm to protect yourself or someone else from imminent serious injury or death, you will do the following:
1. Clearly identify yourself.
2. Give a clear warning.
3. Allow time for the warning to be obeyed.

*Example:*

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

If the delay would result in death or serious injury to yourself or others, then you may be required to act without waiting for the warning to be obeyed.

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<th>Responsibilities following the use of force and firearms</th>
<th>If you used your firearm:</th>
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<td></td>
<td>• It must immediately be reported to your superior (Principle 6).</td>
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<td></td>
<td>• Arrange that medical aid is provided to anyone injured as a result of the use of the firearm. (Principle 5).</td>
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<td>• As soon as possible, inform the relatives, friends or family of the person injured (Principle 5).</td>
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<td></td>
<td>• Go for stress counselling (Principle 21).</td>
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<td>• File a report with your supervisor (Principle 22) and give a statement to the investigating officer.</td>
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Following the use of force and firearms, YOU will have to explain and justify your decisions and actions.

You are ACCOUNTABLE for your actions and the use of your firearm!
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<th></th>
<th>Use of force and firearms during protests/demonstrations.</th>
<th>Principle 13:</th>
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<td>• 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.</td>
<td>Principle 14:</td>
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<td>• 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.</td>
<td>• Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.</td>
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<td>• Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.</td>
<td>Principle 15:</td>
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<td>• 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.</td>
<td>Principle 16:</td>
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<td>• 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.</td>
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<td>use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in Principle 9.</td>
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<td>10. <strong>The right to refuse to obey orders to use force and firearms.</strong></td>
<td><strong>Principle 25:</strong></td>
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<td></td>
<td>• 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.</td>
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<td>11. <strong>The need to report, review and investigate UOFF incidents.</strong></td>
<td>• Following the UOFF there will be an independent investigation.</td>
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<td>• Persons affected and their legal representative shall have access to an independent review and judicial process.</td>
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1.6 COUNTRY LAW ON THE USE OF FORCE AND FIREARMS FOR SECURITY PURPOSES

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1.7 COMPANY POLICY AND PROCEDURE ON THE USE OF FORCE AND FIREARMS FOR SECURITY PURPOSES

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1.8 REPORTING ON THE UOF

When using force or a firearm, security personnel will be asked to explain and justify their decisions and actions.

This requires of you to:

- Make notes.
- Give a report over the radio or telephone to your control room.
- Immediately inform your supervisor.
- Complete and file a report.
- Write a statement, if needed.
- Follow-up with your supervisor to make sure he/she received the report.
- Work with any person asked to investigate the incident.

Q To whom do you report the use of force, and how?

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If you are unsure, ask your supervisor or manager.

My Notes

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2. **ACTIVITY: GREEN CARD, RED CARD**  
SCENARIOS AND DISCUSSION OF UOFF OPTIONS

1. You are presented with **scenarios** showing the use of force and firearms.

2. You **vote** on each scenario using your green and red card.

3. Consider your job, powers, local laws, and the use of force policies and procedures applicable to each scenario.

4. A **green** card is used to indicate that the force option and level used is lawful, and proportional.

5. A **red** card is used to indicate that the force option and level used is unlawful and non-proportional.

6. Use the questions below to reflect on each scenario.

**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?
3. **USE OF FORCE DURING ARREST AND CONTAINMENT**

In *Module 3: Roles and Responsibilities* we already discussed the rights of persons being arrested or detained. Let’s use some time now to take a closer look at the use of different force options and levels to arrest or contain a suspect.

**QUIZ AND DISCUSSION**

Q  What are the rights of a person **before**, **during**, and **after** arrest?

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Q  Do we have to use force to arrest a person?

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______________________________________________________________
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Q  When will you use force to arrest a person?

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Q  What means/ force options do you have to arrest/ detain a compliant person?

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______________________________________________________________
______________________________________________________________

Q  What means/ force options do you have to arrest/ detain a non-compliant person that is unarmed?

______________________________________________________________
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Q  What means/ force options do you have to arrest/ detain a non-compliant person that is armed?

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3.1 Force Options for Arrest by Unarmed Private Security Personnel

Below is examples of force levels and options available to unarmed private security personnel to arrest a suspect.

The example suggests the use of professional presence, negotiation (dialogue and persuasion), verbal commands, and empty hand control techniques (e.g. restraining techniques) to arrest/detain a person. This excludes the use of any weapons or firearms – most likely because the security officers are not authorised to work with weapons and firearms.

All security personnel have these primary force options to arrest/ contain/ detain a person.

The better you are at using these force options, the better your chance to arrest or bring a suspect under control, using minimum force.
3.2 FORCE OPTIONS FOR ARREST BY PRIVATE SECURITY PERSONNEL WITH DEFENSIVE EQUIPMENT (NO FIREARMS)

Below is examples of force levels and options available to private security personnel with defensive equipment, and no firearms, to arrest or bring a suspect under control.

This example suggests the use of professional presence, negotiation (dialogue and persuasion), verbal commands, and empty/soft hand control techniques (e.g. restraining techniques), hard hand control techniques, incapacitating chemicals (i.e. pepper spray), and a baton, to arrest/bring a suspect under control. This excludes the use of any weapons or firearms – most likely because the security officers are not authorised to work with weapons and firearms.

The use of defensive equipment such batons can result in serious injury and a blow to the head can be fatal.

In this example, security officers should be trained in:

- Verbal commands
- Soft and hard hand control techniques
- Use of pepper spray (including decontamination procedure)
Use of batons (and potential injuries)
Basic first aid (to give medical support to injured suspects)

In this example security officers should also consider using empty/soft hand control techniques and hard hand control techniques, before resorting to the use of pepper spray, and finally, batons.

3.3 Force Options for Arrest by Armed Private Security Personnel and Public Security Forces (With Defensive Equipment and Firearms)

In this example we see force levels and options for use by armed private security personnel and public security forces that are trained and authorised to use defensive equipment and firearms.

Since security personnel are armed and authorised to use defensive equipment and firearms, they have the ability and discretion to use firearms to arrest dangerous or armed suspects and persons, provided that this is done in compliance with country laws on arrest and the use of force and firearms.

In cases where security personnel are authorised, equipped, and trained to use defensive equipment and firearms, their use should, as far as possible,
always be preceded by the use of non-lethal force options and minimal force options.

The fact that you have access to defensive equipment and firearms does not imply that you can use them as you want.

In this example, security officers should be trained in:

- Laws guiding the use of force, weapons and firearms
- Soft and hard hand control techniques
- Use of pepper spray (including decontamination procedure)
- Use of batons (and potential injuries)
- Use of firearms (including safety training, licensing, and the effects of different types of ammunition)
- Basic or advanced first aid (to give medical support to injured suspects)

If private security personnel do not have the authority to use defensive equipment and firearms, then they should call their local law enforcement agency for support.

**REFLECTION**

Q Are you authorised to use any defensive equipment or firearms to arrest or detain a person?

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Q What types of defensive equipment or firearms are you authorised to use?

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Q When may defensive equipment and firearms be used to arrest or detain a suspect?

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Q What type of training would security personnel with these force options require?

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**KEY POINTS TO REMEMBER**

1. Force used to arrest or bring a suspect under control must always proportional, lawful, and necessary. Remember to apply the PLAN principle.

2. To have different means/force options you need to have the necessary security equipment and training to use such equipment.

3. The use of firearms should always be a last and final force option and those working with firearms must also have access lesser-force options and defensive equipment such as pepper spray and batons.

4. Only use the force options and the security equipment that you are authorised and trained to use.

5. Ask your supervisor to explain the use of force options and the use of force continuum that applies to your security duties.

**DEMONSTRATION**

**Activity 1: Arresting or bringing an unarmed compliant suspect under control**

Demonstrating the use of professional presence, negotiation, dialogue, persuasion, verbal commands and empty/soft hand control techniques to arrest or bring a compliant suspect under control, with handcuffs.

**REFLECTION**

Q What would you have done different to arrest or bring the suspect under control? Explain.

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Q What did we do to ensure that the minimum force was used to arrest the suspect?
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Q What did we do to ensure that the rights of the suspect were respected during his/her arrest?
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Activity 2: Arresting or bringing a dangerous, armed suspect under control

Demonstrating the use of professional presence, negotiation, verbal commands, empty hand control techniques, defensive equipment, and a firearm, to arrest and bring under control a dangerous suspect. This excludes the use of lethal force.

REFLECTION

Q What would you have done different to arrest or bring the suspect under control? Explain.
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Q What did we do to ensure that the minimum force was used to arrest the suspect?
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Q What did we do to ensure that the rights of the suspect were respected during his/her arrest?
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4. USE OF FORCE DURING PROTESTS

In *Module 3: Roles and Responsibilities* we already discussed the rights of protestors. Let’s use some time now to take a closer look at examples of force options available for protests, assemblies and crowd control.

4.1 PROTESTS AGAINST THE COMPANY

People have a right to participate in *lawful and peaceful protests* and to voice their grievances, in accordance with the principles embodied in the *Universal Declaration on Human Rights* and the *International Covenant on Civil and Political Rights*, and according to the laws and process of the country.

If the protests are *unlawful and/or violent*, then public security forces may be called to intervene in the interest of public safety, employee safety, or to enforce a court order that prevents protestors from further disrupting and harming company business operations.

Companies who is committed to doing business with respect for human rights, wish to work with aggrieved individuals and groups to try and find mutually acceptable solutions to their grievances, and by doing so, try and prevent demonstrations/protests that have the potential to result in security conflict situations with private security and public security forces.

Such an approach requires companies, private security providers, and public security forces to *work closely together when dealing with protestors* – before, during and after dealing with protestors.

4.2 BEFORE DEALING WITH PROTESTORS

Before dealing with protestors, we need to:

- Understand the reason/ root cause(s) for the protest, as well as the demands
- Know who is leading the protest and can we negotiate?
- Determine if the protest is lawful, unlawful, peaceful or violent protest
- Try to avoid doing things that can escalate further levels of violence
☐ If unlawful, but peaceful, consider if you really need to intervene

☐ Consider the rights of the protestors vs the rights of the company

☐ Understand if the protest is taking place on company property or in public space

☐ Determined who is mandated by law to deal with protestors and do crowd management

☐ Determine if you are appropriately equipped and trained to deal with the protest. If not, who is?

☐ Understand the role of company vs private security vs private security in dealing with protestors

☐ Clarify the security objective: To monitor, block, isolate, arrest, control, and/or disperse protestors?

☐ Have a plan and know who is in charge

☐ Ensure that your use of force protocol includes the use of lesser force options

☐ Have a communication plan and mechanism in place between company, private security and public security forces

☐ Brief all security partners (i.e. company, private security personnel and public security forces) on the plan and ensure they understand their respective roles and responsibilities

☐ Notify emergency response services to be ready to give medical support

☐ Maintain a log to record all decisions, actions and outcomes
4.3 Principles Guiding the Use of Force During Protests

If the assembly is **lawful and peaceful**:

- Monitor and observe the situation.
- Use no force.

If the gathering is **lawful (there is permission) and violent**:

- Consider to negotiate with, and disperse the crowd.
- Use only the force needed to disperse the crowd.

If the gathering is **unlawful (there is no permission) and violent**:

- Intervene, and disperse the crowd using approved tactics and techniques of crowd control.
- Use only the force needed to disperse the crowd.

If the gathering is **unlawful and peaceful**:
• Be tolerant and continue to observe the behaviour of the crowd.

If the situation becomes violent:

• Law enforcement officials or authorised public security personnel (forces) will have to intervene and use force.

Remember that having to use force to disperse an assembly or crowd does not exempt law enforcement officers from respecting the human rights of persons assembled.

4.4 PRINCIPLES GUIDING THE USE OF FIREARMS DURING PROTESTS

In terms of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers -

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

- 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.

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4.5 COUNTRY LAW ON THE USE OF FORCE AND FIREARMS FOR PROTESTS

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4.6 COMPANY POLICY AND PROCEDURE ON THE USE OF FORCE AND FIREARMS FOR PROTESTS

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4.7 Force options for crowd control by armed public security forces

The example includes force levels and options for use by armed public security forces that are equipped, trained and authorised to use deal with protests.

In this example, public security forces should be trained in:

- Laws guiding the use of force, weapons and firearms for protests
- Soft and hard hand control techniques
- Use of smoke and pepper spray (including decontamination procedure)
- Tactical maneuvers with defensive equipment such as batons, shields, and helmets
- Use of specialized equipment such as barbed wire and water cannons
- Firearms training and the use of rubber ammunition
- Basic first aid (to give medical support to injured protestors)
5. **Activity: Discussion and Scenario on the Use of Force During Protests**

1. Your facilitator will introduce you to a five-part scenario requiring you to reflect on force options and the use of force in response to protests.

2. The various parts expect you to make a clear distinction between the duties and responsibilities of public security forces and private security personnel in dealing with protests.

3. You will also be required to reflect on:

   - The rights of the protestors, mining company, community, employees and security personnel.
   - The principles guiding the Use of Force and Firearms on protestors.
   - Relevant country laws and company policy and procedures.
   - Force options to deal with protestors.

4. Throughout the scenario, you need to apply the five steps for the use of force:

   ![Diagram of the five steps for the use of force]

   **Part 1: The meeting**

   **Q** What are the rights of the community members?

   ________________________________________________________________
   ________________________________________________________________
Q What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with the ‘protestors’?

Part 2: The protest

Q What are the rights of the protestors?

Q What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 3: Public disorder

Q What are the rights of the protestors?
Q What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 4: Finding the manager

Q What are the rights of the protestors?

Q What are the rights of the mining company?

Q What are the rights of the employees?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?
Part 5: Chaos

Q  What are the rights of the protestors (including the injured)?

Q  What are the rights of the mining company?

Q  What are the rights of the employees?

Q  What are the roles and responsibilities of private security vs public security forces?

Q  What force options do you have available to deal with the situation?

Q  How do you suggest we deal with this situation?

Q  What would you have done different? Explain.
CONCLUSION

This module introduced you to some basic principles and guidelines for the use of force (UOF) by all security personnel who support company security operations.

You have to ensure that you use force according to the laws of your country.

You also have a responsibility to make sure that you use force according to the company’s security policies and guidelines. Only use force if you are AUTHORISED to do so and never use more force than what is NECESSARY to achieve your objective.

Remember that the UOF limits basic human rights such as the right to life, liberty, and security.

If and when you use force, you need to immediately report it to your supervisor who has a responsibility to make sure that it is reported to relevant managers and the local authorities.

Remember:

Think before you act.

ALWAYS use the PLAN principle.

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