



LAWFUL USE OF FORCE, FIREARMS AND LESS-LETHAL WEAPONS, AND MEANS OF RESTRAINT

This is resource note 6.1 of the CTI practical Police Resource Toolkit for professional, human rights-compliant Policing.

BACKGROUND

1. The Code of Conduct for Law Enforcement Officials, the United Nations Basic Principles on the Use of Force and Firearms (BPUFF), the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (henceforth referred to as the Nelson Mandela Rules), and other international standards provide that there may be exceptional circumstances under which law enforcement officials may have to use force in order to preserve life, to prevent a crime, or to secure arrest. Yet, while it may sometimes be unavoidable as a last resort to use a range of force options –including firearms and lethal force, so called ‘less lethal’ weapons and ‘less lethal’ force, and restraints¹ –in order to prevent a more serious occurrence than that caused by the State’s reaction, their use must be exceptional and abide by international human rights law and UN standards and norms in crime prevention and criminal justice.
2. In particular, the following principles must be followed, including:
 - a) **Legality:** It serves a legitimate law-enforcement objective as established by law; it is in accordance with the law or with the principles the law regards as appropriate (Principle 1, BPUFF).
 - b) **Necessity:** It is necessary; force may only be resorted to when non-violent means such as persuasion, negotiation and mediation remain ineffective or have no promise of achieving the intended legitimate law-enforcement objective. There is also a need to use the minimum necessary force (lowest amount) in the prevailing circumstances (Article 3, UN Code of Conduct and Principle 4, BPUFF).
 - c) **Proportionality:** When the use of force is proportionate to the seriousness of the offence and the legitimate law-enforcement objective to be achieved. Force is proportionate when only the minimum force necessary to achieve the required objective is employed (Principle 5(a), BPUFF).
 - d) **Non-discrimination:** Law enforcement officials are to respect and protect the human dignity and human rights of all persons, without discrimination on the basis of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In using force, the principle of non-discrimination entails assessing whether force is used against a person out of prejudice

¹ Less lethal weapons (or non-lethal incapacitating weapons, as the BPUFF refers to them) are usually understood as weapons intended to incapacitate without causing death or serious injury – although such outcomes can indeed result from the use of such weapons. Similarly, the distinction between firearms and lethal force is an important one here, and recognises that firearms are not the only form of force that can be lethal.

or with discriminatory intent (Article 2, Code of Conduct and Article 26, International Covenant on Civil and Political Rights).

- e) **Precaution:** Law enforcement officials should take precautions to avoid or minimise the use of force when planning law-enforcement operations. This includes clear instructions and conditions for the use of force and weapons, assessing associated threats and risks and carefully considering when the escalation of force is necessary, in order to minimise damage. (Principle 5(b), BPUFF).²
 - f) **Accountability:** A system of accountability in which law enforcement agencies are held accountable for the fulfilment of their duties and their compliance with the legal and operational framework. It entails investigating any unlawful or excessive use of force and punishing it as a disciplinary and/or criminal offence. This means that not only the individual law enforcement official must be held accountable for their actions and omissions, but also all superiors who give orders to, supervise or otherwise command and control law enforcement officials, or who are responsible for the planning and preparation of law enforcement operations, as well as the agency as a whole (Principles 5, 6, 10 and 11, BPUFF).
3. Discrimination of any kind is impermissible. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) specifically lists discrimination of any kind as one of the prohibited purposes for an act to qualify as torture – and it has been noted that States must adopt both reactive and proactive measures to tackle it within law enforcement operations, including those where force may be used.³ As mentioned above, as far as possible, the use of force by State agents should be prepared and planned so as to minimize harm.⁴ The Inter-American Court of Human Rights has also noted that proportionality is related to the planning of preventive measures.⁵ The BPUFF also state that less lethal weapons should “increasingly restrain the application of means capable of causing death or injury to persons”, and should be carefully controlled and evaluated.
4. Such principles underscore that responsibility for the use of force is not held only by the individual law enforcement official attending a particular incident. Instead, it goes much further to encompass the role of the State and decisions made by State representatives long before a particular use of force incident takes place. As such, amongst other issues, safeguards should cover the selection and testing of weapons, the issuing of such weapons and defensive equipment to officers, the guidance and training given to officers, and accountability and post-incident procedures adopted after force is used.

² See also, report of the (former) Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, A/HRC/26/36, para. 63, available at: <https://bit.ly/46VEa66>.

³ *ibid*, para. 74.

⁴ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on “Extra-custodial use of force and the prohibition of torture and other cruel, inhumane or degrading treatment or punishment” (2017), UN Doc A/72/178, para. 5, available at: <https://bit.ly/3GHMZpM>.

⁵ Inter-American Court of Human Rights, Case of Nadege Dorzema et al. v. Dominican Republic (2012), para. 87, available at: <https://bit.ly/41oxQq8>.

SAFEGUARDS, PROCEDURES AND RECOMMENDED PRACTICES

5. This non-exhaustive list of safeguards may be helpful in preventing excessive force and enhancing accountability after force has been used. It is ordered chronologically: Section 1 looks at safeguards *prior* to the use of force; Section 2 looks at safeguards *during* a use of force incident, being sub-divided into guidance around firearms and lethal force, less lethal weapons and restraints; and Section 3 looks at safeguards *after* the use of force.

Section 1: Safeguards prior to the use of force

Prohibit weapons which have no use other than torture and other ill-treatment

Not every weapon is appropriate for use in law enforcement, and some items of equipment have no use other than to inflict severe pain and suffering amounting to torture or other cruel, inhuman or degrading treatment and punishment (other ill-treatment). The Nelson Mandela Rules prohibit the use of “chains, irons or other instruments of restraint which are inherently degrading or painful” and several regional standards regulate the use of certain equipment.⁶

Legislators, policy-makers and senior police officers should clearly prohibit the use of such items for law enforcement officials. This should include prohibiting officers from using, while on duty and acting in a professional capacity, any equipment and weapons that they may be able to legally own in a personal capacity (for example, in some countries it may be legal for civilians to possess a variety of weapons, ostensibly for self-defence purposes). Instead, they must only carry weapons, ammunition and restraints provided under the rules and regulations of the institution to which they belong and on which they have been appropriately trained. Officers in charge of weapons procurement should also ensure they do not inadvertently procure such weapons (please also see the following section on selection, testing and weapons review).

Prohibit use of force techniques and practices which amount to torture and other ill-treatment or have proven to be particularly problematic

It is considered good practice to specify circumstances or cases when the use of force is not lawful and therefore is prohibited. In cases where there are particular patterns of abuse, detailed, illustrative examples of the kind of behaviour that is prohibited can be helpful in underscoring the prohibitive nature of such acts. Senior police officers should consider whether, in addition to any acts that may be specified in law, there are any regulations they could issue locally to combat, for example, patterns of abuse in their area. However, such lists should not be interpreted narrowly, nor be expected to provide an exhaustive list of all acts which could constitute torture, other ill-treatment or otherwise excessive use of force.

⁶ See for instance, the [Regulation \(EU\) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment](#), which clearly sets out a list of goods which have no practical use other than for the purposes of torture and other ill-treatment, and prohibits their import and export; the [Council of Europe Committee of Ministers Recommendation CM/Rec\(2021\)2 to member States on measures against the trade in goods used for the death penalty, torture and cruel, inhuman or degrading treatment or punishment](#) and Principle 14 of the 2002 [Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa](#).



Uganda

The [Prevention and Prohibition of Torture Act, 2012](#) (Second Schedule, paragraph 1) sets out a list of ‘Acts constituting torture’. These include activities such as “systematic beating, head banging, kicking, striking with truncheons, rifle butts jumping on the stomach”, “electric shocks” or “being tied or forced to assume a fixed and stressful body position”.



United States of America

California’s [Assembly Bill No. 1196](#) of 2020 states that “a law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency”. The New York Police Department’s Patrol Guide prohibits “the use of restraints to ‘hog-tie’ (restraining person by connecting or tying rear cuffed hands to cuffed or shackled ankles or legs) subjects.”

Selection, testing and weapons review

States, policy-makers and senior law enforcement officials involved in procurement should ensure that the acquisition of new weaponry with which they may be involved is strictly necessary; meets a clear need; fills a legitimate gap in law enforcement capacity that existing equipment is unable to meet; and, is compliant with human rights laws and standards. Further, once a clear need for a new instrument of force has been identified, officials should ensure, and be satisfied that, less lethal weapons are carefully evaluated, subjected to detailed legal review and have rigorous, independent testing and selection processes. Weapons reviews should cover the environmental, medical and other impacts of the weapon, including the nature and severity of injury, pain and suffering associated not just with the intended use of the weapon, but with the other ways in which it can be reasonably expected to be used, and should involve experts from various disciplines.⁷

Senior law enforcement officials should not consider this an isolated process but should keep ethical issues associated with the use of force under constant review so that, for example, they can identify if the weapon is being used in unexpected ways. They should also ensure that officers are issued with self-defensive equipment in order to reduce the need to use weapons of any kind (see Principle 2, BPUFF).



United Kingdom

In England and Wales, the College of Policing’s [Code of Practice on Armed Policing and Police Use of Less Lethal Weapons](#) states, in part, that “new less lethal weapon systems and significant changes to pre-approved less lethal weapons systems will require approval by the Home Office before they can be used by police forces in England and Wales. [...] As part of the approval, evaluation and assessment process for such weapons the following must be considered, and will include, where appropriate: a needs analysis, determination of operational requirement (and) independent (of the manufacturer) technical and medical assessment (to include capability, limitations effect and lethality) operational performance trials”. The Code also notes that the “approval process will take into account relevant strategic, ethical, operational and societal issues”.

⁷ See above, Report of the Special Rapporteur on torture (2017), op cit. 4, para. 60.

Storage and issuing of weapons

Senior officials should ensure there are robust and secure procedures in place for storing, issuing, recording and accounting for weapons and ammunition issued to officers, and that weapons and ammunition are regularly checked, with out of date and/or unsafe equipment removed.

They should also ensure officers are able to voice concerns they may have about the weapons they are given, and the testing, selection and other processes around them, with these concerns acted on where appropriate, and with policies in place to protect whistle-blowers. For example, police officers in various countries worldwide have previously raised concerns around the alleged purchase of automatic weapons despite no department policies for their use, the danger of untrained officers using such weapons, and concerns about storage, amongst other areas of concern.



UN Coordinating Action on Small Arms

The [UN Coordinating Action on Small Arms](#) (CASA) deals with the issue of firearms storage specifically and recommends that weapons are stored in an armoury, a secure room or a secure cabinet and that risk assessments of these arrangements are carried out. It further stresses, amongst other issues, the need to regularly check the stocks of firearms that are being held in the secure facility, and the importance of reporting, and independently investigating, any losses that may occur. It also stresses the importance of effective record keeping, noting that there should be a register documenting the removal of firearms, and that this must only be done by authorised officials. It is good practice to apply such processes to all weapons and restraints issued to officers, irrespective of whether they are considered lethal or less lethal.

Human rights-compliant standards for the use of force

Senior law enforcement officials should provide officers with clear and specific regulations (sometimes referred to as guidance, or as standard operating procedures) on the use of force and specific weapons. These must always respect the State's obligations under international and national laws and carefully define in which situations law enforcement officials are allowed to use force as well as the use of firearms and less-lethal weapons such as projectile electric-shock weapons or restraints. While the precise content of the guidance will differ for each type of force, in general, guidance should underscore that the use of force (and the use of the weapon in question) should be proportionate, lawful, strictly necessary, accountable and should be planned, prepared and conducted so as to minimise harm. In the interests of transparency, accountability and public confidence in policing, the guidelines governing the use of force should be made publicly available.

Senior officers should ensure, in addition, that guidance contains the following equipment-specific measures. Both senior managers and officers are responsible for ensuring that these are followed in circumstances where force is used, and that officers are held to account in circumstances where that does not happen.

On firearms and lethal force

International standards provide that lethal force (including but not limited to firearms) can only be used to protect life, when other, less harmful measures are inadequate. Hence firearms and lethal force should be used only in response to a specific threat which is immediate or imminent (i.e. "a matter of seconds, not hours"), and when unavoidable (i.e. other, lesser means have not been effective or it would not be possible

to try them, and the use of such force is unavoidable), and when necessary to “protect life” (i.e. “a life may be taken intentionally only to save another life”).⁸



Nigeria

The [Nigeria Police Force Order 237](#) requires “an imminent threat of death or serious injury to the officer or others [...]” and provides a detailed definition of ‘imminent threat’ to comprise threatened actions or outcomes [...] which could reasonably be expected to cause death or serious bodily harm immediately or before the imminence of such a threat can be eliminated by the police



South Korea

The South Korean Rules on the Standards of Exercising Police Force of 2019 restricts police use of ‘high risk physical force’, including firearms, to incidents in which a subject presents a risk of imminent and serious harm to the life or body of a police officer or a third party.



Indonesia

The [Regulation of the Chief of the Indonesian National Police Number 8 of 2009 regarding the Implementation of human rights principles and standards in the discharge of duties of the Indonesian National Police](#) states that “the use of firearms shall be allowed only if strictly necessary to preserve human life” and that police officers may only use firearms “when facing extraordinary circumstances”, for self-defense or in defense of another against a threat of death or serious injury, or to prevent a crime or other actions that threaten the life of others “where more persuasive measures are inadequate”.

On Less-lethal weapons and restraints

Guidance on less-lethal weapons and restraints should, amongst other elements, include:

- International (and, where relevant, regional) human rights norms and standards around the weapon, including any thresholds set for use and/or cases where its use may be inappropriate. One example of regional guidance includes the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) standards on electrical discharge weapons](#). An example of international guidance can be found in the Nelson Mandela Rules.
- The specific features of the weapon, restraint or other use of force technique, authorised for use, including details of the precise model (where relevant); the risks, human rights, medical and other issues surrounding it; and the measures that should be taken in such circumstances. This may include, for example, prohibitions of use against vulnerable groups, prohibitions on use in particular circumstances, and/or prohibitions on particular use of force techniques. For example, using force on someone who has been restrained, handcuffed or is otherwise under control. Law enforcement officials should never use force in such circumstances, unless in self- defence or defence of others against an imminent threat.

⁸ See the BPUFF, as well as the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (2014) op. cit. 3, point 60.

- A reminder that, in cases where it is necessary to use force, each and every use of force must be separately justifiable - for example, multiple baton strikes should not be used if one would be sufficient.
- It should also include the aftercare requirements and medical considerations post-incident, as well as any accountability mechanisms or post-incident procedures that may be specific to that particular weapon. For example, in Northern Ireland, regulations and orders provide, amongst other measures, that the canister of CS spray (one of the most common chemical irritants, commonly known as teargas) will be weighed before being issued to the officer, and when it is handed back in. On occasions where the CS spray is used, as well as the weight of the canister being recorded, it should be placed in a tamper evidence bag, with the serial number and date noted on the front.⁹

In addition, Rules 43 and 48 of the Nelson Mandela Rules set out useful principles with regards to the use of restraints on prisoners, specifically, including that:

- They shall only be used when authorised by law and “as a precaution against escape” or “in order to prevent a prisoner from injuring himself or herself or others or from damaging property” and shall “never be applied as a sanction for disciplinary offences”.
- Restraints should only be used if “no lesser form of control would be effective to address the risks posed by unrestricted movement”.
- “The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the prisoner’s movement, based on the level and nature of the risks posed”.
- Restraints shall only be applied “for the time period required...(being) removed as soon as possible after the risks posed by unrestricted movement are no longer present”.

It is also good practice for States to recognise that restraints and handcuffing, in and of itself, constitutes a use of force and to treat it accordingly.



Nigeria

Section 5 of the [Nigerian Administration of Criminal Justice Act, 2015](#) states that “a suspect or defendant may not be handcuffed, bound or be subjected to restraint except a) there is reasonable apprehension of violence or an attempt to escape; b) the restraint is considered necessary for the safety of the suspect or defendant; or c) by order of a court”. It also provides that there shall be ‘no unnecessary restraint’.



United Kingdom

In England and Wales, a [use of force monitoring form](#) is to be filled out by police officers whenever handcuffs, or any other form of restraint, such as limb restraints, are used. This includes cases that have been described as ‘compliant handcuffing’, for example, cases in which the person is (apparently) not contesting or resisting the application of handcuffs.

⁹ Police Ombudsman for Northern Ireland (2011) *Analysis of Complaints involving CS spray and its use by the PSNI: 1st April 2004 – 31st March 2010*; Police Ombudsman for Northern Ireland; Belfast, p18. Please note that CS is the commonly used abbreviation for the chemical irritant 2 - chlorobenzylidene malononitrile.

Training

Senior officers and trainers should ensure officers are given appropriate training on the use of force, including the specific weapons and restraints with which they will be equipped, and the associated risks. They should also ensure that they are tested against, and able to meet, proficiency standards on the use of force. However, training should not just focus on the use of force: indeed, training must make clear that force should be a last resort and avoided wherever possible, and should equip officers with the skills to do this. As such de-escalation training should be a key part of the curriculum. Indeed, the BPUFF also states that officer training shall also include police ethics and human rights, alternatives to the use of force and firearms and methods of persuasion, negotiation and mediation to limit the use of force. Similarly, the [African Commission Resolution 474 on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States](#) from 2021 notes the importance of human rights training for law enforcement officers as well as efficient mechanisms to follow up on human rights compliance by the police.

As well as classroom input, training should include scenario exercises, based on incidents that officers are likely to encounter in the course of their duties. It is also good practice to include the voices of affected communities in the training, so that officers can better understand the impact that their actions, up to and including force, may have on members of the public and on trust and confidence in the police more broadly.

Alongside initial training, regular refresher training should be provided. It is good practice to ensure that police officers are assessed as part of the training, that training is pass/fail, in order to ensure that officers who are unable to handle potentially violent incidents safely are not given public facing duties, and that records are kept of training.

Trainers should ensure that the curriculum, and the training they deliver, fully covers these topics, and should regularly review the training in light of notable incidents, court cases, inquests and incidents of concern, including but not limited to deaths following police use of force. The effectiveness of such training in preventing torture and other cruel, inhuman or degrading treatment or punishment and other human rights violations should also be regularly monitored.



United States of America

A review of de-escalation training (specifically the 16-hour 'Integrating Communications Assessment and Tactics' training package developed by the Police Executive Research Forum) delivered within the Louisville Metro Police Department found that it "improv(ed) officers' attitudes and reduc(ed) the frequency of use of force and resulting injuries to both officers and members of the public". The review also recommended that "changes in de-escalation training are reinforced in policies, emphasized through direct field supervision, and supported through an established managerial accountability system".



United Kingdom

In England and Wales, the oversight body Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has [commended](#) "innovative practice in West Midlands Police involving the use of members of the public in personal safety training. This allows members of the public, including young Black males, to speak to officers during training about their experiences of having force used on them, to help officers and staff think about and understand the impact of their actions".

Section 2: Safeguards during a use of force incident

Prior planning

Where possible, senior officers should plan police operations in advance, in order to avoid, where possible, putting officers in circumstances where they will have to use force, and to minimise the harm (physical and psychological) caused in such operations. This should include planning on how to apply non-violent means before the use of force, as far as possible. Senior officials, and those in charge of planning, should also be aware of, and have in place, back up options and contingencies should the incident not proceed as expected and/or should a medical emergency develop.

More broadly, it is also good practice for police leaders and officers to build up links and joint understandings, both formal and informal, with other agencies (for example, medical services for mental and physical health). This can help to ensure stronger communications, and more coordinated action, before, during and after particular incidents to help avoid the use of force. This could include other services (such as mental health professionals) leading on particular incidents, including providing early intervention where possible/appropriate, and developing clarity as to when police involvement may not be needed or may be counterproductive.



Eswatini

In Eswatini, public health and the police have been co-located in a joint centre, in order for information to be shared between agencies and joint working strategies and approaches to be developed between the police and public health officials.

Use of de-escalation measures

In cases where, despite prior planning, the use of force may initially appear necessary, officers on the scene should make all reasonable efforts to avoid using force, including via de-escalation and communication skills. These could include, but are not limited to, giving the person space and time, using verbal and non-verbal communications and active listening skills, demonstrating empathy and using emotional self-regulation to ensure their responses are not inadvertently escalating the situation. Officers on the scene, and those commanding them, should take into account factors, such as mental ill-health, language difficulties, communication barriers, age and other considerations that may make the person additionally vulnerable, or may mean that they struggle to respond to engagement by the officer. When dealing with groups that have subjected to higher levels of police violence due to discrimination or exclusion, officers should consider previous individual and collective trauma and appreciate that prior experiences with police officers may lead to a range of reactions and engagement styles. In these cases, officers should adapt their behaviours as needed. Please also see the chapter on arrest for further discussion.

In so doing, officers on the scene, and those commanding them, should remember that not all incidents need to be dealt with straight away either by the officer on the scene or, indeed, by law enforcement agencies at all. Officers on the scene, and those commanding them, should consider whether it may be appropriate for officers to remove themselves from the incident altogether (either for a short or a longer period of time), for the incident to be handled by a different police officer who may have a better rapport with the member of the public, and/or to be handled by an alternative service, such as a mental health team.

Warnings

Should the incident progress to a point where use of force may still appear necessary and unavoidable, officers should give clear warnings, unless it is clearly inappropriate or pointless to give warnings under the circumstances, and should clearly and succinctly state the course of action they require the member of the public to take. The member(s) of the public should be given sufficient time to understand and react to the warning. It should be remembered that, under situations of high stress, auditory exclusion¹⁰ may mean that warnings may need to be given multiple times before they are received and understood.

If multiple officers are present at a scene, they should train and co-ordinate in order to avoid the confusion that may arise if multiple officers give warnings and (sometimes conflicting) orders simultaneously. Due to multiple risks, including the risk of hitting uninvolved bystanders, warning shots should never be used.

Officer responsibility in circumstances where force is used

In cases where force is used, it must be used in accordance with international and national laws, norms standards and regulations. Officers should also ensure that they can be clearly identified during the exercise of their policing duties, including in incidents involving the use of force. This could be done by, for example, the display of unique identification numbers or alpha-numeric indicators.

However, ensuring appropriate use of force is the responsibility of all officers. All staff involved in, or witnessing use of force, have a duty to intervene immediately in cases where the force used is excessive or otherwise inappropriate, as well as to report the incident to superiors and external agencies. This should be clearly spelt out in law and in local regulations and it should be made clear that officers who fail to intervene could face a range of sanctions, up to and including dismissal from the police and criminal charges.

Supervisors should also routinely conduct reviews following incidents involving the use of force, or where force could have been used but was averted, including viewing body worn camera footage (discussed in more detail in the next section). This will help to identify officer behaviours that could usefully be altered in future to help prevent the use of force, to identify and remove officers who are not safe to undertake a frontline policing role as well as to identify areas of good practice.¹¹



United States of America

Some regulations state that officers have a duty to intervene if they perceive that force used by other officers is excessive or otherwise inappropriate. In the United States, 72 of the 100 largest police agencies have duty to intervene policies, many adopted since the murder of George Floyd.¹² For example, the [New York City Police Department Patrol Guide](#) states that ‘members of the service are required to maintain control or intervene if the use of force against a subject clearly becomes excessive’.

¹⁰ Auditory exclusion is a form of temporary loss of hearing occurring under high stress. As such it is related to tunnel vision and “the slowing of time in the mind”. Auditory exclusion happens as a result of the physiological effects of the acute stress response, specifically an increased heart rate.

¹¹ CCJ Task Force on Policing (2021) De-escalation Policies and Training available online at <https://bit.ly/3GDDdoA>.

¹² CCJ Task Force on Policing (2021) Duty to intervene: Policy Assessment <https://bit.ly/3NIEgNJ>.

Section 3: Safeguards after the use of force

Medical attention

Prompt medical attention can be crucial to minimising injuries following the use of force. Officers should be given first aid training and must ensure that assistance and medical aid are provided to the recipient of force at the earliest possible moment. Attention should also be paid to medical care and other forms of support for officers involved in use of force incidents. Senior officers should also provide (or liaise with other staff to provide) post-incident support for officers where necessary, attending to the physical, psychological and emotional wellbeing of the individuals involved, and create cultures where officers are encouraged and feel able to ask for support. This is particularly important given the high rates of trauma, post-traumatic stress disorder (PTSD), anxiety and depression experienced by police officers. Senior officers should also encourage officers to engage in post-incident reflection and learning after difficult situations, especially for incidents where force has been used.



United States of America

The Seattle Police Department's policy requires that "when safe and feasible, officers will request a medical aid response for any apparent injury, complaint of injury, or sign of medical distress for subjects and others even if the aid is declined". In addition, "after requesting a medical aid response, officers will render aid within the scope of their training unless aid is declined". This is also regulated by the Federal Department of Justice Policy on the Use of Force which provides an Affirmative Duty to Render Medical Aid: "Officers will be trained in, and must recognize and act upon, the affirmative duty to request and/or render medical aid, as appropriate, where needed".



South Africa

The National Instruction 18/1998 of the South African Police Service states that every police officer who is exposed to a traumatic incident while on duty, should receive a debriefing. This should include a medical team of doctors and specialists on request in order to support officer health and wellbeing.

Reporting, analysis and supervisory oversight

The BPUFF note that there should be a system of reporting whenever law enforcement officials use firearms in the course of their duties. They also note, moreover, that effective reporting and review procedures should be implemented not *only* in the case of use of firearms but also whenever the use of force has caused injury or death. It is considered good practice to report any use of force, including incidents that involve a show of force, such as the pointing of a firearm, or taser, at any person, and the use of restraints. Indeed, law enforcement officials should report when they use handcuffs, or other restraints, and account for the period of time the restraints were applied. It is also important to have detailed forms to systematize the reporting process and ensure that reports are reviewed by the supervising officer in order to identify any patterns or behaviours of concern at an early stage.

While important, simply collecting the data is not enough; there is a need to analyse and publish the data and take action where necessary. The UN Special Rapporteur on torture has [recommended](#) that "States should establish effective systems for monitoring and reporting on the use of force, and relevant information should be made accessible to the public, including statistics on when, against whom and through which means

force is used and on the resulting harm". As the [report](#) of the United Nations High Commissioner for Human Rights¹³ notes, States should also publish data, disaggregated by race or ethnic origin of the victims, law enforcement-related deaths and serious injuries and related prosecutions and convictions.



Jamaica

The Independent Commission of Investigations (INDECOM) [notes](#) that a verbal report must be made of any use of force to an officer's immediate supervisor as soon as is practicable. Use of physical force, including less lethal weapons and irritant spray, must also be documented in a written report. Supervisors must also provide monthly reports with statistics regarding usage and distribution amongst their team.

Accountability

Reporting is also essential to ensure accountability for any use of force that does not comply with international and national standards. Use of body worn cameras has shown some positive impact on the use of force and accountability for such use, but the evidence remains mixed.¹⁴ However, benefits, concerns and community views and perceptions about these technologies need to be carefully considered and any recordings made should be in compliance with international norms and standards as well as domestic privacy legislation.



South Africa

In 2014, the Western Cape Department of Community Safety (DOCS), an independent police oversight body, partnered with civil society organisations to pilot the use of body worn cameras by traffic officers in Cape Town. The assessment of the pilot found that BWCs could be used to "manage the behaviour of police officials" and found that further use of BWCs was necessary in order to protect officials against allegations of 'abuse, accusations, allegations, and bribery".

International standards stress the importance of internal and independent accountability mechanisms. The BPUFF (Principles –2 - 23) note that, in cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities. They also note that 'persons affected by the use of force and firearms or their legal representatives shall have access to an independent process' and that independent administrative or prosecutorial authorities must be in a position to exercise jurisdiction in such circumstances. Such review processes should be genuinely independent and, as noted above, there is an important role for such independent agencies in conducting broader data analysis.

¹³ Report of the United Nations High Commissioner for Human Rights, Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, 1 June 2021, UN Doc A/HRC/47/53.

¹⁴ See in particular the systematic review carried out by Lum et al. under the Campbell Collaboration: [Body-worn cameras' effects on police officers and citizen behavior - The Campbell Collaboration](#).



United Kingdom

The HMICFRS recommends that each police force has an external scrutiny group to provide ‘independent advice and challenge’ on a number of areas, including the use of force. These groups operate alongside, but do not replace, national oversight bodies such as HMICFRS and the Independent Office of Police Conduct. The HMICFRS [recommends](#) that these groups should ‘have memberships which represent diverse communities; (be)...provided with training and guidance... that senior police officers are engaged in the process, including following-up on actions; that actions are progressed and feedback provided... and that the membership is refreshed regularly’. They found that, while there was room for improvement in some cases, overall ‘the vast majority of forces had one or more forms of external scrutiny’ in place and noted evidence of good practice.



Mexico

In the Mexican state of Querétaro, it has been noted that the Department of Public Safety (*Secretaría de Seguridad Ciudadana*) has made “significant advances” in police accountability. This includes establishing three complementary oversight and accountability mechanisms: the Commission for Police Standards, the Honor and Justice Council, and the Commission of Police Careers—all of which involve the participation of local members of the public.

KEY RESOURCES: STANDARDS AND GUIDELINES

International standards:

- [United Nations Code of Conduct for Law Enforcement Officials](#), Adopted by General Assembly resolution 34/169 of 17 December 1979, Article 3.
- [United Nations Basic Principles on the Use of Force and Firearms](#), Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
- [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#).

UN reports and recommendations:

- [Report of the United Nations High Commissioner for Human Rights on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers](#) (2021), UN Doc A/HRC/47/53.
- [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions](#) (2014), UN Doc A/HRC/26/36.
- UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [Extra-custodial use of force and the prohibition of torture and other cruel, inhumane or degrading treatment or punishment](#). (2017), UN Doc A/72/178.

Regional standards

- [Regulation \(EU\) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.](#)
- Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [Electrical Discharge Weapons](#) (2010), CPT/Inf(2010)28-part.
- [Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture or Cruel, Inhuman or Degrading Treatment and Punishment in Africa \(The Robben Island Guidelines\) by the African Commission on Human and Peoples' Rights \(the African Commission\).](#)
- [Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa by the African Commission on Human and Peoples' Rights \(the African Commission\).](#)
- [Resolution on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States - ACHPR/Res. 474 \(EXT.OS/ XXXI\) 2021 by the African Commission on Human and Peoples' Rights \(the African Commission\).](#)

Key resources: Practical tools and manuals

- Omega Research Foundation, [Monitoring Weapons and Restraints in Places of Detention: A Practical Guide.](#)
- INDECOM (2018), [Caribbean Human Rights and Use of Force Model Policy.](#)
- United Nations Office of Drugs and Crime (UNODC) and Office of the United Nations High Commissioner for Human Rights, [Resource Book on the Use of Force and Firearms in Law Enforcement](#) (2017) United Nations, New York.
- Office of the United Nations High Commissioner for Human Rights (OHCHR), [Guidance on Less Lethal weapons in Law Enforcement](#) (2020), United Nations, New York.

Police and other law enforcement actors in all societies play an incredibly important role so that ordinary citizens can go about their daily lives without fear. Professionalism and integrity are fundamental for them to be able to perform their functions safely and effectively. Police and other law enforcement officials contribute to building a fairer administration of justice by maintaining law and order, preventing and responding to crime and keeping communities safe, while respecting and protecting the rights of suspects, victims and witnesses who come into contact with the criminal justice system. Their work is also central to the fight against torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment).

Despite a large volume of international, regional and national handbooks, guidelines and other tools on best police practices, awareness, accessibility and training on these standards by policymakers and police practitioners are still a challenge. The resource notes included in this practical resource toolkit for professional, human rights-compliant policing compile existing international law, standards, practices, guides and examples on best ways to improve performance and the protection of human rights. These resource notes can inform police reforms, improve efficiency, fairness and transparency in policing and law enforcement, and reduce risks and incentives to use torture and other forms of coercion.

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