Towards standards for the appropriate selection and use of less lethal technologies and restraints.

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Overview of presentation.

- About the Omega Research Foundation.
- About “use of force” project – framework for risks, including excessive force.
- Methodology used.
- Interim findings – feedback wanted!
- Questions and comments.
• MSP technologies, especially LL and restraints

• Monitor;
  – Market
  – Trade – expertise in trade control legislation.
  – Use - worldwide patterns of abuse/use .

• Awareness raising and advisory services to:
  – UN Special Rapporteur on Torture
  – Council of Europe CPT
  – European Commission
  – USA BIS
The “appropriate use of force” project.

- EC funded.

- Standards for policing equipment;
  - use and process.

- International standards valuable but out-dated.
Added value / methodology:

- Less lethal and restraints.
- Global perspective.
- Standardised approach.
- Multidisciplinary – plus NGOs unique perspective.
  - Expertise in trade law.
- Consult with and of interest to law enforcement.
Pull out recommendations of interest to public order policing in South Africa, looking at:

- Selection and testing
- Training
- Guidelines for use
- Evaluation
Article 2 of the Basic Principles:

- Governments and law enforcement agencies should develop “non-lethal incapacitating weapons for use in appropriate situations, with a view to **increasingly restraining the application of means capable of causing death or injury to persons**”.

- Less injurious than means currently available, not more!
Selection and testing procedure.

1) Needs assessment - set operational requirement.

2) Independent technical assessment against standards.
   • Accuracy.
   • Discriminacy – “uninvolved persons”.
   • Reliability.
   • Life-span.
   • Force no more than “strictly necessary”.
   • Forensic traceability.
Selection and testing procedure.

3) Independent human rights assessment.

4) Piloting.

5) Legally constituted – UK example.
Guidelines should:

• Be soundly based on regional and international law / norms
• Be published and publicly available.
• Establish a clear chain of command and decision making for equipment use
Guidelines should:

• Specify circumstances under which less lethal weapons can be carried and prescribe the types permitted.

• Contain minimum training requirements and provision for equipment only be used by trained officers.

• Regulate the control, storage and issuing of less lethal weapons, munitions and restraints.

• Provide for a system of reporting whenever law enforcement officials use less lethals and restraints.
Guidelines should:

Incorporate other BPUFF Article 11 provisions:
Training should:

- Be fully independent of commercial interests.

- Regular conceptual and operational training on international human rights standards.

- Enable users to think of less lethal systems as potentially lethal.

- Highlight vulnerable populations.

- Group dynamics.
Batons:

- Clear instruction on avoiding the most vulnerable parts of the body e.g. head, eyes, spine, kidneys.
- Circumstances under which potentially legal blows can be delivered should be made explicit.
- Should not be used on an individual who is under control
- Regular training particularly important with side-handled batons – 5 min drills?
Launched kinetic impact:


• Concerns exacerbated by multiple projectiles…

• …and by skip-firing (HOSDB 2008).

• Significant difference in advertised velocity (Applied Research Laboratory et al 2001).
Guidelines for use: Kinetic Impact.

• Only weapon systems that meet strict standards for accuracy approved for use.

• Consideration given to prohibiting skip firing.

• Use of single projectile systems considered.

• Point of aim / impact - waist / belt-buckle.

• Firing above here, or at less than minimum safe firing distance, restricted to immediate threat to life.

• Use limited to situations where officers are faced with an imminent threat of death or serious injury not contained by
Guidelines for use: Restraints.

Plastic handcuffs (often used for mass arrests)
• Risk of injury / nerve damage
• Purpose designed;

Recommendations
• Only specially designed plastic handcuffs should be used, and the handcuffs must be able to be loosened.
• Width and other design features based on medical evidence.
• At the earliest opportunity replaced with fabric alternatives
• When plastic cuffs are worn, the subject should be checked regularly
Other crowd control technologies:

Electro-shock.

Projectile devices - not suitable for crowd control.
• Risk of hitting others
• Panic / Stampede
• Concerns over timely provision of medical assistance,
• Issue of wires.

Stun batons and shields - not suitable at all, especially for public order.
• Chequered history – Tembisa.
• Don’t incapacitate.
Other crowd control technologies:

Riot control agents:

- Preference for targetable devices – impact rounds, stream.
- Concerns over launched devices
- Only used with ample exit routes in situations of collective violence.

Acoustic devices:

- Have use as loudhailer
- Devices with alert function classed as weapons
- Guidelines written accordingly.
Article 3 of the BPUFF states that the “development and deployment” of non-lethal incapacitating equipment should be “carefully evaluated”.

Such a system should involve:

- Reporting all incidents where force is used, and injuries to officers and public – especially new technologies.
- Longitudinal studies on particular technologies e.g. riot control agents.
- Assessment of adherence to guidelines.
- Spot-checks to ensure manufacturing quality.
Questions?

Thank You