



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

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- 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

- EC funded.
- Standards for policing equipment;
 - use and process.
- International standards valuable but out-dated.

- 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!

- 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.

- 3) Independent human rights assessment.
- 4) Piloting.
- 5) Legally constituted – UK example.

- 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

- 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.

Incorporate other BPUFF Article 11 provisions:

- 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:

- Highly inaccurate (HOSDB 2008, Applied Research Laboratory et al 2001).
- Concerns exacerbated by multiple projectiles...
- ...and by skip-firing (HOSDB 2008).
- Significant difference in advertised velocity (Applied Research Laboratory et al 2001).

- 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

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

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.

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



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