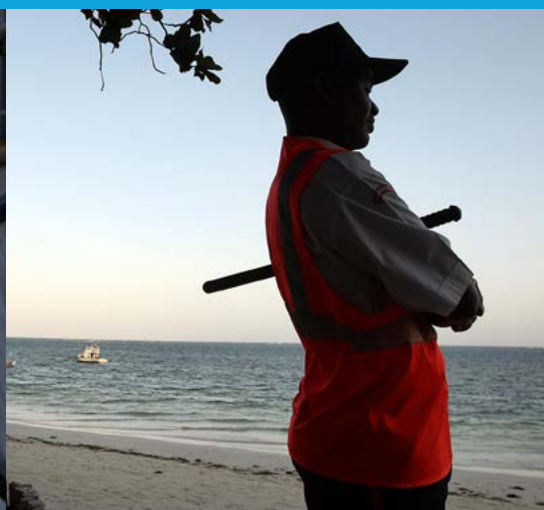


# Handbook on the Use of Force for Private Security Companies

Phillip Drew and Rob McLaughlin



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# Handbook on the Use of Force for Private Security Companies

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## Disclaimer

**This Guide does not provide legal advice and is not a legal document.**

The purpose of this document is to offer States, Private Security Companies and Clients with model guidance on how to create lawful and realistic Use of Force policies in situations where Private Security Companies have been contracted to provide security services.

In keeping with its intent of providing a model for developing Use of Force Policy, this document is not a legal manual. The responsibility to obtain appropriate legal advice when developing Use of Force Policies rests with the parties to the security services contract.

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## FOREWORD

Private Security Companies play a crucial role in providing a wide range of services to governments, non-governmental organisations, private corporations and individuals. In providing such services, Private Security Companies (PSC), through their employees (Privately Contracted Security Personnel (PCSP)) are sometimes required to use force in order to protect persons and property.

Any use of force by a PCSP must comply with whichever laws are applicable to the individual and to the geographical area in which the incident occurred. In order to ensure compliance with applicable domestic and international laws and legal regimes, it is essential that clear and unambiguous guidelines for the use of force are provided to PCSP by their PSCs. Good training in the lawful use of force, accompanied by adherence to properly developed Use of Force Guidelines, can significantly reduce risk to individual PCSP, PSCs and their clients.

Guidance on the use of force for PCSP in the maritime environment is particularly challenging due to the myriad models of contracted security personnel and overlapping jurisdictions on the high seas. However, the flexible framework allows its application in developing effective guidelines for a wide range of security teams operating in the maritime domain.

The Guide to Regulating the Use of Force by Private Security Companies has been developed to provide procedures and rules that can be used in the creation of use of force guidelines across a wide spectrum of activities and operations that PSC may encounter. Importantly, it provides a comprehensive and flexible framework that can be used both in PSC training and operations.

This guide is different from any existing use of force directives currently available. Designed to be used in training and operations by PSCs in any environment, it encompasses the inherent flexibility and easily comprehended format of most major rules of engagement schemes, as exemplified in the San Remo Handbook on Rules of Engagement.

This Guide has been prepared by a group of expert drafters with exceptional experience in law and operations, and can fulfill the requirements of all major international agreements and standards for the creation of rules for the use of force to be used by PSC. Informed by reviews conducted with government officials, NGOs, PSC and Academia, it reflects best practices from the major parties that advise upon, use, and provide private security services.

Understanding that rules, laws and policies are subject to continuous change and varying interpretations, it is fully expected that this handbook will be amended from time to time. Any recommendations or comments that will assist in improving this work will be gladly received and taken under consideration for future editions.

## PREFACE

This *Handbook on the Use of Force for Private Security Companies* has been developed to assist the private security industry in creating realistic and useable policies for the use of force across the spectrum of operations that a Private Security Company (PSC) might expect to encounter in the provision of services to clients, be they Governments, International Organisations, Non-Governmental Organisations, private corporations or individuals. It was specifically created to support the UNODC's Global Maritime Crime Program, and as such, complements other Manuals, Handbooks and Guides to Private Security that have been published by the United Nations, the International Maritime Organisation and other international organisations.

This handbook aims to provide a model set of rules that can provide clear and concise guidance on the circumstances and degree of force that may be used to protect persons and property. Although initially created to support UNODC's Maritime Crime Programme, this Handbook, because of the universal nature of the materials included in it, can be used in virtually all environments and situations in which private security companies are employed.

Entities that use this Handbook to create Use of Force Policy can rely on consistent terminology, guidance and procedures to establish rules or guidelines that will dictate the circumstances under which force can be used in a given situation. It is hoped that by adopting the standardized language and approach as set out in this manual, the Private Security Industry, Governments, law enforcement agencies, and other parties engaged in private security relationships, may be able to work together to ensure that PSCs can provide efficient, effective and legally compliant security services.

# PART ONE: Introduction

## Chapter I. Introduction to the Handbook

Governments and corporations rely on Private Security Contractors, Private Security Companies and other Private Security Service Providers (collectively – for the purposes of this document - “PSCs”) to provide protection to persons and property in a variety of environments and security situations. In providing these services, the activities of PSCs can have potentially positive and negative consequences for their *Clients*, the local population and the general security environment in the area of operations.

The use of force by any security provider entails risk. It is in the best interests of all parties in private security arrangements, be they Governments, PSC's or *Clients*, to ensure efficient, effective, and legally compliant services. This means that *Clients* and PSCs must understand and respect the laws and principles that apply to the use of force in a wide range of circumstances and conditions. For PSCs and their *Clients* to reduce their respective risk – including legal, operational, human rights and reputational risk – it is essential that they have adequate and legally sound Use of Force (UoF) policies or rules in place for all operations in which the potential for the requirement to use of force exists.

### 1.1 Purpose of the Handbook

This handbook is designed to support PSCs and their *Clients* with a standard document that can be used to provide model guidance to the private security industry in creating responsible and lawful use of force policies. As such, it is designed to satisfy the UoF Policy requirements as spelled out in a number of regulatory documents and standards that are currently in use. In keeping with this purpose, the Handbook:

- a. provides a flexible framework for developing UoF Policy that can be tailored to suit applicable legal regimes, contractual requirements, and operational and policy restrictions;
- b. explains the fundamental principles and procedures that apply to the use of force by PSC;
- c. provides common definitions and explanations of key concepts; and
- d. provides examples of use of force cards and reporting templates.

## 1.2 Who Should Use this Handbook

This Handbook is designed primarily for those persons who are responsible for developing UoF Policy, and UoF Policy training programmes. It aims to provide guidance on how to create acceptable UoF Policy for a variety of situations that PSCs may encounter. The Handbook seeks to provide the user with background and explanations surrounding principles for the use of force by private security providers.

While crafted with the requirements of armed PSC in mind, this Handbook can be used to develop UoF Policy for PSC who are either not armed, or who are equipped only with non-lethal weapons.

## 1.3 How to use this Handbook

This Handbook provides a compendium of use of force options that can be tailored to meet the UoF Policy requirements for a wide range of PSC activities including, but not limited to: protection of persons and property; providing access control to a facility; protecting ships and their crews, or conducting counter-piracy security operations at sea.

The measures contained in the Compendium of use of force measures (found at Annex A) are drafted as a series of permissions and prohibitions. In keeping with this Handbook's restrictive philosophy toward use of force authorisation, if a measure is not addressed in the UoF Policy it means that there is no authority beyond the right of *individual self-defence* to carry out that action.

## 1.4 Structure of the Handbook

This Handbook adopts the following structure:

1. Part One: Introduction
2. Part Two: General Principles
3. Part Three: Guidance primarily for those PSC operations conducted in a land environment.
4. Part Four: Guidance specifically for companies involved in the provision of maritime security services aboard vessels engaged in maritime commerce.
5. Part Five: Annexes A through D provide the following:
  - A. a menu of use of force provisions that may be tailored as necessary for various tasks;
  - B. guidance on planning and drafting UoF Policy , and specific guidance on use of force for selected tasks;
  - C. sample UoF Policy profiles and related documents;

- D. sample report templates to cover significant incidents, reports of apprehension and reports of apprehended person transfers; and,
4. Part Six: The glossary provides definitions for terms used in this Guide. Note: words that are *italicised* are words that have specific definitions, as found in the glossary.

### **1.5 Training**

It is essential that personnel who are responsible for developing and/or authorising UoF policies are appropriately trained. This training should, at the very least, include instruction on the fundamental principles of the use of force and of self-defence.

Upon notification of employment for a specific task, PSC personnel who will be engaged in the assignment should be trained on the specific UoF Policy authorized for the operation. Training must be realistic and, wherever possible, scenario driven. All scenarios must emphasize lawful and responsible use of force, based on the principle of the use of the minimum necessary force, understanding that in some cases the use of minimum force may entail lethal consequences.

### **1.6 Requirement for Legal Advice**

This Handbook does not provide legal advice for the user, but rather promotes an understanding of the general principles of use of force by civilian providers of security services. The Handbook does, however, identify the requirement for PSC to acknowledge and manage some of the respective legal, policy and operational issues that need to be considered when creating a UoF Policy.

It is highly recommended that users of this Handbook obtain advice from qualified legal sources when developing UoF policy for security tasks.

## PART TWO: Creating Use of Force (UoF) Policy

### Chapter 2. Guidance for UoF Policies for Contracted Tasks

The development and implementation of effective UoF Policy is critical to ensuring that contracted security tasks can be accomplished in accordance with relevant policies, procedures and laws. Whenever possible, UoF Policy should be developed as part of the planning process for any task that entails the protection of people, places or things.

#### 2.1 What Is A Use of Force Policy?

A Use of Force Policy identifies the circumstances and limitations that govern the use of force by PSCs in conducting operations that may include the requirement to use force in self-defence, the defence of others, and/or the protection of property. Because UoF Policies govern the conduct of *Private Security Company Personnel* (PCSP), the policies are necessarily approved by a competent authority.<sup>1</sup> Such policies identify the limits of the use of force acceptable to Governments, *Clients* and/or the PSCs, and can be used as a tool for determining reasonableness and necessity.

#### 2.2 Who Is Responsible for the Creation and Authorization of UoF Policy?

The responsibility for creating UoF Policy for a tasking generally lies with the PSC planners who, working with the PSC, the *Client*, and any other appropriate authority (which in some cases must be Government authorities), will create a UoF policy that reflects the requirements and intentions of the Parties to the security contract. Although the planners are responsible for drafting the UoF Policy, the authority for final approval generally rests with *top management*, or other specified authorities.

The drafting of UoF policy requires an understanding of the intention of the parties to the contract, the legal environment in which the PSC will be operating, and the capabilities and limitations of the company's personnel and equipment. Thus, in order to ensure that proper policies are created, PSCs should consider establishing UoF Policy drafting teams. Such teams should be supervised by *top management*, led by operations coordinators, and include legal and policy advisers plus relevant operations specialists. Wherever practicable, all parties to the contract should be encouraged to participate in the creation of UoF Policy.

In creating UoF Policy, drafting teams must comply with contractual, legal and regulatory requirements relating to UoF Policy approval. In situations in which PSC personnel will be

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<sup>1</sup> Note that in some jurisdictions only national authorities may authorize UoF Policy. It is essential that PSCs are aware of the legal requirements for authorizing UoF Policy in the jurisdiction(s) in which they are contracted / employed and operating.

crossing jurisdictional boundaries, those responsible for creating the UoF Policy should ensure that they have liaised with all of the appropriate authorities in each of the relevant jurisdictions.

In some cases, UoF Policy must be approved by national Government authorities.<sup>2</sup> In such situations, failure to secure the appropriate authorization could render the UoF policy null and void, providing no authority for PCSP to use any level of force in any situation other than strict personal *self-defence*. It is therefore essential that PSC planners be aware of, and comply with, the requirements for creating UoF Policy in the jurisdiction(s) in which the contract in question is settled and implemented, and – if different from these – enforced.

In cases of contracts in which the *Client* is a Government, the *Client*, either acting alone or in consultation with the PSC, will often dictate the UoF Policy for a tasking.

### **2.3 Legal Parameters of UoF Policy**

Use of Force Policy must comply with the laws and regulations of the various jurisdictions to which a PSC may become subject during the conduct of its tasks. It is highly recommended therefore, that the development of UoF Policy should include the advice and input of legal experts who specialize in use of force issues.

UoF Policy may further restrict the use of force to even narrower limits than applicable law might otherwise allow. For example, the UoF Policy may limit the types of weapons and ammunition that can be used by a PSC. UoF Policy might also limit or otherwise restrict the amount and type of force that a PSC may use to defend others or to protect property.

UoF Policy cannot interfere with an individual's right to use reasonable and necessary force to defend oneself against a *harmful act* or *imminent threat of harm*.

UoF Policies do not provide blanket legal immunity for *Clients*, PSCs or their personnel. The authorization to use force in a given circumstance means only that the PCSP may use reasonable and necessary force up to and including the amount of force permitted by the UoF Policy created for the contracted security task. Thus, for example, a PSC, the *Client* and/or individual PCSP may be held responsible for excessive uses of force should an incident occur and it is found that the force used was not reasonable and / or necessary in the circumstances.

While the existence of UoF Policy may or may not affect the ultimate outcome in the event of legal action, the absence of an approved UoF Policy, or the employment of a UoF Policy that

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<sup>2</sup> For example, the United States requires that any UoF Policy for PSCs contracted by the US Government must be approved by the appropriate Government authority.



is poorly prepared, could negatively influence any legal action that might follow in situations where a PSC has used force.

#### ***2.4 The Role of Legal Advisers***

It is the role of legal advisers to ensure that UoF Policy is consistent with the relevant laws in the relevant jurisdictions. It is therefore recommended that specialist legal advisers be consulted when creating UoF Policy for contracted tasks.

#### ***2.5 How to Create UoF Policy for a Task***

Creating UoF Policy for a task requires more than simply reviewing the UoF Policy compendium and picking the use of force provision that a PSC may wish to employ. Rather, the development of a valid UoF Policy requires that the drafters analyse the proposed task, assess the roles and requirements established in the contract, understand the potential threats, apply the law and be familiar with any policies that may be relevant to the PSC in conducting its role.

#### ***2.6 How to Use the Use of Force Measures Compendium***

Annex A provides a compendium of options that may be used to design a UoF Policy profile for a specific tasking.

The measures in the compendium are divided into groups that deal with different categories of security issues or operations. Within these groups there are a series of measures, each of which controls a distinct activity. Individual measures are selected from the series as required. UoF Policies are created by selecting appropriate measures from the compendium and listing them in alpha-numerical order so as to produce an itemized list.

In some cases it may be appropriate to select more than one measure from the same series.

The nature of the task(s) for which the PSC has been contracted may require the development of additional rules not listed as options in this Handbook. In such cases, the “SPARE” measures in the relevant series, or a new series, may be created. Recall always, however, that any newly created use of force measure must be vetted for clarity and lawfulness by planning staff and legal advisers, and of course must, along with the rest of the UoF Policy, be approved by the competent authority.

Spare numbers are provided for the drafting of measures that may be required, but have not been included in the Handbook. Such measures might be in relation to particular weapon types, or certain actions or conduct that has not been foreseen in the creation of the compendium of use of force measures. Additionally, some of the measures include the term

‘(SPECIFY)’. When ‘SPECIFY’ is encountered in a measure it indicates that some detail must be inserted to clarify the meaning of the rule. Such parameters might be in relation to particular people or particular property. Accordingly, where this term appears, specific words must be inserted into the rule to clarify and tailor the meaning of that measure.

Whenever drafting a UoF Policy profile for a task, rules pertaining to the following issues should be given thorough consideration. These are called the ‘*primary measures*’:

**Series 10:** Use of Force in Individual Self-Defence

**Series 11:** Use of Force to Protect Other People

**Series 12:** Response to Serious Crime

**Series 20:** Use of Force to Protect Property

**Series 41:** Warning Shots

**Series 60/61/62:** Carriage of Firearms

**Series 63:** Storage of and Access to Firearms

### ***2.7 Checklist for Creating UoF Policy***

The creation of valid UoF policy requires that planners understand the nature of the contracted service, the environment in which the tasking(s) will be conducted, and the legal framework(s) that may apply. To this end, the development of UoF Policies requires continuous review. The recommended process for drafting a UoF Policy from this Handbook is set out below and summarised in the UoF Policy Drafting Check-List:

1. **Analyse the Contract** - Identify tasks from the contract or task orders under the contract. These tasks need to be identified before any consideration can be given to drafting UoF Policy. This will include the resources that can be used to accomplish those tasks.
2. **Analyse the security environment** - What are the likely threats to the *Client*, its personnel, and activities? What is the principal threat to PSC personnel?
3. **Analyse the risks** likely to be encountered during each specific operation, including the potential for negative impacts upon the human rights of the local population.
4. **Determine levels of force that may be required** - Determine the protection measures, equipment, weapons, ammunition, and techniques required to provide the

necessary level of protection for the *Client* and the PSC personnel when performing the tasks in the specific security environment.

5. **Analyse the legal regimes** - Identify the legal regime or regimes applicable to the security operation. Pay particular attention to any policy, operational and legal considerations that may affect the use of force.
6. **Analyse the limitations on the use of force** - For each of the applicable legal regimes, identify constraints placed on the use of force. This includes national laws, orders of occupying or controlling military powers, and other existing UoF Policies that may apply to the PSC's operations or could be adapted for that PSC.
7. **Assess whether the choice(s) made for each menu item pose any particular problem** - Do the legal and policy limitations on the use of force still allow for the use of force requirement identified in step 4? Are there unacceptable risks inherent in the choice(s) made for each task/risk item?
8. **Prepare the draft UoF Policy.**
  - a. Identify the *Primary Measures*. Primary measures deal with matters that are fundamental to any security task and must be present in every UoF Policy, even if the rule selected is one that prohibits a particular use of force. **Every UoF Policy is to include a rule from each of series 10, 11, 12, 41, 50, 60/61/62 (depending on environment) and 63.**
  - b. Identify environment specific measures. Appendix 2 provides guidance for drafting UoF Policy for environments including land, maritime, and air. The measures that are most likely to be required are set out for each environment but are not compulsory.
  - c. Identify task specific measures. Appendix 3 provides guidance for drafting specific tasks including personal protection, convoy security, site security, and assistance to civil authorities. The rules that are most likely to be required are set out for each task but are not compulsory.
  - d. Review remaining measures. Each security operation is unique. As a result, the environment and task specific guidance will not always be sufficient. UoF Policy drafters should check all the series in the Guide to see if any other measures are required to accomplish the contracted task, and/or manage use of force issues in the particular security environment.

- e. Draft rules. The draft UoF Policy should list measures in alpha-numerical order. It is possible, and sometimes necessary, to have two rules chosen from the same series.
  - f. Draft spare measures, if required. The Handbook does not anticipate every possible mission and measure that may be required. Where a measure is not provided, it can be drafted under a spare number using the same format as other measures in that series or as part of a new group or series.
9. **Validate UoF Policy by comparing to tasks**. The UoF Policy must be checked against the security tasks and likely threats to ensure that it supports the contract requirements within the limitations set out by the *Client* and applicable law and policy. Testing by application to scenarios is an important additional step in the validation process. Rectify shortfalls, if any.
10. **Obtain approval**. Seek approval from the appropriate level of authority.
11. **Issue the approved UoF Policy**. UoF Policy should be distributed as soon as possible so that training and familiarisation can commence.
12. **Conduct regular review**. UoF Policy should be regularly reviewed to ensure continued validity, especially in fluid threat environments and when transiting between jurisdictions.

## **2.8 UoF Policy Approval**

The mechanism for approving UoF Policy will vary from State to State and from task to task. In some States, the authorisation of UoF Policy is considered to be a sovereign responsibility, thus only Governmental institutions or their appointed agents can authorize UoF Policies. In such cases, any purely private development of UoF Policies may not be valid.

In situations where State approval is not required for the creation of UoF Policy, the approval of UoF Policy for a given task must be determined through consultation and agreement between the PSC and the *Client*.

## **2.9 Distribution of Approved UoF Policy**

UoF Policy for a given tasking should be distributed to security teams as early in the planning process as possible so that appropriate training may be undertaken. It may not be required that each member of a security team be provided with the complete set of the UoF

Policy rules, although it is vital that all team members understand the general operating context and environment which the UoF Policy has been designed to reflect. It is recommended that, at a minimum, individual team members be provided with UoF Policy Cards that summarize the principal rules that will be applicable for the contracted security task. (See example UoF Policy Cards at Annex C).

The promulgation of an approved UoF Policy does not end the PSC's responsibilities toward governing the use of force. Training programmes and regular review of each UoF Policy are necessary to ensure that all UoF Policies are understood and remain applicable as the operational context evolves.

## PART THREE: General Principles

### Chapter 3. General Principles of Use of Force

Because of the very nature of the services provided by PSCs, the possibility that its employees may be required to use force during the conduct of their operations must be assumed. Consequently, it is incumbent on PSC planners and trainers to ensure that they and the personnel who will be carrying out the contracted tasks are familiar with the categories of force that they may be required to employ and the general principles that apply to any use of force.

It is important to note that the use of any force against another person can be considered to be an assault. It is only when force is necessary and reasonable that its use may become defensible. The following provides guidance on when, and to what extent, force may be used in the conduct of PSC tasks.

#### 3.1 Levels of Force

It is generally accepted that there are two primary categories of force in any type of security operation: deadly force; and non-deadly force.

#### 3.2 Deadly Force

**Deadly force is that force which is intended or likely to cause death, or serious injury, regardless of whether death or serious injury results.**

When the UoF Policy specifies that the use of *deadly force* is permitted, this includes authorisation for the use of all lesser degrees of force permitted by law, up to and including *deadly force*. PCSP must use only that force which is reasonable and necessary to deter, neutralise or stop the threat. In situations where the threat poses an immediate risk of causing serious bodily harm or death, instant resort to deadly force may be the only reasonable option open to the defender.

There are two elements of deadly force that separate it from non-deadly force:

- Intention – the user of force meant to use the force, which then resulted in the death or serious injury that has occurred; and
- Likelihood of consequence – the user of force may not have intended for death or serious injury to occur, but in the circumstances, there was a substantial risk that death would be the outcome of the level and type of force that was used.

Generally, deadly force is justified only under conditions of extreme necessity, as a last resort, and only to protect life, when all lesser means have failed or cannot reasonably be employed.

When acting in *self-defence*, a person is generally justified in using deadly force if that person has a reasonable belief that deadly force is the only means available to prevent their own death or serious bodily harm. The person using force in *self-defence* must believe, at the time of the incident, that lesser means of force were either unavailable or were (or would have been) ineffective in stopping the attack.

**Example:**

An intruder has entered the area a PCSP is securing. The PCSP warns the intruder to stop, but the intruder advances on the guard with a raised machete. When the intruder is five metres away he lunges towards the guard. The PCSP is armed with a rubber baton and a sidearm.

The PCSP draws his sidearm and shoots the intruder in the chest. The intruder dies.

In this case, the resort to deadly force (rather than the baton) could be considered reasonable in the circumstances. Factors that will be relevant will included:

- The immediacy of the threat – the defender has only seconds to respond.
- The nature of the threat – the attacker is wielding a long machete which if it strikes the defender will likely cause serious bodily harm or death.
- The reasonableness of the response - a response that is likely to cause serious bodily harm or death to the attacker may be justified in the circumstances because of the immediacy and nature of the threat.
- No readily available less harmful alternative responses – using the baton against a long machete may not be sufficient to halt the threat.

**Taking an aimed shot at a person is always a use of deadly force**, regardless of:

- Whether death or serious injury actually occurs; and/or
- Whether the shooter intended for death or serious injury to be the result.

### 3.3 Non-deadly force

**Non-deadly force** – is force that is not likely to cause death or serious injury.

Non-deadly force is force that, in the circumstances being considered, would not be likely to cause serious injury or death. There is no guarantee that the use of non-deadly force will not result in serious injury or death. Sometimes other factors will affect the situation and lead to an unintended result.

#### **Example:**

An intruder has entered the area a PCSP is securing. The PCSP warns him to stop, but he advances on the PCSP shaking his fist and yelling that he is going to hurt the PCSP. He is three metres away and lunges towards the PCSP. The PCSP has a rubber baton and a sidearm.

The PCSP uses the baton to strike at the threatening intruder's fist. The intruder trips and falls backwards, and hits his head on the floor. He suffers a serious head injury and later dies.

In this case, the force used was *non-deadly force* because it was not intended or likely to cause serious injury or death. The fact that, unexpectedly, death occurred, does not change the nature of the force used for the purposes of claiming *self-defence*.

When a use of force is necessary, the amount of force employed must be reasonable in degree and duration. Additionally, every effort should be made to de-escalate force if the situation and circumstances permit. There is, however, no requirement to delay force or sequentially increase force in the face of an imminent threat of serious bodily harm or death.

During any use of force, PCSP must take reasonable precautions to minimize the risk of 13 endangering other people and property.



**Example:** A contracted task is to prevent unauthorised access to a warehouse containing food aid supplies. The contract stipulates, and the territorial law allows for, use of *non-deadly force* to protect property. In this case, rule 22B would be appropriate.

<b>Series 22: Denial of Access to Property/Location</b>		
<b>Purpose:</b>	<b>To control the use of force in access control tasks where PSC and PCSP are authorised to control access to property/locations as specified in the terms of the PSC contract.</b>	
	<b>22 A</b>	Use of force to deny access to property/location is prohibited
	<b>22 B</b>	Use of <i>non-deadly force</i> to deny access to (SPECIFY property/location) is permitted.
	<b>22 C</b>	Use of force, up to and including <i>deadly force</i> , to deny access to (SPECIFY property/location) is permitted.
	<b>22 D-Z</b>	Spare.

Using rule 22B, the PCSP could, for example, use non-lethal means to prevent unauthorised access. Such means might include physically blocking access, or restraining a person who continues to seek access after breaching a physical barrier. However, they must not use means that are intended or likely to cause serious injury or death unless a situation arises where deadly force is necessary in self-defence.

### **3.4 Excessive Force**

**Excessive force is the use of any force that is not reasonable and necessary to deter, neutralise or stop a threat.**

Any use of force, and particularly deadly force, can have legal consequences. In particular, the use of excessive force, where a less harmful and available option could reasonably have achieved the aim of deterring, neutralising or stopping the threat in the circumstances encountered, may have significant long term reputational and legal consequences for the

*Client*, and legal consequences (such as compensation or other civil claims litigation, as well as criminal prosecutions) for the PSC and PCSP involved.

In some jurisdictions the use of excessive force in *self-defence* can negate or limit the ability for a PCSP to claim the right of *self-defence* as a defence against a criminal charge resulting from the injury or death caused by that use of force.

**Example:**

A PCSP is providing access control security services at a NGO housing compound. A person without an access pass attempts to get through the barrier gate. The PCSP warns him to stop, but the person advances, shaking his fist and yelling that he is going to hurt the PCSP if he doesn't let him through. The person is ten metres from the PCSP and is moving towards him in a threatening manner. The PCSP is armed with a rubber baton, pepper spray, and a side arm.

Without providing any warning the PCASP shoots the man in the chest. He dies.

The force used was excessive because:

- a. There is no indication that the person was armed;
- b. The threat posed did not warrant the use of deadly force at that stage; and
- c. The defender did not follow escalation of force procedures in a situation where less harmful responses were reasonably available prior to resorting to deadly force.

Individuals are personally responsible for the use of any force. A PCSP who uses excessive force could be liable to civil and/or criminal prosecution and made to stand trial. Additionally, the PSC, the on-scene authority and *Clients* could also be held accountable for any use of unlawful and/or excessive force, depending on the circumstances.

**An individual who uses force must be able to identify why the application of force was reasonable and necessary in the circumstances.**

In any situation in which force is used, a post-incident report should be completed as soon as is reasonably possible and submitted in accordance with relevant standard operating procedures (SOP) and other contractual requirements. A template for a post-incident report is found at Annex D.

### ***Retaliation is prohibited.***

The use of force against an attacker after the threat has been deterred, neutralized or stopped is considered to be *retaliation*. Force used to prevent a re-escalation, however (such as the force needed to restrain an attacker until he or she can be handed over to the appropriate authorities) is not considered retaliation. *Retaliation* by PCSP is not permitted under any circumstances.

#### **Example:**

Armed bandits using pick-up trucks have attacked a food convoy transiting a desert region. Their attack has been successfully repulsed by the PCSP who have been contracted to protect the convoy and its personnel.

The attackers have been injured and are now attempting to flee. Using firearms, the PCSP engage the retreating vehicles with the intent to kill the bandits.

This is not self-defence; it is retaliation. The threat has ceased and the attackers are fleeing. Any use of deadly force in such case would be neither reasonable nor necessary.

### ***3.5 Continuum of Force***

The use of force continuum begins with non-lethal force measures, such as warnings and demonstration of capabilities, and graduates to the actual use of force, up to and including *deadly force*. The appropriate level of force will be driven by the situation confronting the user of force – that is, the assessment as to what the minimum first response should be in a given circumstance.

**Whenever the situation permits, every reasonable effort must be made to resolve a potential hostile confrontation by means other than the use of force.**

In any use of force situation, PCSP should use the least harmful option that time and circumstances permit. In all circumstances, force may only be used if there is no other method reasonably available to deter, neutralise or stop the threat. Generally speaking, the use of physical force is limited to situations in which measures short of force:

- a. have been exhausted,
- b. are unavailable, or
- c. are deemed insufficient in the circumstances.

As noted above, the use of physical force should be avoided whenever practical. Depending on the circumstances, there may be a variety of measures short of using force that can be used to resolve the situation. Additionally, a variety of options for actual use of force may also be available in any given situation. The options available will often include:

- a. Physical presence;
- b. Deployment and use of physical barriers and obstacles, such as fencing, gates, crash barriers, razor wire, etc.;
- c. Verbal and visual warnings;
- d. Manoeuvre, changing course or direction of travel and speed;
- e. Breaking contact;
- f. Carriage and display of weapons or other deterrent means;
- g. Soft physical pressure;
- h. Hard physical pressure – the use of non-lethal means, such as batons, fire-hoses, acoustic devices, riot control agents;
- i. Warning shots;
- j. Use of deadly weapons (such as firearms).

The continuum of force is not, however, a mere matter of escalation, as it also includes the concept of de-escalation of force. Just as there are graduated responses that lead up to deadly force, the process of de-escalating a situation should also be seen to require a graduated response moving back toward physical presence being sufficient to deter, neutralize or stop the threat. It is vital that PCSP are well-trained on this continuum so they can appropriately assess how to gradually increase or decrease the force they may need to use, based on the circumstances.

### **3.6 Warning Shots**

**Warning shots are authorized in self-defence and defence of property when permitted by the applicable law.**

Warning shots are signals that are designed to get the immediate attention of someone who is posing a threat. A warning shot is fired with no intention to cause death, injury or serious injury.<sup>3</sup>

It is accepted practice in some jurisdictions that warning shots are part of the use of force continuum. However, simply because they are part of the acceptable continuum of force

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<sup>3</sup> Some States do not consider warning shots to be a use of deadly force, while some do. It is therefore vital that the drafters of UoF Policy understand the laws applicable to warning shots in the jurisdiction(s) in which they are operating.

does not mean that an individual who fires a warning shot is not responsible for unintended harm.

Because of their potential to cause harm, or invite an unwanted response, warning shots must be strictly controlled and used only when absolutely necessary. Warning shots are intended to:

- signal a person, vehicle, vessel or other craft to stop or turn away; or ,
- warn that the employment of higher levels of force, including *deadly force*, is being immediately considered.

When a PCSP is contemplating the use of a warning shot, he or she should ask themselves the following questions:

- Can I avoid unintended injury, death or damage to people or property either directly or by ricochet?
- Can I clearly identify the point of aim and ensure that it is safe?
- What effect will the sound of gunfire have on others in the area?
- Is it possible that the warning shot may also provoke another party to fire back or use force in response to their own perception of a threat?

When creating UoF Policy for a contracted task it is vital that the applicable law be examined in order to determine when warning shots are a viable and lawful option. In many jurisdictions it is prohibited to create a hazard by discharging a firearm, or to discharge a firearm without lawful cause. In such cases, the use of warning shots may not be lawful.

A PSC has been contracted to provide perimeter security for forward logistics base ALPHA, which is located in an area where the threat of armed robbery and armed attack is high. Early in the evening an open top vehicle approaches the compound at high speed and does not respond to visual signals to stop. Territorial State law does not prohibit the use of warning shots, and the UoF Policy for the task provides authority to use warning shots as follows:

**41 C**

*Warning shots* in the vicinity of forward logistics base ALPHA are permitted.

The PCSP takes the warning shot. Upon seeing the muzzle flash and the dust spurt caused by the rounds impacting the ground in front of his vehicle, the driver stops immediately and throws himself out of the vehicle and onto the ground. In this situation the PCSP was able to properly employ a warning shot before having to resort to the use of aimed shots.

## Chapter 4. General Principles of Self Defence

**PCSP are civilians. Therefore, the principles for use of force that apply to them are the same as those that apply to the general civilian population.**

In any situation where the use of force by PCSP may become necessary, general principles regarding the use of force apply. In the vast majority of circumstances, PCSP are permitted to use force only in situations of either *individual self-defence* or *defence of others*.

For the purposes of UoF Policy, there are two categories of *self-defence* of people:

- a. *Individual self-defence*. This refers to the right of an individual to defend himself or herself against a harmful act or an imminent harmful act.
- b. *Defence of Others*. This refers to the right to defend other people against a harmful act or an imminent harmful act.

### 4.1 Self-Defence

The right to defend oneself from a *harmful act* is widely recognised in national laws. Under most national laws, individuals may use force up to that which is likely to result in serious bodily injury or death in order to protect themselves from serious harm.

National laws differ on the definition and elements of the right of *self-defence*.

Consequently, individuals must understand and exercise this right in accordance with the respective national law or laws that are applicable in a given situation.

Generally, the amount of force employed in *self-defence* must be limited to that which is reasonable and necessary in the circumstances to deter, stop or neutralize the threat. Thus, the determination of whether a use of force in self-defence is lawful is based on two linked factors:

- Is the use of force reasonable and necessary in the circumstances?
- Is the amount of force used reasonable in relation to the threat?

As the precise permissions and constraints relating to self-defence vary from jurisdiction to jurisdiction, expert legal assistance and attention to legal nuance is essential, both in the drafting of UoF Policy and the training of PCSP.

## 4.2 Harmful Act

The right to use force in *self-defence* arises in response to a *harmful act* and/or an *imminent threat of harm*.

A *harmful act* is an actual incident of violence or other use of force that does or is reasonably expected to cause injury or death to the victim. As such *harmful acts* are usually easily identifiable. Examples of a *harmful act* might include:

- physical assault;
- shots fired at or in the direction of people;
- detonation of explosives;
- direct threats when there is a reasonable belief that harm will immediately follow.

In most cases, mere words, not accompanied by an assault or gesture do not provide justification for one to use force in self-defence.

## 4.3 Imminent Threat of Harm

No person is required to accept harm to himself/herself before he or she can respond in *self-defence*. Thus, an individual who has a reasonable belief that they are about to be harmed may use force to prevent the anticipated harm from occurring.

The existence of an *imminent threat of harm* does not necessarily mean that the anticipated use of force by the assailant, and the harm that one reasonably believes will result as a consequence, is absolutely inevitable. Rather, it requires that the individual exercising *self-defence* in the situation reasonably believes that:

- the anticipated harm is imminent;
- the last opportunity to deter, neutralise or stop the threat has arrived;
- no lesser actions have so far served to, or are likely to, dissuade the assailant; and,
- the use of force is necessary to avoid the harm imminently anticipated.

When these subjective elements are met, an individual may take action to prevent the anticipated harm.

A determination of *imminent threat of harm* is based on the existence of an identifiable danger. This requires both of the following to be present:



- capability to inflict harm – that is, an apparent (to the threatened person) ability on the part of the threatening person to imminently carry out a *harmful act*, and
- intention to inflict harm – that is, an apparent (to the threatened person) intention on the part of the threatening person to imminently engage in an act that may harm the threatened person or persons.

In determining whether a person's actions constitute an imminent threat, PCSP must use their best judgment and consider all the facts and circumstances, including:

- available intelligence/information;
- indications and warnings;
- the assessment of other immediately involved people;
- the context and environment; and,
- all other relevant information.

**Measures to assist in determining the existence of an *imminent threat of harm*.**

Time and circumstances permitting, PCSP should take proactive measures to help them to determine the intent of the threatening entity. Such measures could include monitoring the threatening party's response to:

- a. Display of presence;
- b. Verbal query;
- c. Verbal warning and/or radio warning;
- d. Visual warnings;
- e. Noise warnings;
- f. The establishment of physical barriers;
- g. Changing course and speed to determine if the threat is continuing to maintain a hostile profile, position, approach or posture;
- h. Warning shots (if permitted).

**4.4 Individual Self Defence**

When an individual is attacked, they may defend themselves; to that end, they may do, but only do, what is reasonably necessary to respond to that attack upon them.

**Any use of force in *self-defence* must be proportionate to the threat.**

In the context of *self-defence*, 'proportionate' refers to the amount of force used in response to a specific threat. It is assessed in terms of its context and the people involved.

Proportionality therefore includes an assessment of the nature of the threat, whether the response was reasonable and necessary in the circumstances, and whether less harmful options were realistically available.

The use of force in *self-defence* is generally authorised so long as the *harmful act* or threat continues.

When force is used in *self-defence*, the degree and duration of force used should not exceed that which is required to deter, neutralise or stop the threat.

**Degree** – the use of force in self-defence must be proportionate to the threat.

For example, if a drunk man were to threaten another person with his fists, a response with *deadly force* (for example a firearm) would usually be considered disproportionate. A more proportionate response might be for the defender to use pepper spray, or to tackle the threatening individual to the ground.

If the same attacker were to charge at another with a knife, the use of a firearm in *self-defence* might be considered proportionate to the threat. This is because the attacker poses a genuine and immediate threat of serious bodily harm or death.

**Duration** – once the threat has ceased, it is unlawful to continue inflicting harm upon the assailant, as the need to do so in *self-defence* has ceased.

For example, if the defender were to strike the knife-wielding drunkard with a stick, thereby rendering him unconscious, it would be unlawful for the defender to continue striking the attacker since the attacker no longer poses a threat.

**Example:**

If a PCSP is behind a solid barrier, and a person approaches the barrier waving their fist and shouting at him, it is neither necessary nor reasonable for the PCSP to respond with *deadly force*. In such a case, the person poses no immediate threat. If, however, the person approaches the barrier with a grenade, a lethal use of force against that person may be justifiable if the PCSP believes on reasonable grounds that the person poses an immediate threat to his life or the lives of others. Wherever non-deadly use of force options are available to deter, neutralise or stop the threat, those lesser levels of force should be utilised.

It must always be kept in mind that in order to use force in *self-defence*, it is the individual using that force who must have the reasonable belief that the use of force is necessary. Any direction from a bystander to use force in *self-defence*, where the defender does not also reasonably believe that the use of force is warranted in the circumstances, should not be obeyed.

#### 4.5 Self-Defence and UoF Policy

Because PCSP are civilians they have no legal right to directly participate in hostilities (DPH). Therefore, there are no rules in this Handbook that permit any type of offensive action or any other action that is not related to the protection of people, places and things.<sup>4</sup>

No UoF Policy can restrict an individual's right of self-defence from a *harmful act* or an *imminent threat of harm*. Although the right to use force up to and including *deadly force* is implicit, whenever a UoF Policy is drafted using this Handbook, it is recommended that Rule 10A be included. For this reason, Rule 10A is considered to be a *Primary Measure*.

As noted in Chapter 2, when a UoF Policy is created, rules are listed in alpha-numerical order. Thus, all UoF Policy should contain Rule 10A as their first rule.

#### **Series 10: Use of Force in *Individual Self-Defence***

**Purpose:**

**To control the right to use force in *individual self-defence*.**

**NOTE: Nothing in these rules negates the right of *individual self-defence*.**

<sup>4</sup> The United States and some other nations use civilians, including contractors, in functions that may be considered by some to be DPH. In such cases, the PCSP should be provided with Rules of Engagement (ROE) by the contracting State, not UoF Policy.

	<b>10 A</b>	Use of force, up to and including <i>deadly force</i> , in <i>individual self-defence</i> is permitted.
	<b>10 B-Z</b>	Spare.

#### 4.6 Defence of Others

**The extent of the right or obligation to protect others differs from jurisdiction to jurisdiction.**

**The right to use force to defend others may be limited in accordance with applicable law or policy, and this must be reflected in UoF Policy .**

While it is generally accepted that an individual may use force in order to protect another person from serious injury or death, the exact parameters of the law differ from State to State. For these reasons it is vitally important that PSC personnel responsible for creating UoF Policy for an operation be familiar with the appropriate laws and policies regarding the defence of others in the jurisdictions where the operation will be conducted.

In some jurisdictions there is an obligation to come to the assistance of others who are in peril, so long as doing so does not also place the rescuer in danger of grievous bodily harm or death.

While in most States, a citizen is permitted to use reasonable and necessary force to defend other individuals from suffering a serious injury or death, in some States the right to use force to defend others may be restricted to the use of *non-deadly force* only.

Depending upon the given situation, PCSP may be restricted from using force to defend others, or certain others, from harm. For the purposes of clarity it is mandatory that all UoF Policies include rules on the defence of others. Rules for the defence of others are found in Series 11 to 13.

It is entirely possible that a contract for private security services might prohibit or limit the authority of PCSP to use force to defend others. In this case, rule 11A would be appropriate.

<b>Series 11: Use of Force to Protect Other People</b>		
<b>Purpose:</b>	<b>To control the use of force for protection of others.</b>	
	<b>11 A</b>	Use of force to protect others is prohibited.
	<b>11 B</b>	Use of <i>non-deadly force</i> to protect other people in (SPECIFY group/location) is permitted.
	<b>11 C</b>	Use of force, up to and including <i>deadly force</i> , to protect (SPECIFY group/location) is permitted.
	<b>11D</b>	Use of force, up to and including <i>deadly force</i> , to protect other people is permitted.
	<b>11 E-Z</b>	Spare.

#### **4.7 Command and Control Relationships**

Clients often require PSCs to be prepared to undertake certain tasks and roles where use of force in *self-defence* and protection of others by their personnel may arise. In developing UoF Policy for operations it is vital that the drafters understand the legal status of the PCSP and the PSC, and the control relationships between the various parties.

The primary parties are the PSC, its personnel, the *Client* and the on-scene authority.

The primary jurisdictions that may influence the development of UoF Policy in the land environment are the *Territorial State*, the *Home State*, and, if on a Government contract, the Contracting State.

The primary jurisdictions that may influence the development of UoF Policy in the maritime domain are the flag State, the port State, the coastal State and the State of nationality of the individuals involved.

**PSC personnel must comply with the directions of the on scene authority.**

The senior PSC representative is answerable to the *on scene authority* for all contracted security and safety tasks.

When dealing with security matters, when time and space permit, the team leader must keep the *on scene authority* (and, if relevant, the *Client's* representative) informed concerning the use of force plan and any intention to use force.

**Example:**

A PCSP is tasked with guarding a food distribution warehouse. Included in the UoF Policy for this task is Rule 11D

<b>11 D</b>	Use of force, up to and including <i>deadly force</i> , to protect other people is permitted.
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The PSC has been warned that suicide bombers are planning attacks in the area.

Early one evening a truck approaches the compound that the PSC is guarding and does not stop or slow down as it approaches the barrier, even after a warning signal. The *on scene authority* determines that the truck is not currently a threat because he recognises the truck and the driver, and he knows that the driver generally does not stop at that first warning sign. He advises the PCSP not to open fire on the truck.

Unless believing himself to be immediately threatened with serious injury or death, the PCSP must not open fire on the truck and/or driver. If he ignores the *on scene authority's* direction, claiming that he fired in self-defence, there is a real risk that his claim to self-defence could be considered unreasonable.

The Team Leader and *on-scene authority* should make every effort to agree in advance on the general conditions, requirements and circumstances that will govern the response to, and management of, use of force incidents.

A decision to use force in self-defence nevertheless rests with the individual using force. If that force, however, is shown to be unlawful, the user of the force is usually the one who will bear the primary responsibility for the consequences.

No person can order any other person to engage in any conduct that is unlawful. Any request or order to use excessive force is unlawful.

**Example:**

A convoy is transiting through a busy urban area. A group of teenagers approaches the convoy. None of the individuals seem to be armed. The *Client*, sitting in the back of one of the vehicles, orders the PCSP to open fire on the teenagers and ‘take them out.’

This is an unlawful command. It must not be followed.

Before making any decision to employ weapons, the PCSP must first ascertain the nature of the threat and use minimal force procedures to frustrate any possible attack.

Increasing the speed of the convoy, changing course, manoeuvring and other escalation of force procedures should be attempted before resorting to the use of weapons.

**Senior PSC representatives may be responsible for the actions of PCSP under their authority.**

In addition to the liabilities incurred by PCSP who use force, corporate directors and their supervisors may also be liable for violations of national and/or international law committed by PCSP under their effective authority and control.

Apart from liability under various jurisdictions, PCSP may be held legally responsible and answerable to the PSC by whom they are employed or contracted.

**4.8 Limits of Team Leader Authority**

While a team leader can restrict PCSP from using force in situations that do not include self-defence, he or she cannot authorize PCSP to engage in activities that are prohibited by the UoF Policy. If there is a concern by PCSP that the existing UoF Policy is not sufficient, then clarification must be requested through the PSC and the relevant jurisdictional representatives.

## Chapter 5. Use of Force for tasks that do not fall within the bounds of individual self-defence and the defence of others

**PCSP must not engage in the use of force beyond that which is required and authorized by their UoF Policy.**

Unless specifically authorized, PCSP may not use force beyond *self-defence*. Whilst some tasks, such as apprehending criminals, protecting property and controlling access to an area may be required under a contract, such tasks can only be carried out if the PSC and/or *Client* have the legal authority to engage in such activity. It follows, therefore, that no UoF Policy can permit a use of force other than in self-defence unless the PSC has verified that it and its personnel have authority under law to carry out such tasks. The responsibility to ensure that such authority is in place rests with the parties to the contract, not the individual PCSP.

### 5.1 Defence of Property

**In most jurisdictions, only *non-deadly force* may be used to defend property.**

The defence of property is generally considered to be separate from the right of individual self-defence.

In most jurisdictions, there is no right to use deadly force to protect property alone.

The level of force authorized to defend property will be based upon the national law(s) applicable in a given incident and location.

To minimize the legal complexities involved in the use of force to protect property and materiel, all reasonable attempts should be made to protect property/materiel by employing preventive measures such as physical security systems and other deterrence procedures.

Significant limitations exist in most jurisdictions on using force to protect property where there is no threat to people. It is, therefore, important to understand the local law to determine whether rule 20A or 20B is appropriate.

**Series 20: Use of Force to Protect Property**



<b>Purpose:</b>	<b>To control the use of force to protect property.</b>	
	<b>20 A</b>	Use of force to protect property is prohibited.
	<b>20 B</b>	Use of <i>non-deadly force</i> to protect property is permitted.
	<b>20 C-Z</b>	Spare.

**Example:**

In some situations, where the general rule may be that PCSP have no authority to use force to protect property (rule 20A), a particular piece of property or location may nevertheless be of such importance that the local authorities permit specially authorized PSCs to use force in order to protect it (eg a dam or a nuclear power station). In such cases, an extra rule dealing with that special class of property may be required. In this case, for example, rule 21B may be used.

<b>Series 21: Protection of Vital Points or Other Specially Designated Property</b>		
<b>Purpose:</b>	<b>To control the use of force in the protection of vital or other specially designated property where PSC and PCSP authority to protect that property is covered under the terms of the PSC contract.</b>	
	<b>21 A</b>	Use of force to protect vital points or other specially designated property is prohibited.
	<b>21 B</b>	Use of <i>non-deadly force</i> to protect (SPECIFY vital points or other specially designated property) is permitted.
	<b>21 C</b>	Use of force, up to and including <i>deadly force</i> , to protect (SPECIFY vital points or other specially designated property) is permitted.
	<b>21 D</b>	Use of force, up to and including <i>deadly force</i> , to protect vital points or other specially designated property is permitted.
	<b>21 E-Z</b>	Spare.

Defence of property in situations where the destruction of or damage to the property will create an immediate threat to life may actually be an exercise of the right of individual *self-defence* or the right to protect others, rather than the mere defence of property.

In situations such as an attack on a munitions storage facility that is within a populated area, where it appears the attackers are trying to explode the munitions stored there, the use of deadly force to protect the facility may be lawful even if no one is inside of it. This is because of the potential for death or serious injury to people in the surrounding area that may result if the munitions are detonated. In such case the use of *deadly force* is not to defend the facility itself, but rather to defend the lives of nearby people who would likely be killed in any resulting explosion.

**Example:** In a case in which an attack on a facility would likely cause death or serious injury to persons, rule 13D may be available.

<b>Series 13: Use of Force to Protect Property When Damage to Property is Likely to Cause Death of Other People</b>		
<b>Purpose:</b>	<b>To control the use of force for protection of property where the destruction of that property is likely to lead to death or serious injury.</b>	
	<b>13 A</b>	Use of force in defence of property where there is likelihood that destruction of, or damage to, that property will lead to the injury of people is prohibited.
	<b>13 B</b>	Use of <i>non-deadly force</i> in defence of property where there is likelihood that destruction of, or damage to, that property will lead to the injury of (SPECIFY people) is permitted.
	<b>13 C</b>	Use of force, up to and including <i>deadly force</i> , in defence of property where there is a likelihood that destruction of, or damage to, that property will lead to an imminent threat to life of (SPECIFY people) is permitted.  <b>Note:</b> Defence of property in such situations is an exercise of the right of individual self-defence or the right to protect the specified people. See Series 20 for measures regarding the use of force to protect property where no imminent threat to life exists.
	<b>13 D</b>	Use of force, up to and including <i>deadly force</i> , in defence of property where there is a likelihood that destruction of, or damage to, that property will lead to an imminent threat to life is permitted.  <b>Note:</b> Defence of property in such situations is an exercise of the right of individual self-defence or the right to protect the specified people. See Series 20 for measures regarding the use of force to

		protect property where no imminent threat to life exists.
	<b>13 E-Z</b>	Spare.
<b>Series 14-19</b>	<b>Spare</b>	

## PART FOUR: PSC Operations in the Land Environment

**Note:** This part should be read in conjunction with Part Two: General Principles

### Chapter Six – Operations in the Land Environment

#### 6.1 Access Control

One of the most common tasks assigned to PSCs is access control. Because in most situations of access control there is no immediate threat to PCSP, any use of force to stop persons from gaining unauthorised access to a place must be specifically authorised. Therefore, all access control tasks must include a corresponding UoF Policy provision.

As a condition of being given access to an area, the entity that owns or controls the area may require that every person submit to a security search of his or her person or personal property. Where a person refuses to submit to a search when requested to do so, the PCSP conducting access control may deny access to that person.

#### Example

A PSC is contracted to control access in a facility being utilised for UN humanitarian aid storage and distribution. It is possible that PCSP will encounter individuals who are not authorised to be within the restricted facility area. The performance of the PSC's access control task may include the requirement to physically remove unauthorised persons from the area.

Removing intruders from the area will require specific UoF Policy. In this case the appropriate rules may be rule 22B and rule 24B, tailored to the specific location:

22 B Use of non-deadly force to deny access to the restricted facility area is permitted.

24 B Use of non-deadly force against people who have entered the restricted facility area without authority and failed to depart when warned is permitted.

For these two rules to be lawfully available, there must be legal authority for the PSC to use force for these purposes. Such authority may be provided by an overarching

**Series 22: Denial of Access to Property/Location**

<b>Purpose:</b>	<b>To control the use of force in access control tasks where PSC and PCSP are authorised to control access to property/locations as specified in the terms of the PSC contract.</b>	
	<b>22 A</b>	Use of force to deny access to property/location is prohibited
	<b>22 B</b>	Use of <i>non-deadly force</i> to deny access to (SPECIFY property/location) is permitted.
	<b>22 C</b>	Use of force, up to and including <i>deadly force</i> , to deny access to (SPECIFY property/location) is permitted.
	<b>22 D-Z</b>	Spare.

#### Series 24: Removal of Intruders From a Zone

<b>Purpose:</b>	<p><b>To control the removal of intruders from declared zones in land, maritime, and air environments where PSC and PCSP are authorised to engage in zone management as specified in the terms of the PSC contract.</b></p> <p><b>NOTE:</b> <i>Deadly force</i> must only be used as a last resort and only when the intruder(s) carry out a <i>harmful act</i> or pose an imminent threat of harm towards people who are being protected within the zone.</p> <p>In rare situations, such as the protection of nuclear facilities, <i>territorial State</i> law may permit the use of deadly force to prevent intruders from gaining access to a specified area. In such situations, UoF Policy 24 C may be authorized, but only if UoF Policy 21D has also been authorized, and the <i>territorial State</i> has specifically permitted the PCSP to use <i>deadly force</i> in such cases.</p> <p>See series 50 and 51 regarding apprehension</p>	
	<b>24 A</b>	Use of force against people who have entered (SPECIFY zone) without authority and failed to depart when warned is prohibited.
	<b>24 B</b>	Use of <i>non-deadly force</i> against people who have entered (SPECIFY zone) without authority and failed to depart when warned is permitted.

	<b>24 C</b>	Use of force, up to and including <i>deadly force</i> , against people who have entered (SPECIFY zone) without authority and failed to depart when warned is permitted.  <b>Note:</b> See explanatory note above.
	<b>24 D -Z</b>	Spare

### 6.2 Restraining people for removal from a Restricted Area

In any case where the PSC has authority to manage access to an area, authority to remove unauthorized intruders from that space will generally be included.

Where an authority to use limited force to remove intruders from an area is available, the use of restraints may be authorised as a means to facilitate security during removal. In such case, rule 53B would likely be appropriate. However, any such restraint must be reasonably necessary and the restraints must be removed at the earliest opportunity.

<b>Series 53: Use of Restraints</b>		
<b>Purpose:</b>	<b>To control the use of restraints against people who have been lawfully apprehended.</b>  <b>Note:</b> The use of restraints is a use of force and therefore must be closely controlled, and limited to situations where it is necessary for safety and security reasons.	
	<b>53 A</b>	Use of restraints is prohibited.
	<b>53 B</b>	Use of (SPECIFY restraints e.g. handcuffs) on apprehended people in (SPECIFY circumstances eg. continues to pose a threat) is permitted.
	<b>53 C-Z</b>	Spare.
Series 54-59	<b>Spare</b>	

### 6.3 Apprehension of persons

On occasion, a PSC may be contracted to engage in tasks that require limited authorisations to temporarily apprehend and hold people until law enforcement officials respond to the incident. Where the situation is not one of self-defence, there must be a separate and specific legal authority to engage in apprehension. Any authority to apprehend will implicitly include the right to search the individual for purposes of security. Searches must be conducted with close attention to legal obligations relating to privacy, respect for personal dignity, and liberty.

PCSP will be liable for the proper treatment of people under their control. PCSP must not engage in torture, sexual or gender based violence, or any other cruel, inhuman or degrading treatment or punishment against any person under their control. Indeed, PCSP must not physically deal with the person (which is generally, at law, an assault) beyond what is the minimum required to restrain, search, and move the apprehended person. Any order given by any person for a PCSP to engage in such conduct must be refused on the grounds that it would be illegal to do so. Any such request or command must be reported to appropriate authorities.

In situations where the PSC has been afforded a lawful authority to apprehend in support of law enforcement operations, rule 50C may be appropriate.

<b>Series 50: Apprehension of People</b>		
<b>Purpose:</b>	<p><b>To control the <i>apprehension</i> of people held during <i>self defence</i>, or when <i>defence of property/access control</i> tasks are authorized for the <i>PCSP</i> under the terms of the <i>PSC</i> contract.</b></p> <p>Note: In all cases, <i>territorial State</i> police forces or other authorised State agents are primarily responsible for crime prevention and apprehension of suspects. Whenever a person is apprehended by PCSP, that person should be handed over to an arresting authority as soon as possible.</p>	
	<b>50 A</b>	<i>Apprehension</i> of people is prohibited.
	<b>50 B</b>	<i>Apprehension</i> of people found committing a <i>serious crime</i> is permitted.
	<b>50 C</b>	<b><i>Apprehension</i> of people found committing a crime is permitted.</b>

	<b>50 D</b>	<i>Apprehension</i> of people leaving the scene after having committed a <i>serious crime</i> is permitted.
	<b>50 E</b>	<i>Apprehension</i> of people who are present in a (SPECIFY designated area, vessel, aircraft, vehicle) without authority is permitted.
	<b>50 F</b>	<i>Apprehension</i> of people on the authority of a master of a vessel is permitted.
	<b>50 G-Z</b>	Spare.

In almost all situations, an authority to apprehend will also require an authority to search the apprehended people for dangerous items with which they may harm themselves or others. In such situations, rule 51B is likely to be warranted.

<b>Series 51: Search of Apprehended People</b>		
<b>Purpose:</b>	<p><b>To control the search of people who have been apprehended by a PSC.</b></p> <p><b>NOTE:</b> National and International human rights standards and/or International Humanitarian Law standards apply to apprehended people at all times.</p> <p>In order to authorise a UoF Policy rule under Series 51, a power to apprehend must be authorised under UoF Policy Series 50.</p>	
	<b>51 A</b>	Use of force to search apprehended people is prohibited.
	<b>51 B</b>	Use of <i>non-deadly force</i> to search apprehended people for weapons or other items that could pose a threat to the safety of other people is permitted.
	<b>51 C-Z</b>	Spare.

However, as noted previously, it is essential that there be a legal authority for all apprehension and related search tasks. Such tasks, if undertaken without any foundational authority, are susceptible to being characterised as assault, deprivation of liberty, degrading treatment, or other *territorial State*, *host State*, or *flag State* potential offences.



## 6.4 Armed Conflict

**In situations of armed conflict, PCSP who engage in combat operations, attacks or activities aimed at weakening the enemy's military capacity and specifically meant to support one party to the conflict against the other, may be considered to be directly participating in hostilities.**

A person loses his/her protection as a civilian for such time as he or she directly participates in hostilities. They may be targeted and directly attacked for such time as they continue to directly participate in hostilities.

Civilians directly participating in hostilities do not have combatant immunity, meaning that they may be held criminally liable for any force used during such time as they are directly participating in hostilities.

It should be noted that in some circumstances, PSC and PCSP may be formally incorporated into a State's armed forces. This UoF Policy Handbook is not designed for use in such situations. Rather, the proper regime for governing the use of force by the PSC in such case would be the relevant Rules of Engagement (ROE)<sup>5</sup> issued by the responsible military chain of command.

**PCSP are required to respect international norms and standards.**

In all situations, including when operating in conflict zones, PSC and PCSP may incur legal obligations in accordance with the law of armed conflict and / or other international legal regimes as applicable.

**PSC and PCSP that are not under contract by a Government are generally not covered by *Status of Forces Agreements (SOFA)* or similar arrangements.**

It is rare for PCSP to be afforded the same level of jurisdictional immunity from *territorial State* law and legal processes as members of the armed forces or other State representatives (and in certain situations, representatives of the UN). The result is that PCSP do not have immunity from *territorial State* legal process. Thus, PCSP are subject to investigation, arrest and prosecution in relation to use of force, carriage of weapons, and any other criminal acts that may be committed.

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<sup>5</sup> See, for example, Alan Cole et al., "Sanremo Handbook on Rules of Engagement" (Sanremo: International Institute of Humanitarian Law, 2009).

## Chapter 7. Reporting and Recording of Incidents

Whenever a security incident occurs, there are a variety of actions that must be undertaken, including:

- the recording of the incident;
- reporting the incident;
- the handling and treatment of persons involved in the incident; and
- most likely, a subsequent investigation of the incident (particularly in situations where use of force has resulted in injury or death).

### *7.1 Incident Recording*

**Wherever possible, security incidents should be recorded.**

There are two primary reasons for recording all security incidents. The first is to provide a record of an incident. A record of an incident, be it audio, video or written, is evidence that can be used in the event that legal action is taken against the PCSP or PSC, as the case may be. Secondly, each incident is a learning opportunity. By recording such incidents, the PSC can derive lessons learned and use those lessons to develop further training tools and scenarios.

Wherever possible, video recordings should be made of all incidents involving the use of force or where the use of force is considered. This can serve to protect the PCSP and PSC from spurious complaints and can also provide valuable evidence should a PCSP be required to defend or explain his or her actions.

### *7.2 Incident Reporting*

**In the event that force is used, a post-incident report must be compiled as soon as reasonably possible after the incident has been resolved.**

Any attack or other incident in which PCSP resort to the use of force to protect persons or property should be reported immediately. In any case in which firearms or other forms of potentially deadly force have been used, the PSC must report that incident to the appropriate national authorities. In the case of vessels, this means that the flag State must always be notified.

### *7.3 Collecting and Handling Evidence*

During and after any security incident it is crucial that evidence of the incident be preserved and/or protected. Wherever possible, evidence should not be disturbed until law enforcement authorities arrive and take control of the scene.

Where there are witnesses to an event, those people should be identified for questioning by the local authorities. In the event that they have taken photographs or have otherwise recorded the event(s), efforts should be taken to ensure that those items can be protected and provided as evidence.

The questioning of individuals is fraught with legal technicalities that can easily derail an investigation. In most cases, witnesses to an event should not be questioned by PSC representatives. Rather, their names should be taken and they should be identified to the appropriate law enforcement authorities.

When evidence is gathered, it must be recorded and protected from tampering. This means that it must be locked in a secure facility to which access is limited to only those who have the responsibility for handling evidence. Failure to follow correct handling procedures can result in the evidence being dismissed should a case go to court.

If evidence is handed to local law enforcement authorities, the transfer must be recorded, and the names and signatures of the accepting custodian(s) must be obtained.

#### **7.4 Rendering assistance after an incident**

In situations where PCSP action has resulted in the injury or incapacitation of an individual, the PCSP must, when circumstances permit, ensure that the injured person is provided with medical care.

In situations where a person has been killed, the body of the deceased must be treated with respect. The body is also a vital component of any subsequent investigation. If in a vessel, the *master* will determine if the body can be kept in cold storage pending arrival at the next port of call. The *master* and senior PSC representative should discuss this issue in advance of the transit.

#### **7.5 Post-Incident Apprehension**

**People held or apprehended by PCSP (or by an authority, such as a *master*, who is utilising PSC assets or personnel in that task) shall be transferred to law enforcement or military authorities as soon as possible.**

PSC and PCSP generally have no authority to hold or apprehend individuals. In the event that an individual is held or apprehended as a result of an incident, arrangements must be made to hand the individual over to lawful authorities as soon as possible.

PCSP must not engage in torture, sexual or gender based violence, or any other cruel, inhuman or degrading treatment or punishment against any person under their control. Any

request made by a *PSC* or a *Client* for a *PCSP* to engage in such conduct must be refused. Any such request or command must be reported to appropriate authorities.

*PCSP* will be liable under *territorial State* (and in the maritime context, *flag State* law), and potentially other legal regimes, for the proper treatment of people under their control.

Many jurisdictions consider control to have commenced once the individual actually is stopped or otherwise delayed, and reasonably believes that he or she is not free to leave.

<b>Series 50: <i>Apprehension of People</i></b>		
<b>Purpose:</b>	<p><b>To control the <i>apprehension</i> of people apprehended during <i>self-defence</i>, or when defence of property/access control tasks are authorized for the <i>PCSP</i> under the terms of the <i>PSC</i> contract.</b></p> <p>Note: In all cases, <i>territorial State</i> police forces or other authorised State agents are primarily responsible for crime prevention and Apprehension of suspects. Whenever a person is apprehended by a <i>PCSP</i>, that person should be handed over to an arresting authority as soon as possible.</p>	
	<b>50 A</b>	<i>Apprehension</i> of people is prohibited.
	<b>50 B</b>	<i>Apprehension</i> of people found committing a <i>serious crime</i> is permitted.
	<b>50 C</b>	<i>Apprehension</i> of people found committing a crime is permitted.
	<b>50 D</b>	<i>Apprehension</i> of people leaving the scene after having committed a <i>serious crime</i> is permitted.
	<b>50 E</b>	<i>Apprehension</i> of people who are present in a (SPECIFY designated area, vessel, aircraft, vehicle) without authority is permitted.
	<b>50 H-Z</b>	Spare.

**All apprehended people must be treated in accordance with international and national standards.**

Articles 9(1) and 10(1) of the International Covenant on Civil and Political Rights (ICCPR) provide in part that:

9(1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or apprehension. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

10(1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

**Any *apprehension* must comply with the following minimum requirements:**

- **Length of *apprehension*:**
  - Apprehended persons must be delivered to an appropriate law enforcement authority as soon as possible.
- **Initial actions:**
  - Ensure an initial *apprehension* report is created for each apprehended person. This report must include any details of injuries or wounds. A sample report format is found at Annex C.
  - Maintain a record of what items are related to which apprehended persons, and store these items in a secure place.
  - Keep a record of any access to these items as this will be vital for evidence and chain of custody requirements.
- **Treatment:**
  - The dignity of all human beings must be respected at all times.
  - Apprehended persons must not be ridiculed or abused.
  - Religious observance and dietary requirements should be respected and facilitated to the greatest extent possible.
- **Conditions of *apprehension*:**
  - Apprehended persons must have access to light and air, and to adequate daily food and exercise.
  - Apprehended persons should only be restrained for vital security purposes, and should not be restrained when locked in a secure place.

- Remove from apprehended persons any items that may be used to harm themselves or others.
- A child apparently under the age of 18 should not be held in the same holding area as an adult who is not his / her parent.
- Women should not be secured in the same place as men.
- Never permit untrained people to deal with apprehended persons.
- **Monitoring:**
  - The instructions of the *on scene authority* must be sought so as to ensure that the specific conditions of apprehension are appropriate.
  - Adequate daily checks on conditions must be carried out.
  - Record all daily activities of, and interactions with, apprehended persons in a log. Include details such as questions asked, meals eaten, exercise and ablutions opportunities, etc.
  - Wherever possible, video-record all interactions with apprehended persons.
  - Never deal with apprehended persons alone – always have a witness to all interactions with apprehended persons.
  - Do not take weapons into areas where apprehended persons are held.
- **Handover**
  - Persons who have been apprehended must not be turned over to jurisdictions in which they are at risk of torture or inhuman or degrading treatment. This is a very complex legal question and advice **MUST** be sought from the PSC or other relevant authority prior to PSC personnel or assets being utilised in any such handover.
  - In the maritime context, it is generally the *master* who shall make this determination. However, it is important that the PSC Team Leader have guidance from his or her *top management* on who to deal with in this situation.
  - In some cases it might be necessary to release the individual.

## PART FIVE: PRIVATE SECURITY COMPANIES PROTECTING COMMERCIAL MARITIME VESSELS AND THEIR CREWS

**Note:** This part should be read in conjunction with Part Two: General Principles

### Chapter 8. Private security in the maritime domain

While most use of force principles discussed in this Handbook are universal, there are some that apply particularly in the context of those PSCs engaged in the protection of non-State owned civilian maritime vessels. These principles recognize the distinct legal environment of national and international waters, as well as the responsibilities and obligations that are applicable to mariners under a variety of international treaties and agreements, and customary law of the sea.

In discussing PSC activities in the maritime domain, it is important to note that PSCs often engage in activities other than the mere protection of those civilian vessels they have been specifically contracted to guard. Some States also contract for security patrols of their harbours, coastal areas, and the EEZ (e.g., fisheries protection). UoF Policies in these circumstances will be dictated by the contracting State. In such cases, coastal State law will apply for operations in internal waters and territorial waters. For operations in the EEZ, a mixture of coastal State law, and other law (including the law of the sea) will apply.

It is important to note that *flag State* jurisdiction and thus any laws and regulations imposed by the *flag State* concerning the use of PSC and PCASP<sup>6</sup> apply to vessels of the *flag State*. Furthermore, it is also important to note that port and coastal States' laws may also apply to such vessels.

#### 8.1 Maritime Zones

The *United Nations Convention on the Law of the Sea* defines various maritime zones as well as the rights and obligations of States with respect to each zone.

The maritime zones recognized under international law include internal waters, territorial seas, the contiguous zone, the continental shelf, and the high seas.

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<sup>6</sup> Privately Contracted Armed Security Personnel (PCASP) is the term used by the International Maritime Organisation (IMO) and many States to describe persons who are employed by or otherwise in the service of Private Maritime Security Companies.

## 8.2 Territorial Seas

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines. Within its territorial sea, a coastal State has sovereignty, together with broad prescriptive and enforcement jurisdiction, subject to the right of innocent passage by foreign vessels. Waters seaward of the territorial sea are international waters.

Foreign vessels are entitled to innocent passage through territorial waters so long as they do not engage in conduct that is prejudicial to the peace, good order or security of the coastal State. A coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with the provisions of the Law of the Sea. It is generally accepted that the mere carriage of weapons on board a vessel transiting the territorial sea during innocent passage is not an activity that is considered to be prejudicial to the peace, good order or security of the coastal State.<sup>7</sup> However, the act of exercising or practicing with weapons while in innocent passage is an activity that is considered to be prejudicial to the peace, good order or security of the coastal State. Unless there are security concerns that warrant otherwise, weapons carried on board civilian vessels in territorial seas should be secured below decks.

Series 61: Carriage of <i>Firearms</i> by Maritime PCASP		
<b>Purpose:</b>	To control the carrying and display of weapons while onboard vessels. <b>Note:</b> Security against shore based threats in a port is the responsibility of the <i>territorial State</i> . In the event that PCASP are tasked to provide security on a pier (ie. off of the vessel), rules from Series 60 must be authorised.	
	<b>61 A</b>	Carrying of <i>Firearms</i> by PCASP on board vessels is prohibited.

<sup>7</sup> While most States acknowledge that the presence of weapons on board vessels during innocent passage is not prejudicial to the coastal State, not all States agree. It is prudent, therefore, to understand coastal States' interpretations of the parameters of innocent passage.



	<b>61 B</b>	Carrying of <i>Firearms</i> by PCASP in the following (SPECIFY internal waters, territorial waters, and/or archipelagic waters) of (SPECIFY States) is prohibited.
	<b>61 C</b>	Display of <i>Firearms</i> by PCASP in the following (SPECIFY internal waters, territorial waters, and/or archipelagic waters) is prohibited.
	<b>61 D</b>	Carrying of <i>Firearms</i> by PCASP in the following (SPECIFY internal waters, territorial waters, and/or archipelagic waters) is permitted.
	<b>61 E</b>	Display of <i>Firearms</i> by PCASP in the following (SPECIFY internal waters, territorial waters, and/or archipelagic waters) is permitted.
	<b>61 F</b>	Carrying of <i>Firearms</i> by PCASP while alongside in (SPECIFY ports/States) is prohibited.
	<b>61 G</b>	Display of <i>Firearms</i> by PCASP while alongside in (SPECIFY ports/States) is permitted.
	<b>61 H</b>	Carriage of <i>Firearms</i> while in international waters is permitted.
	<b>61 I</b>	Display of <i>Firearms</i> while in international waters is permitted.
	<b>61 J-Z</b>	Spare.

### **8.3 Waters seaward of any nation's Territorial Sea**

Beyond the territorial sea a coastal State may claim a contiguous zone that can extend to 24 nm from the baselines. In the contiguous zone coastal States may enforce customs, fiscal, immigration and sanitary laws.

Unless *flag State* laws or *PSC* policy prohibit the possession of firearms, the carriage and/or display of weapons is generally permitted in international waters; that is, all waters seaward of the territorial sea.

### **8.4 Legal jurisdiction in maritime zones**

As vessels transit the seas, in addition to *flag State* law, some of the other laws that apply to them, and to the persons on board, will change as they enter and depart the various

maritime zones. For the purposes of PSC and PCASP, the primary delineation of concern is that of territorial waters and international waters.

	<b>Alongside in foreign port</b>	<b>Territorial Sea (up to 12nm from baseline)</b>	<b>Contiguous Zone (up to 24nm from baseline)</b>	<b>Exclusive Economic Zone (up to 200nm from baseline)</b>	<b>High Seas</b>
<b>Applicable Law(s)</b>	Flag State Law	Flag State Law	Flag State Law	Flag State Law	Flag State Law
	Port State Law	Coastal State Law	Coastal State Laws (Fiscal, Immigration, Sanitation, and Customs only)	Coastal State (Fisheries and resources laws)	
	Extra-territorially applicable Home State Law	Extra-territorially applicable Home State Law	Extra-territorially applicable Home State Law	Extra-territorially applicable Home State Law	Extra-territorially applicable Home State Law

### **8.5 Command and control of vessels**

**Masters of vessels are responsible for the safety of people, property and objects under their control.**

A *master* of a vessel (often also called a captain) is a licensed mariner who exercises command of a vessel.

*Masters* have authority over all persons on board a vessel, including officers and crew, other shipboard staff members and passengers. PCASP are subject to the *master's* authority at

all times. The *master* exercises over-all command of the vessel and is ultimately responsible for the safe navigation of the vessel and the security of all persons on board.

The PSC Team Leader is answerable to the *master* for all assigned security and safety tasks.

The PSC Team Leader and individual PCASP on board a vessel must obey all lawful commands of the *master*.

In order to ensure that this process works smoothly, the *PSC Team Leader* and *master* should make every effort to agree in advance on the general conditions, requirements and circumstances that will govern the response to, and management of, use of force incidents.

### **8.6 Command and control during security incidents**

In the event of any actual or threatened act of piracy, violence against, or seizure of the vessel by third parties, the PSC Team Leader must advise the *master* or the officer of the watch that he or she intends to invoke the UoF Policy and that the PCASP will take reasonable and necessary measures to protect the vessel and crew from the threat.

Assuming that time and space permit, any specific use of force by a PCASP should be discussed with and authorised by the *master*.

Each PCASP is responsible for any decision that he or she takes to use force. Any use of force must be carried out in accordance with the UoF Policy and must comply with applicable national laws.

*Masters* of vessels may direct PCASP to cease firing or to stop using force. Such orders cannot interfere with, or otherwise derogate from PCASP rights of *individual self-defence*.

#### **Example:**

A vessel is transiting through an area that has a high incidence of piracy attacks. The *master* of the vessel notes a small boat approaching at significant speed from the starboard quarter. No weapons have been spotted on the approaching boat, but a boarding ladder is visible. Concerned that the approaching boat may be a pirate vessel, the PSC Team Leader tells the *master* that he intends to open fire on the approaching boat.

The *master* responds that the boat is not currently a threat that warrants the use of deadly force because the ship can increase speed, change course, manoeuvre or take some other action.

Unless believing himself to be immediately threatened with serious injury or death, the PCASP must not open fire on the boat. If he ignores the *master's* direction, claiming that he fired in *self-defence*, there is a real risk that his claim to *self-defence* will be considered unreasonable.

### **8.7 Apprehending persons at sea**

In exceptional circumstances a *master* may direct a PCASP to apprehend a person in accordance with law. Such action should be addressed as a possibility in the UoF Policy. It is the responsibility of the *master* to ensure that the detained person is properly accommodated.

PCASP will be liable under *flag State* and/or *territorial State* law, and potentially other legal regimes, for the proper treatment of people while they are under their control.

Any authority to apprehend will implicitly include the right to search the individual for purposes of security. Searches must be conducted with close attention to legal obligations relating to privacy, respect for personal dignity, and liberty.

PCASP must not engage in torture, sexual or gender based violence, or any other cruel, inhuman or degrading treatment or punishment against any person under their control. Any order given by any person for a PCASP to engage in such conduct must be refused on the grounds that it would be illegal to do so. Any such request or command must be reported to appropriate authorities. PCASP must not physically deal with the person (which is generally, at law, an assault) beyond the minimum required to restrain, search, and move the apprehended person.

In situations where the PCASP has been requested to apprehend an individual, rule 50 F may be appropriate.

<b>Series 50: <i>Apprehension of People</i></b>		
<b>Purpose:</b>	<p><b>To control the <i>apprehension</i> of people held during <i>self defence</i>, or when <i>defence of property/access control</i> tasks are authorized for the PCSP under the terms of the PSC contract.</b></p> <p>Note: In all cases, territorial State police forces or other authorised State agents are primarily responsible for crime prevention and <i>apprehension</i> of suspects. Whenever a person is apprehended by PCSP, that person should be handed over to an arresting authority as soon as possible.</p>	
	<b>50 A</b>	<i>Apprehension</i> of people is prohibited.
	<b>50 B</b>	<i>Apprehension</i> of people found committing a <i>serious crime</i> is permitted.
	<b>50 C</b>	<i>Apprehension</i> of people found committing a crime is permitted.
	<b>50 D</b>	<i>Apprehension</i> of people leaving the scene after having committed a <i>serious crime</i> is permitted.
	<b>50 E</b>	<i>Apprehension</i> of people who are present in a (SPECIFY designated area, vessel, aircraft, vehicle) without authority is permitted.
	<b>50 F</b>	<i>Apprehension</i> of people on the authority of a master of a vessel is permitted.
	<b>50 G-Z</b>	Spare.

### ***8.8 Restraining people for removal from a vessel***

In any case where the PCASP has authority to manage access to a vessel, or a part of a vessel, authority to remove unauthorized intruders from that space will generally be included.

Where an authority to use limited force to remove intruders from an area is available, the use of restraints may be authorised as a means to facilitate security during removal. In such

cases, rule 53B would likely be appropriate. However, any such restraint must be reasonably necessary and the restraints must be removed at the earliest opportunity.

<b>Series 53: Use of Restraints</b>		
<b>Purpose:</b>	<p><b>To control the use of restraints against people who have been lawfully apprehended.</b></p> <p><b>Note:</b> The use of restraints is a use of force and therefore must be closely controlled, and limited to situations where it is necessary for safety and security reasons.</p>	
	<b>53 A</b>	Use of restraints is prohibited.
	<b>53 B</b>	Use of (SPECIFY restraints e.g. handcuffs) on apprehended people in (SPECIFY circumstances e.g. continues to pose a threat) is permitted.
	<b>53 C-Z</b>	Spare.
Series 54-59	<b>Spare</b>	

In almost all situations, an authority to apprehend will also require an authority to search the apprehended people for dangerous items with which they may harm themselves or others. In such situations, rule 51B is likely to be warranted.

<b>Series 51: Search of Apprehended People</b>		
<b>Purpose:</b>	<p><b>To control the search of people who have been apprehended by a PSC.</b></p> <p><b>NOTE:</b> National and International human rights standards and/or International Humanitarian Law standards apply to apprehended people at all times.</p> <p>In order to authorise a UoF Policy under Series 51, a power to apprehend must be authorised under UoF Policy Series 50.</p>	
	<b>51 A</b>	Use of force to search apprehended people is prohibited.
	<b>51 B</b>	Use of <i>non-deadly force</i> to search apprehended people for weapons or other items that could pose a threat to the safety of other people is permitted.

	<b>51 C-Z</b>	Spare.
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However, as noted previously, it is essential that there be a legal authority for all apprehension and related search tasks. Such tasks, if undertaken without any foundational authority, may be considered to be an assault, deprivation of liberty, degrading treatment, or other *territorial State, host State, or flag State* offences.

## ANNEX A: Menu of Rules for the Use of Force (UoF Policy)

### GROUP 10 - Self-Defence

<b>Series 10: Use of Force in Individual <i>Self-Defence</i></b>		
<b>Purpose:</b>	To control the right to use force in <i>individual self-defence</i> . <b>NOTE: Nothing in these rules negates the right of <i>individual self-defence</i>.</b>	
	<b>10 A</b>	Use of force, up to and including <i>deadly force</i> , in <i>individual self-defence</i> is permitted.
	<b>10 B-Z</b>	Spare.

<b>Series 11: Use of Force to Protect Other People</b>		
<b>Purpose:</b>	To control the use of force for protection of others.	
	<b>11 A</b>	Use of force to protect others is prohibited.
	<b>11 B</b>	Use of <i>non-deadly force</i> to protect other people in/of (SPECIFY group/location) is permitted.
	<b>11 C</b>	Use of force, up to and including <i>deadly force</i> , to protect other people in/of (SPECIFY group/location) is permitted.
	<b>11D</b>	Use of force, up to and including <i>deadly force</i> , to protect other people is permitted.
	<b>11 E-Z</b>	Spare.

<b>Series 12: Serious Crime</b>	
<b>Purpose:</b>	To control the use of force in the face of crime or <i>serious crime</i> . <b>NOTE: Generally, <i>territorial State</i> police forces or other authorised State</b>



		agents are primarily responsible for crime prevention.  In some cases, intervening to stop <i>serious crime</i> may be seen as interference in a conflict or as taking sides. In such cases, intervention to prevent or stop crime may be prohibited or limited.
	<b>12 A</b>	Use of force to protect other people from the commission of a crime is prohibited.
	<b>12 B</b>	Use of <i>non-deadly force</i> to prevent the commission of a crime against (SPECIFY people and/or property) in the absence of law enforcement officials is permitted.
	<b>12 C</b>	Use of <i>non-deadly force</i> to prevent the commission of a crime against (SPECIFY people and/or property) is permitted.
	<b>12 D</b>	Use of force, up to and including <i>deadly force</i> , to prevent the commission of a <i>serious crime</i> in the absence of law enforcement officials is permitted.
	<b>12 E</b>	Use of force, up to and including <i>deadly force</i> , to prevent the commission of a <i>serious crime</i> is permitted.

### Series 13: Use of Force to Protect Property when Damage to Property is Likely to Cause the Death of Other People

<b>Purpose:</b>	<b>To control the use of force for protection of property where the destruction of that property is likely to lead to death or serious injury.</b>	
	<b>13 A</b>	Use of force in defence of property where there is likelihood that destruction of, or damage to, that property will lead to the injury of people is prohibited.
	<b>13 B</b>	Use of <i>non-deadly force</i> in defence of property where there is likelihood that destruction of, or damage to, that property will lead to the injury of (SPECIFY people) is permitted.
	<b>13 C</b>	Use of force, up to and including <i>deadly force</i> , in defence of property where there is a likelihood that destruction of, or damage to, that property will lead to an imminent threat to life of (SPECIFY people) is permitted.  <b>Note:</b> Defence of property in such situations is an exercise of the right of individual self-defence or the right to protect the specified

		people. See Series 20 for measures regarding the use of force to protect property where no imminent threat to life exists.
	<b>13 D</b>	Use of force, up to and including <i>deadly force</i> , in defence of property where there is a likelihood that destruction of, or damage to, that property will lead to an imminent threat to life is permitted.  <b>Note:</b> Defence of property in such situations is an exercise of the right of individual self-defence or the right to protect the specified people. See Series 20 for measures regarding the use of force to protect property where no imminent threat to life exists.
	<b>13 E-Z</b>	Spare.
<b>Series 14-19</b>	<b>Spare</b>	

## GROUP 20 - Protection of Property

<b>Series 20: Use of Force to Protect Property</b>		
<b>Purpose:</b>	<b>To control the use of force to protect property.</b>	
	<b>20 A</b>	Use of force to protect property is prohibited.
	<b>20 B</b>	Use of <i>non-deadly force</i> to protect property is permitted.
	<b>20 C</b>	Use of force, up to and including <i>deadly force</i> , to protect property is permitted
	<b>20 D</b>	Use of force, up to and including <i>deadly force</i> , to protect (SPECIFY property) is permitted.
	<b>20 E-Z</b>	Spare.

<b>Series 21: Protection of Vital Points or Other Specially Designated Property</b>		
<b>Purpose:</b>	<b>To control the use of force in the protection of vital or other specially designated property where PSC and PCSP authority to protect that property is covered under the terms of the PSC contract.</b>	
	<b>NOTE:</b> This series provides specific permission to protect limited categories of property. Rules 21C or 21D can be used even if Rules 20 A or 20B are in effect for general property.	
	<b>21 A</b>	Use of force to protect vital points or other specially designated property is prohibited.
	<b>21 B</b>	Use of <i>non-deadly force</i> to protect (SPECIFY vital points or other specially designated property) is permitted.
	<b>21 C</b>	Use of force, up to and including <i>deadly force</i> , to protect (SPECIFY vital points or other specially designated property) is permitted.

	<b>21 D</b>	Use of force, up to and including <i>deadly force</i> , to protect vital points or other specially designated property is permitted.
	<b>21 E-Z</b>	Spare.

### Series 22: Denial of Access to Property/Location

<b>Purpose:</b>	<b>To control the use of force in access control tasks where PSC and PCSP are authorised to control access to property/locations as specified in the terms of the PSC contract.</b>	
	<b>22 A</b>	Use of force to deny access to properties / locations is prohibited
	<b>22 B</b>	Use of <i>non-deadly force</i> to deny access to (SPECIFY property/location) is permitted.
	<b>22 C</b>	Use of force, up to and including <i>deadly force</i> , to deny access to (SPECIFY property/location) is permitted.
	<b>22 D-Z</b>	Spare.

### Series 23: Denial of Access to a Zone

<b>Purpose:</b>	<b>To control denial of access to declared zones in land, maritime, and air environments where PSC and PCSP are authorised to engage in zone management as specified in the terms of the PSC contract.</b>	
	<b>NOTE:</b> In rare situations, such as the protection of nuclear facilities, <i>territorial State</i> law may permit the use of deadly force to prevent intruders from gaining access to a specified area. In such situations, UoF Policy 23D may be authorized, but only if UoF Policy 21D has also been authorized, and the <i>territorial State</i> has specifically authorised the PCSP to use <i>deadly force</i> in such cases.	
	<b>23 A</b>	Use of force against people entering or attempting to enter (SPECIFY zone) without authority is prohibited.
	<b>23 B</b>	Use of <i>non-deadly force</i> against people entering or attempting to enter (SPECIFY zone) without authority, after being warned, is permitted.

	<b>23 C</b>	Use of force, up to and including <i>deadly force</i> against unauthorized people entering or attempting to enter (SPECIFY zone) without permission, after being warned, is permitted.  <b>Note:</b> See explanatory note above.
	<b>23 D-Z</b>	Spare.

### Series 24: Removal of Intruders from a Zone

<b>Purpose:</b>	<b>To control the removal of intruders from declared zones in land, maritime, and air environments where PSC and PCSP are authorised to engage in zone management as specified in the terms of the PSC contract.</b>  See Series 50 and 51 regarding Apprehension	
	<b>24 A</b>	Use of <i>non-deadly force</i> to remove people who have entered (SPECIFY zone) without authority and failed to depart when warned is prohibited.
	<b>24 B -Z</b>	Spare

### Series 25: Disarming of Intruders within a Zone

<b>Purpose:</b>	<b>To control the disarming of intruders within declared zones in land, maritime, and air environments where PSC and PCSP are authorised to engage in zone management as specified in the terms of the PSC contract.</b>  <b>NOTE:</b> See Series 50 and 51 regarding <i>apprehension</i> .	
	<b>25 A</b>	Use of force to disarm people within (SPECIFY zone) is prohibited.
	<b>25 B</b>	Use of <i>non-deadly force</i> to disarm people within (SPECIFY zone) is permitted.
	<b>25 C</b>	Use of force, up to and including <i>deadly force</i> , to disarm people within (SPECIFY zone) is permitted.  <b>Note:</b> See explanatory note above.

	<b>25 D -Z</b>	Spare
<b>Series 26-29</b>	<b>Spare</b>	

## GROUP 30 - Freedom of Movement

<b>Series 30: Protection of Freedom of Movement of People</b>		
<b>Purpose:</b>	<b>To control the use of force in providing freedom of movement of people where PSC and PCSP authority to ensure freedom of movement for those people is covered under the terms of the PSC contract.</b>	
	<b>30 A</b>	Use of force to prevent interference with the freedom of movement of people is prohibited.
	<b>30B</b>	Use of <i>non-deadly force</i> , to prevent interference with the freedom of movement of (SPECIFY people) is permitted.
	<b>30 C</b>	Use of force, up to and including <i>deadly force</i> , to prevent interference with the freedom of movement of (SPECIFY people) when such interference is likely to result in death or serious injury of those people, is permitted.
	<b>30 D-Z</b>	Spare.

<b>Series 31: Prevention of Interference with Ships, Aircraft or Vehicles</b>		
<b>Purpose:</b>	<p><b>To control the circumstances in which force may be used to prevent unauthorised boarding, entry or seizure of ships, aircraft or vehicles.</b></p> <p><b>NOTE:</b> In rare situations, such as the protection of nuclear materials transfers, <i>territorial State</i> law may permit the use of deadly force to prevent intruders from gaining access to the vessel/aircraft/vehicle in which the material is being transported. In such situations, rule 31 D may be authorized, but only if rule 21D has also been authorized, and the <i>territorial State</i> has specifically permitted the PCSP to use <i>deadly force</i> in such cases.</p> <p>See Series 50 and 51 regarding <i>apprehension</i>.</p>	
	<b>31 A</b>	Use of force to prevent unauthorised boarding, entry or seizure of ships, aircraft or vehicles is prohibited.
	<b>31 B</b>	Use of <i>non-deadly force</i> to prevent unauthorised boarding, entry or seizure of (SPECIFY ships/aircraft/vehicles) is permitted.

	<b>31 C</b>	Use of force, up to and including <i>deadly force</i> , to prevent unauthorised boarding, entry or seizure of (SPECIFY ships/aircraft/vehicles) is permitted.  <b>Note:</b> See explanatory note above.
	<b>31 D-Z</b>	Spare.
<b>Series 32-39</b>	<b>Spare</b>	



## GROUP 40 – Warnings and Obstacles

<b>Series 40: Use of Warning Devices</b>		
<b>Purpose:</b>	<p><b>To control the use of warning devices that have the potential to cause bodily harm (eg. Long Range Acoustic Device (LRAD)).</b></p> <p><b>Note:</b> Nothing in this Series prohibits an individual/vehicle/vessel or aircraft from communicating or displaying a warning signal.</p> <p>For use of warning shots see Series 41.</p>	
	<b>40 A</b>	Use of acoustic devices to warn is prohibited.
	<b>40 B</b>	Use of acoustic devices to warn is permitted.
	<b>40 C</b>	Use of laser dazzlers to warn is prohibited.
	<b>40 D</b>	Use of laser dazzlers to warn is permitted.
	<b>40 E</b>	Use of (SPECIFY warning device) directed towards (SPECIFY threat) is permitted.
	<b>40 F</b>	Use of (SPECIFY warning device) is permitted.
	<b>40 G-Z</b>	<b>Spare</b>

<b>Series 41: Warning Shots</b>		
<b>Purpose:</b>	<p><b>To control the use of <i>warning shots</i></b></p> <p><b>Note:</b> For use of warning devices other than <i>warning shots</i> see Series 40.</p> <p>In some jurisdictions use of warning shots may constitute a criminal offence if the situation is not considered adequately threatening to justify their use.</p>	
	<b>41 A</b>	<i>Warning shots</i> are prohibited.
	<b>41 B</b>	<i>Warning shots</i> in the vicinity of (SPECIFY people/places) are prohibited.

	<b>41 C</b>	<i>Warning shots</i> in the vicinity of (SPECIFY people/places) are permitted.
	<b>41D</b>	<i>Warning shots</i> are permitted.
	<b>41 E-Z</b>	Spare.

### Series 42: Disabling Fire

<b>Purpose:</b>	<b>To control the use of <i>disabling fire</i>.</b>	
	<b>42 A</b>	<i>Disabling fire</i> is prohibited.
	<b>42 B</b>	<i>Disabling fire</i> in (SPECIFY circumstances) is permitted.
	<b>42 C</b>	<i>Disabling fire</i> is permitted.
	<b>42 D-Z</b>	<b>Spare</b>

### Series 43: Use of Obstacles and Barriers

<b>Purpose:</b>	<b>To control the use of obstacles and barriers where PSC and PCSP authority to use obstacles and barriers is covered under the terms of the PSC contract.</b>	
	<b>43 A</b>	Use of obstacles and barriers is prohibited.
	<b>43 B</b>	Use of a (SPECIFY type of obstacle or barrier eg. razor wire) is prohibited.
	<b>43 C</b>	Use of non-explosive obstacles and barriers in (SPECIFY circumstances/location) is permitted.
	<b>43 D</b>	Use of a (SPECIFY type of obstacle or barrier) in (SPECIFY circumstances/location) is permitted.
	<b>43 E-Z</b>	Spare.
<b>Series 44-49</b>	<b>Spare</b>	

## GROUP 50 –Apprehending and Searching People

<b>Series 50: <i>Apprehension of People</i></b>		
<b>Purpose:</b>	<p>To control the <i>apprehension</i> of people detained during <i>self-defence</i>, or when defence of property/access control tasks are authorized for the PSC and PCSP under the terms of the PSC contract.</p> <p><b>Note:</b> <i>Territorial State</i> police forces or other authorised State agents are primarily responsible for crime prevention and <i>apprehension</i> of suspects. In some cases PSC may be authorised to engage in law enforcement activity by a State authority. In such cases, PCSP may be authorized to apprehend people. Whenever a person is apprehended, that person should be handed over to an arresting authority as soon as possible.</p>	
	<b>50 A</b>	<i>Apprehension</i> of people is prohibited.
	<b>50 B</b>	<i>Apprehension</i> of people found committing a <i>serious crime</i> is permitted.
	<b>50 C</b>	<i>Apprehension</i> of people found committing a crime is permitted.
	<b>50 D</b>	<i>Apprehension</i> of people leaving the scene after having committed a <i>serious crime</i> is permitted.
	<b>50 E</b>	<i>Apprehension</i> of people who are present in a (SPECIFY designated area, vessel, aircraft, vehicle) without authority is permitted.
	<b>50 H-Z</b>	Spare.

<b>Series 51: <i>Search of Apprehended Persons</i></b>	
<b>Purpose:</b>	<p>To control the search of people who have been apprehended by PCSP.</p> <p><b>NOTE:</b> National and International human rights standards, and/or (where applicable) International Humanitarian Law standards, apply to apprehended people at all times.</p> <p>In order to authorise a rule under Series 51, a power to apprehend must be authorised under Series 50.</p>

	<b>51 A</b>	Use of force to search apprehended people is prohibited.
	<b>51 B</b>	Use of <i>non-deadly force</i> to search apprehended people for weapons or other items that could pose a threat to the safety of other people is permitted.
	<b>51 C-Z</b>	Spare.

### Series 52: Prevention of Escape

<b>Purpose:</b>	<b>To control the use of force against people attempting to escape from lawful <i>apprehension</i> where such control tasks are authorized for the PSC and PCSP under the terms of the PSC contract.</b>	
	<b>52 A</b>	Use of force to prevent the escape of apprehended people is prohibited.
	<b>52 B</b>	Use of <i>non-deadly force</i> to prevent the escape of apprehended people is permitted.
	<b>52 C</b>	Use of force, up to and including <i>deadly force</i> , is authorised when it reasonably appears to be necessary to prevent the escape of a apprehended person who has committed a <i>serious crime</i> , and continues to pose an imminent threat of death or serious bodily harm to people in the vicinity.
	<b>52 D-Z</b>	Spare.

### Series 53: Use of Restraints

<b>Purpose:</b>	<b>To control the use of restraints against people who have been lawfully apprehended.</b>	
	<b>Note:</b> The use of restraints is a use of force and therefore must be closely controlled, and limited to situations where it is necessary for safety and security reasons.	
	<b>53 A</b>	Use of restraints is prohibited.

	<b>53 B</b>	Use of (SPECIFY restraints e.g. handcuffs) on apprehended people in (SPECIFY circumstances eg. continues to pose a threat) is permitted.
	<b>53 C-Z</b>	Spare.
Series 54-59	<b>Spare</b>	

## GROUP 60: Employment of Weapons

### Series 60: Carriage of *Firearms* by Land Based PCSP

<b>Purpose:</b>	<p><b>To control the carrying of <i>firearms</i> during land based tasks.</b></p> <p><b>Note:</b> Any permission for PCSP to carry <i>firearms</i> must be authorised by the <i>territorial State</i> as appropriate.</p> <p>In situations where the <i>territorial State</i> does not have effective jurisdiction, any permission for PCSP to carry <i>firearms</i> while within the territory of that State must be authorised by the <i>contracting State</i> or international organisation (e.g. United Nations) as appropriate.</p>	
	<b>60 A</b>	Carrying of <i>firearms</i> by PCSP is prohibited.
	<b>60 B</b>	Carrying of <i>firearms</i> by PCSP in (SPECIFY location and/or situation) is prohibited.
	<b>60 C</b>	Carrying of <i>firearms</i> by PCSP while engaged in (SPECIFY task) is permitted.
	<b>60 D</b>	Carrying of <i>firearms</i> by PCSP in (SPECIFY areas) is permitted.
	<b>60 E</b>	Carrying of <i>firearms</i> by PCSP is permitted.
	<b>60 F-Z</b>	Spare.

## Series 61: Carriage of *Firearms* by Maritime PCASP

<b>Purpose:</b>	<p><b>To control the carrying and display of <i>firearms</i> while onboard vessels.</b></p> <p><b>Note:</b> Security against shore based threats in a port is the responsibility of the <i>territorial State</i>. In the event that PCASP are tasked to provide security on a wharf (ie. off of the vessel), rules from Series 60 must be authorised.</p>	
	<b>61 A</b>	Carrying of <i>firearms</i> by PCASP on board vessels is prohibited.
	<b>61 B</b>	Carrying of <i>firearms</i> by PCASP in the following (SPECIFY internal waters, territorial waters, and/or archipelagic waters) of (SPECIFY States) is prohibited.
	<b>61 C</b>	Display of <i>firearms</i> by PCASP in (SPECIFY internal waters, territorial waters, and/or archipelagic waters) is prohibited.
	<b>61 D</b>	Carrying of <i>firearms</i> by PCASP in (SPECIFY internal waters, territorial waters, and/or archipelagic waters) is permitted.
	<b>61 E</b>	Carrying of <i>firearms</i> by PCASP while alongside in (SPECIFY ports/States) is prohibited.
	<b>61 F</b>	Display of <i>firearms</i> by PCASP while alongside in (SPECIFY ports/States) is permitted.
	<b>61 G</b>	Carriage of <i>firearms</i> while in international waters is permitted.
	<b>61 H</b>	Display of <i>firearms</i> while in international waters is permitted.
	<b>61 I-Z</b>	Spare.

## Series 62: Carriage of *Firearms* in Aircraft

<b>Purpose:</b>	<p><b>To control the carrying and display of <i>firearms</i> while in aircraft.</b></p> <p><b>NOTE:</b> This series is primarily designed to control the carrying of <i>firearms</i> by PCASP who are tasked with duties such as protecting cargo, convicted prisoner transfer etc. in aircraft.</p> <p>Security against threats to aircraft on the ground at an airport is the responsibility of the <i>territorial State</i>. In the event that PCASP are tasked to</p>
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	conduct aircraft security on a tarmac, rules from Series 60 must be authorised.	
	<b>62 A</b>	Carrying of <i>firearms</i> by PCSP on aircraft is prohibited.
	<b>62 B</b>	Carrying of <i>firearms</i> by PCSP on (SPECIFY aircraft) for (SPECIFY purpose) is permitted.
	<b>62 C</b>	Carrying of <i>firearms</i> by PCSP on (SPECIFY aircraft) is permitted.
	<b>62 D-Z</b>	Spare.

### **Series 63: Storage of and Access to *Firearms***

<b>Purpose:</b>	<b>To control access to <i>firearms</i>.</b>	
	<b>63 A</b>	<i>Firearms</i> shall be stored at all times other than emergencies.
	<b>63 B</b>	<i>Firearms</i> shall be stored when not on watch/duty.
	<b>63C</b>	<i>Firearms</i> may be carried for the duration of the task.
	<b>63 D-Z</b>	<b>Spare</b>
<b>Series 67-69</b>	<b>Spare</b>	

### Series 64: Crowd and Riot Control

<b>Purpose:</b>	<b>To control the use of force in riot control tasks where such tasks are authorized for the PSC and PCSP under the terms of the PSC contract.</b>	
	<b>64 A</b>	Use of force during riot control is prohibited.
	<b>64 B</b>	Use of <i>non-deadly force</i> during riot control in (SPECIFY circumstances) is permitted.
	<b>64 C-Z</b>	Spare.

### Series 65: Non-Lethal Devices

**Note:** For use of acoustic devices for warnings, see Series 40.

<b>Purpose:</b>	<b>To control the use of non-lethal devices against people</b>	
	<b>65 A</b>	Use of non-lethal devices is prohibited.
	<b>65 B</b>	Use of (SPECIFY non-lethal devices) is prohibited.
	<b>65 C</b>	Use of (SPECIFY non-lethal devices) is permitted.
	<b>65 D-Z</b>	Spare.

### Series 66: Riot Control Agents

<b>Purpose:</b>	<b>To control the use of riot control agents in situations where such authority is granted to the PSC and PCSP under the terms of the PSC contract.</b>	
	<b>66 A</b>	Use of riot control agents is prohibited.
	<b>66 B</b>	Use of (SPECIFY riot control agents, e.g. pepper spray, tear gas) is permitted in (SPECIFY circumstances).
	<b>66 C-Z</b>	<b>Spare</b>



## ANNEX B: UoF Policy Templates and Examples

### Appendix 1 - Maritime Security Example

#### RULES FOR THE USE OF FORCE

<b>PSC NAME: INTERNATIONAL SEABORNE SECURITY INC.</b>		<b>CLIENT: MADAMA SHIPLINES</b>
<b>TASKING</b>	<b>MARITIME VESSEL SECURITY (MV HAPPY SAILOR)</b>	
<b>DATE(S)</b>	<b>12 DECEMBER 2014 TO 31 JANUARY 2015</b>	
<b>LOCATION</b>	<b>FROM: MOMBANA, KUNYI To: JIXAR PORT, SUDABIA; KUWALA CITY, KUWALA; MINIMA, BARANDIA; MUMBAI, INDRANIA; AND, MOMBANA, KUNYI.</b>	

<b>Rule</b>	
<b>10 A</b>	Use of force, up to and including <i>deadly force</i> , in <i>individual self-defence</i> is permitted.
<b>11 C</b>	Use of force, up to and including <i>deadly force</i> , to protect the crew and other people on board MV HAPPY SAILOR is permitted.
<b>12 B</b>	Use of <i>non-deadly force</i> to prevent the commission of a crime against MV HAPPY SAILOR and its crew in the absence of law enforcement officials is permitted.
<b>12 E</b>	Use of force, up to and including <i>deadly force</i> , to prevent the commission of a <i>serious crime</i> is permitted.
<b>13 C</b>	Use of force, up to and including <i>deadly force</i> , in defence of MV HAPPY SAILOR where there is a likelihood that destruction of, or damage to the vessel will lead to an imminent threat to life of the crew and other people on board the vessel is permitted.
<b>20 B</b>	Use of <i>non-deadly force</i> to protect property is permitted.
<b>31 B</b>	Use of <i>non-deadly force</i> to prevent unauthorised boarding, entry or seizure of MV HAPPY SAILOR is permitted.
<b>40 B</b>	Use of acoustic devices to warn is permitted.

<b>41 C</b>	<i>Warning shots</i> in the vicinity of approaching vessels that pose a threat to MV HAPPY SAILOR and its crew are permitted.
<b>42 B</b>	<i>Disabling fire</i> against vessels that continue to close after warning shots is permitted.
<b>43 D</b>	Use of razor wire on access points and guard rails is permitted.
<b>50 E</b>	<i>Apprehension</i> of people who have gained access to MV HAPPY SAILOR without authority is permitted.
<b>51 B</b>	Use of <i>non-deadly force</i> to search apprehended people for weapons or other items that could pose a threat to the safety of other people is permitted.
<b>52 B</b>	Use of <i>non-deadly force</i> to prevent the escape of apprehended people is permitted.
<b>53 B</b>	Use of hand restraints on people who have been apprehended on board MV HAPPY SAILOR is permitted.
<b>61 B</b>	Carrying of <i>firearms</i> by PCASP in the internal waters, territorial waters, and/or archipelagic waters of Sudabia, Kuwala, Bahrandia and Indrania is prohibited.
<b>61 D</b>	Carrying and displaying <i>firearms</i> by PCASP while underway in the territorial waters of Kunyi is permitted.
<b>61 E</b>	Display of <i>firearms</i> by PCASP while underway in the territorial waters of Kunyi is permitted.
<b>61 F</b>	Carrying of <i>firearms</i> by PCASP while alongside in Kunyi is prohibited.
<b>61 H</b>	Carriage of <i>firearms</i> while in international waters is permitted.
<b>61 I</b>	Display of <i>firearms</i> while in international waters is permitted.
<b>63 B</b>	<i>Firearms</i> shall be stored when not on watch.
<b>65 H</b>	Use of water cannons and/or fire hoses to prevent unauthorized boarding of MV HAPPY SAILOR is permitted.

## Appendix 2 - Land Based Example

### RULES FOR THE USE OF FORCE

<b>PSC NAME: PRISONER TRANSFERS INC.</b>		<b>CLIENT: GIVE AID INT'L</b>
<b>TASKING</b>	<b>ACCESS CONTROL TO GIVE AID INT'L BASE CAMP AND LOGISTICS CENTRE "CAMP STORAGE"</b>	
<b>DATE(S)</b>	<b>1 JULY 2014 TO 30 JUNE 2015</b>	
<b>LOCATION</b>	<b>NASTYVILLE, BADLANDIA</b>	

<b>Rule</b>	
<b>10 A</b>	Use of force, up to and including <i>deadly force</i> , in <i>individual self-defence</i> is permitted.
<b>11 C</b>	Use of force, up to and including <i>deadly force</i> , to protect people in Camp Storage is permitted.
<b>12 C</b>	Use of <i>non-deadly force</i> to prevent the commission of a crime against Give Aid Int'l staff and property is permitted.
<b>13 C</b>	Use of force, up to and including <i>deadly force</i> , in defence of property where there is a likelihood that destruction of, or damage to, that property will lead to an imminent threat to life of people in Camp Storage is permitted.
<b>20 B</b>	Use of <i>non-deadly force</i> to protect property is permitted.
<b>21 B</b>	Use of <i>non-deadly force</i> to protect food storage sites is permitted.
<b>22 B</b>	Use of <i>non-deadly force</i> to deny access to Camp Storage is permitted.
<b>24 B</b>	Use of <i>non-deadly force</i> against people who have entered Camp Storage without authority and failed to depart when warned is permitted.
<b>25 B</b>	Use of <i>non-deadly force</i> to disarm people within Camp Storage is permitted.
<b>30 B</b>	Use of <i>non-deadly force</i> , to prevent interference with the freedom of movement of

	Camp Storage persons engaged in the delivery of aid is permitted.
<b>31 B</b>	Use of <i>non-deadly force</i> to prevent unauthorised seizure of Give Aid Int'l vehicles is permitted.
<b>40 E</b>	Use of laser dazzlers directed towards vehicles approaching access points at excessive speed is permitted.
<b>41 A</b>	<i>Warning shots</i> are prohibited.
<b>42 B</b>	<i>Disabling fire</i> in situations in which a vehicle continues to approach at excessive speed after having been warned is permitted.
<b>43 C</b>	Use of non-explosive barriers and obstacles is permitted
<b>50 B</b>	<i>Apprehension</i> of people found committing a <i>serious crime</i> is permitted.
<b>50 D</b>	<i>Apprehension</i> of people leaving the scene after having committed a <i>serious crime</i> is permitted.
<b>50 E</b>	<i>Apprehension</i> of people who are present in Camp Storage without authority is permitted.
<b>51 B</b>	Use of <i>non-deadly force</i> to search apprehended people for weapons or other items that could pose a threat to the safety of other people is permitted.
<b>52 B</b>	Use of <i>non-deadly force</i> to prevent the escape of apprehended people is permitted.
<b>52 C</b>	Use of force, up to and including <i>deadly force</i> , is authorised when it reasonably appears to be necessary to prevent the escape of an apprehended person who has committed a <i>serious crime</i> , and continues to pose an imminent threat of death or serious bodily harm to people in the vicinity.
<b>53 B</b>	Use of hand restraints on apprehended people until <i>territorial State</i> law enforcement personnel arrive is permitted.
<b>60 C</b>	Carrying of <i>firearms</i> by PCSP while engaged in protection of Camp Storage is permitted.
<b>63 B</b>	<i>Firearms</i> shall be stored when not on watch.
<b>65 C</b>	Use of laser dazzlers is permitted.

## Appendix 3 – Convicted Prisoner Transfer by Air Example

### RULES FOR THE USE OF FORCE

<b>PSC NAME: PRISONER TRANSFERS INC.</b>		<b>CLIENT: UNITED NATIONS</b>
<b>TASKING</b>	<b>TRANSFER OF CONVICTED PERSONS (BY AIRCRAFT)</b>	
<b>DATE(S)</b>	<b>12 DECEMBER 2014</b>	
<b>LOCATION</b>	<b>VICTORVILLE, SEYCHENIA TO BOSSALANA, SOMANDIA.</b>	

Rule	
<b>10 A</b>	Use of force, up to and including <i>deadly force</i> , in <i>individual self-defence</i> is permitted.
<b>11 C</b>	Use of force, up to and including <i>deadly force</i> , to protect the crew and other people on the transfer aircraft is permitted.
<b>13 C</b>	Use of force, up to and including <i>deadly force</i> , in defence of property where there is a likelihood that destruction of, or damage to, that property will lead to an imminent threat to life of the crew and other people on the transfer aircraft is permitted.
<b>20 B</b>	Use of <i>non-deadly force</i> to protect property is permitted.
<b>31 C</b>	Use of force, up to and including <i>deadly force</i> , to prevent transferees from gaining access to the flight deck of the transfer aircraft is permitted.
<b>51 B</b>	Use of <i>non-deadly force</i> to search transferees for weapons or other items that could pose a threat to the safety of other people is permitted
<b>52 D</b>	Use of force, up to and including <i>deadly force</i> , is authorised when it reasonably appears to be necessary to prevent the escape of a transferee who continues to pose a threat of death or serious bodily harm to people in the vicinity.
<b>53 B</b>	Use of hand and leg restraints on transferees for the duration of the transfer is permitted.
<b>62 C</b>	Carrying of <i>firearms</i> by PCSP on transfer aircraft is permitted.
<b>63 C</b>	<i>Firearms</i> may be carried by PCSP for the duration of the task.
<b>65 C</b>	Use of tasers is permitted.

## Appendix 4 – Basic Principles on the Use of Force Card

### **Basic Principles on the Use of Force by PCSP/PCASP**

**INDIVIDUAL SELF-DEFENCE** – PCSP may always exercise individual self-defence in response to a *harmful act* or *imminent threat of harm*.

**USE FORCE ONLY AS A LAST RESORT** – PCSP can use force only as a last resort. Any force used must be the minimum necessary to deter, neutralize or stop the threat.

**CONTINUUM OF FORCE** – When time and circumstances permit, PCSP will follow escalation of force procedures with the goal of de-escalating the situation and resolving it without use of higher levels of force.

**REASONABLE FORCE** – Any use of force, viewed in its context and circumstances, must be reasonable and necessary in degree and duration, to counter the threat.

**USE OF DEADLY FORCE IN THE DEFENCE OF OTHERS** – PCSP may use deadly force to deter, neutralise or stop a *harmful act* or *imminent threat of harm* only when all lesser means have failed or cannot reasonably be employed, and it reasonably appears necessary:

- to protect persons from the contracting party when the PCSP reasonably believes that there is an imminent threat of death or serious bodily harm,
- to protect oneself and other PCSP from the imminent threat of death or serious bodily harm,
- to protect other persons in the vicinity from the imminent threat of death or serious bodily harm, **but only as permitted by UoF Policy** .

**NOTIFICATION OF LAW ENFORCEMENT AUTHORITIES** – Wherever possible, the appropriate law enforcement or military authorities must be notified as soon as is practical if a confrontation appears likely, and in all circumstances, immediately after a confrontation.

**SAFETY** – Exercise due regard for the safety of bystanders when using force.

**SECURITY INCIDENTS** - Ensure that all security incidents are reported to the appropriate authorities.

**VIOLATIONS OF THE UoF Policy** – Report any violation of, or non-compliance with, the UoF Policy.

## ANNEX C: Report Formats and Templates

### Appendix 1 - Sample Significant Incident Report

#### Significant Incident Report

(to be completed by each PCSP or PSC representative involved in the incident)

**PCSP Name:** (Surname) \_\_\_\_\_  
(Given) \_\_\_\_\_

**Name of Employing PSC:**  
\_\_\_\_\_

#### THE INCIDENT:

**Date and time of Incident:** (day / month / year) \_\_\_\_\_

**Number of individuals involved in the incident:** \_\_\_\_\_

Overview of Incident:

**Did police attend?** No \_\_\_\_\_ Yes \_\_\_\_\_

**Was incident recorded on video/photographs/sound recording** No\_\_\_\_ Yes\_\_\_\_

**Who, if anyone, sustained injury?** Self \_\_\_\_ Security Worker(s) \_\_\_\_ Subject (s)\_\_\_\_  
Other(s) \_\_\_\_

Names of injured person(s)

**Who, if anyone, sustained fatal injury?** Security Worker(s) \_\_\_ Subject (s)\_\_\_ Other(s)  
\_\_\_

Names of person(s) killed.

**Was medical attention required by any person?** No \_\_\_ Yes \_\_\_

If so, what action was taken?

**THREATENING PERSON / GROUP**

**Threatening Person's Behaviour:** Harmful Act  Imminent Threat of Harm

Serious Crime  Refusal to comply with instructions  Other

Describe Behaviour

**Did the person(s) possess any weapons?** No  Yes  ...if yes answer the following:

**If the weapon was a firearm, were shots fired?** No  Yes  ... the subject fired \_\_\_\_\_ shots.

**Was any other weapon(s) used or visible?** No  Yes

Describe all weapons used or carried by subject(s)



**PCSP ACTIONS**

**Security dog deployed?** No  Yes  N/A  **Restraints used?** No  Yes

**Subject Apprehended?** No  Yes  **Non-lethal weapons used?** No  Yes

**Firearm(s) used?** No  Yes ...if yes, number of rounds fired\_\_\_\_\_.

Describe use of force and escalation of force procedures employed

**Signature:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

## Appendix 2 - Sample Report of Apprehension of Individual

### Report of Apprehension of Individual

<b>PCSP Name:</b> _____ <span style="margin-left: 150px;">_____</span> (Surname) <span style="margin-left: 150px;">(Given Name)</span>
<b>Name of Employing PSC:</b>

#### Apprehended Individual:

_____ <span style="margin-left: 50px;">_____</span> <span style="margin-left: 50px;">_____</span> (Surname) <span style="margin-left: 50px;">(First Name)</span> <span style="margin-left: 50px;">(Middle Name)</span>				
<b>Photo</b>	<b>Date of Birth:</b>	<b>Age:</b>		
	<b>Sex :</b>	<b>Weight :</b>	<b>Height:</b>	<b>Eye colour:</b>
	<b>Place of Birth:</b>			
	<b>Nationality:</b>		<b>Religion :</b>	
	<b>Marital Status :</b>		<b>Next of Kin:</b>	
<b>Address of NOK:</b>				
<b>Scars &amp; Other Identifying Marks:</b>				
<b>Impounded Property and money:</b>				

#### Details of Apprehension

<b>Where taken into custody:</b> _____	<b>Date/Time Apprehended:</b> _____
<b>Where apprehended:</b> _____	<b>Medically Examined by:</b> _____
<b>Date of release / transfer:</b> _____	

**Reason for Apprehension:**

**Physical condition when captured:**

\_\_\_\_\_  
Signature of Apprehending PCSP

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Signature of Witness to Apprehension

\_\_\_\_\_  
Date

## Appendix 3 - Sample Apprehended Person Transfer Report

### Apprehended Person Transfer Report

**PCSP Name:**

\_\_\_\_\_

(Surname)

\_\_\_\_\_

(First Name)

**Name of Employing PSC:**

**Apprehended Individual:**

_____		
(Surname)	(First Name)	(Middle Name)

Photo	<b>Date of Birth:</b>	<b>Age:</b>		
	<b>Sex :</b>	<b>Weight :</b>	<b>Height:</b>	<b>Eye colour:</b>
	<b>Place of Birth:</b>			
	<b>Nationality:</b>		<b>Religion :</b>	

**Scars & other identifying marks:**

**Impounded property and money:**

**Details of Transfer**

**Transferred from:**

\_\_\_\_\_

**Date/Time Transfer commenced:**

\_\_\_\_\_

<b>Mode(s) of transfer:</b> _____ <b>Transferred to (location):</b> _____ <b>Date/time transfer completed:</b> _____
<b>Reason for transfer:</b> _____ <b>Restraints used? Yes/No</b> <b>Type</b> _____
<b>Physical condition when transfer completed:</b>

**Details of Accepting Authority**

Transferred to:	_____  (Name of Military Unit / Police force)
Date of Transfer:	_____

## Glossary of Terms

**Apprehension** - the act of temporarily holding a person against their will for lawful purposes such as prosecution, maintenance of public safety, or pursuant to some other lawful authorization, until the person can be handed over to law enforcement or other appropriate authorities.

**Client** – the State, company, organisation, or other entity that has contracted for the services of a PSC.

**Contracting State** – the State contracting with a PSC in cases where the *client* is a State.

**Deadly force** - force intended or likely to cause death, or serious injury, regardless of whether death or serious injury results.

**Disabling fire** - fire directed at a vessel, aircraft or vehicle so as to impair its manoeuvrability (but not, in the case of a vessel, its seaworthiness).

**Flag State** – the State of registry or licence of a vessel or aircraft.

**Firearm** – a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person. Examples of firearms include, but are not limited to, a pistol, revolver, rifle, light machine gun or shotgun.

**Home State** - the State of nationality of a *Client*, a PSC or PCSP/PCASP.

**Harmful act** - a use of force against an individual or people.

**Imminent threat of harm** - the threat of an imminent *harmful act*.

**International airspace** - airspace over the contiguous zone, the exclusive economic zone, the high seas, and territories not subject to national sovereignty.

**National airspace** - airspace above the territory, internal waters, territorial sea, and archipelagic waters of States.

**National waters** - waters subject to the territorial sovereignty of coastal States. *National waters* include internal waters, territorial seas, and archipelagic waters.

**Neutralise** - to render ineffective, either temporarily or permanently.

**Non-deadly force** - force that is not intended or likely to cause death, or serious bodily harm. In some jurisdictions the term “non-lethal” is used. For the purposes of this Handbook, the terms are interchangeable.

**On-scene authority** – the *master* of a vessel, pilot of an aircraft, military officer, law enforcement agent, or – in the absence of such an official State agent - other individual who is the designated on-scene representative of the *Client*.

**Primary Measures** – those measures from the Compendium of Use of Force Measures that must be considered whenever a UoF Policy is being developed.

**Privately Contracted Armed Security Personnel (PCASP)** – persons employed in the maritime domain (through direct hire or under some other form of contractual relationship with a civilian shipowner) whose security duties include the carriage and/or control of weapons, and/or other forms of use of force aboard vessels.

**Privately Contracted Security Personnel (PCSP)** – persons employed (through direct hire or under some other form of contractual relationship) whose duties include the carriage and/or control of weapons, and/or other forms of use of force (such as apprehension).

**Private Security Company (PSC)** - any private sector company whose business activities include protecting people, property, and information, conducting investigations, and otherwise safeguarding an organisation's assets. PSC services may include, but are not limited to; protection of people; and armed guarding of objects and property, such as vessels, aircraft, vehicles, buildings and other places.

**Protection** - actions taken to prevent or mitigate harm or damage to people, materiel, facilities and means of transport that the PSC has been contracted to safeguard.

**Retaliation** - a use of force response to a *harmful act* or an *imminent threat of harm* after the requirement for *self-defence* has ceased.

**Self-defence** - the use of necessary and proportional force, up to and including *deadly force*, to defend oneself or others from a *harmful act* or *imminent threat of harm*.

**Serious crime** - murder, rape, aggravated assault, armed robbery, abduction, or any other crime that could reasonably be expected to cause serious bodily harm or death.

**Team leader** - a member of the assigned PSC team designated by the contractor as team leader, and identified as such to the owners.

**Top management** - the most senior staff of an organisation or business, including the heads of various divisions or departments led by the chief executive

**Territorial State** - the State in which a PCSP is located at a given time.

**Warning signal** - a signal intended to warn people of a potential hazard or of a potential use of force in response to a perceived threat.

**Warning shot** - a shot fired in the vicinity of a person, vessel, vehicle or aircraft as a signal to immediately cease activity, but not intended to cause damage or injury.

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*[www.oceansbeyondpiracy.org](http://www.oceansbeyondpiracy.org)*

*Oceans Beyond Piracy is a program of the One Earth Future Foundation*

