

FORCE ORDER NO. 236
INTERPOL

Force Directive C.I.D No. 58 on the above subject is promulgated in the supplement to these Force Orders.

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FORCE ORDER 237
RULES FOR GUIDANCE
IN USE OF FIREARMS BY THE POLICE

It is obviously not possible to deal with all the circumstance in which it may be necessary for a Police officer to use firearms. The following notes are principles by which a Police officer should be guided. It must be realized that these notes cannot over-ride the law and that if a Police officer is charged with an offence arising out of his use of firearms; it is for the court to decide whether, in the circumstances, his action was justified.

2. It is of the utmost importance that all Police officers realize how very essential it is to guard against the slightest misuse of firearms and to exercise the utmost forbearance humanly possible and that prudence can dictate, before resorting to the use of a lethal weapon which may result in the wounding or killing of a human being. A police officer must remember that his action in using firearms which results in the killing or wounding of a human being is open to investigation by the courts and he is liable to be held responsible for his action under criminal law, if the court finds that his use of firearms was unreasonable in the circumstances.

3. A Police officer may use firearms under the following circumstance:-

- (a) When attacked and his life is in danger and there is no other way of saving his life;
- (b) When defending a person who is attacked and he believes on reasonable grounds that he cannot otherwise protect that person attacked from death;

(c) When necessary to disperse rioters or to prevent them from committing serious offences against life and property; N.B. remember that 12 or more people must remain riotously assembled beyond a reasonable time after the reading of the proclamation before the use of firearms can be justified;

(d) If he cannot by any other means arrest a person who being in lawful custody escapes and takes to flight in order to avoid re-arrest; providing the offence with which he is charged or has been convicted of, is a felony or misdemeanor and

(e) If he cannot by any other means arrest a person who takes to flight in order to avoid arrest, provided the offence is such that the accused may be punished with death or imprisonment for 7 years or more.

4. With regard to 3(a) above a Police officer would have to prove that he was in danger of losing his life or of receiving an injury likely seriously to endanger his life. It would be most difficult to justify the use of firearms if attacked by an unarmed man. If a concentrated attack were made upon him by persons armed with matches, firearms or bow and arrow or other lethal weapons he would be justified in using a firearm to save his life. In a case where he is fired upon by one man he would also be justified in firing to defend himself. If attacked by an individual with a heavy stick or machet he would have to prove that he could not disable him with his baton or rifle butt and that other means available to him were not sufficient to protect his life.

5. With regard to 3(b) this is self-explanatory and does not require further elucidation.

6. Fire should be directed at the knees of the rioters. Any ring-leaders in the forefront of the mob should be singled out and fired on. Only the absolute minimum number of rounds necessary to suppress the riot should be used. NEVER UNDER ANY CIRCUMSTANCES WILL WARNING SHOTS BE FIRED OVER THE HEAD OF RIOTERS.

7. As to 3 (d) above firearms may be used to arrest a person who escapes from lawful custody if the offence with which he is charged or of which he has been convicted is a felony or misdemeanor. This power is conferred by section 271 and 135 of the Criminal Code. A person charged with a felony or

misdemeanor who escapes from lawful custody, by his escape commits a felony punishable by imprisonment of 7 years, this brings him within a class of person who may be fired on even if he has only been charged with stealing. Firearms must only be used as a last resort, the accused must have escaped from lawful custody and he must take to flight to avoid re-arrest. A person charged with or convicted of a simple offence who is escaping from lawful custody shall not be fired upon.

8. As to 3 (e) above, this covers the case where a fugitive has not been in lawful custody if the offence with which he is charged or of which he has been convicted is a felony or misdemeanor. This power is conferred by section 271 and 135 of the Criminal Code.

9. As to 3 (e) above, this covers the case where a fugitive has not been in lawful custody and takes to flight in order to avoid arrest in the first instance. The fugitive may then only be fired upon when the offence is punishable by 7 years or more. As in the previous case i.e. escaping from lawful custody, firearms should only be used if there are no other means of effecting his arrest, and the circumstance are such that his subsequent arrest is unlikely. A constable who cannot effect such a criminal's arrest by any other means should warn the criminal that unless he stops and surrenders he will fire upon him. If the criminal fails to stop the Constable is then, justified in firing at the criminal.

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FORCE ORDER NO. 238 DETECTIVE SERVICE JOURNALS

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