

THE DEPLOYMENT AND USE OF KINETIC IMPACT PROJECTILES IN LAW ENFORCEMENT

SUMMARY

DESCRIPTION

Law enforcement officials around the world are usually provided with a range of weapons that are designed and supposed to serve different law enforcement purposes. Kinetic Impact Projectiles (KIPs), commonly referred to as rubber or plastic bullets, are one of these less-lethal weapons that law enforcement officials are equipped with.

It is crucial to bear in mind that the use of KIPs must adhere to the principles applicable to any use of force in law enforcement, that are: legality, necessity, proportionality, non-discrimination and accountability.

Legality

The use of force, including less lethal weapons such as KIPs, must be comprehensively regulated by domestic legislation that complies with international human rights law and standards.

Law enforcement officials may only use force for a legitimate law enforcement objective established in law and compatible with international human rights law and standards.

Force should never be used for the purpose of intimidation or punishment – any use of force for the purpose of intimidation or punishment is prohibited under international human rights law.

Necessity

Law enforcement officials should not use force if there are less harmful means available to obtain a legitimate law enforcement objective. The use

of force must stop as soon as the legitimate objective has been met or as soon as recourse to less harmful means becomes possible, whichever is sooner.

Proportionality

Law enforcement officials should not cause more harm than the harm their use is meant to prevent. The use of force can only be justified in an instance to prevent harm of at least similar severity to the harm that may be caused by the use of force. If the use of force causes more harm than it prevents, it cannot be considered proportionate.

Non-discrimination:

Use of force may never be resorted to in a discriminatory manner, for instance, to target specific groups, such as ethnic minorities, women, LGBTIQ+ people.

Accountability:

Law enforcement officials, as well as commanding officers, must be held accountable for each use of force.

KIPs are distinct from so-called “live-ammunition” which are bullets that are purposefully designed to be lethal: KIPs are supposed to only cause blunt trauma as a result of the impact on a person’s body - exclusively through the kinetic energy transmitted from the firing weapon and without penetrating the skin or causing in any other way more serious injury.

However, kinetic impact projectiles are, despite their purpose to only cause blunt trauma, very dangerous weapons that may cause serious injury and even death. This risk must be taken into consideration in deciding about the deployment of such weapons in general as well as when and how (or how not) to use such weapons in a given situation.

RULES AND KEY PRINCIPLES GOVERNING THE DEPLOYMENT AND USE OF KINETIC IMPACT PROJECTILES

GENERAL RULES OF DEPLOYMENT AND USE

1. In view of their inherent risks, kinetic impact projectiles are placed at the upper level of the use of force scale, just below the use of (lethal) firearms. Hence, law enforcement agencies should not equip their members with kinetic impact projectile weapons unless they can clearly demonstrate that this is necessary in response to exceptional and particularly serious circumstances that could justify taking the considerable risks inherent to this type of weapon.
2. KIPs are not a standard issue tool for public order situations, and they must not be used as means for the dispersal of an assembly.
3. KIPs should only be used against an individualized threat, namely an individual person who is engaged in serious violence and poses a risk of considerable harm to other people and only when there are no other, less harmful means available to stop the threat. The projectile should then be used with a view to stop the violent behaviour of this individual.
4. KIPs should not be used in situations of extreme volatility with people quickly running through one another so that it is impossible to clearly aim and target the violent person. Commanding officers in charge of the management of a public order situation bear a particular responsibility to assess whether the situation is such that it allows for the use of this weapon or whether the risk of hitting the wrong person is simply too great.
5. KIPs should never be used against people who are peaceful, merely passively resisting or running away.
6. Every single use of a kinetic impact projectile must be justified (and the relevant law enforcement official must be held accountable for them) under the principles of legality, necessity and proportionality. Hence, before each shot, the situation must be assessed accordingly, and there should be no uncontrolled repeated firing of KIPs.
7. In public order situations, only a very limited number of law enforcement officials – specifically trained and deployed for that purpose - should be equipped with the weapon to ensure it is only resorted to in the described exceptional circumstances and in a carefully controlled manner with proper supervision by commanding officers.

PRECAUTIONS

8. As a rule, KIP's should not be used against younger and/or smaller children or any other person, who, due to their smaller stature and thinner body tissue, are more likely to sustain more serious injury.
9. Furthermore, law enforcement agencies should refrain from deploying weapons with kinetic impact projectiles in public order situations where there are a large number of younger children present, such as student protests or protests organized or carried out by younger children.

WAY OF USE

10. A clear warning must precede the use of KIPs with sufficient time for people to comply with the order and stop their violent behaviour.
11. KIPs should never be fired indiscriminately towards a crowd but must be carefully targeted at an individual person who is engaged in serious violence against another person.
12. The weapon should be aimed at the lower parts of the body of that person in order to avoid causing more serious injury, especially to the head, face or eyes; it should never be aimed at the upper part of the body.
13. The weapon should never be fired in skip-fire, which means aiming against the ground with a view to making the projectiles rebound off the ground since this renders the projectiles particularly inaccurate and greatly increases the risk of causing serious injury.

14. KIPs should be fired from the appropriate distance as indicated by the manufacturer and approved by the command leadership of the law enforcement agency.
15. KIPs should never be fired from a significantly elevated location (e.g. from the top of a roof or via a drone), as this increases the risks of hitting the head of a person.
16. Any person injured from a KIP must be given access to adequate and immediate medical care as required by the seriousness of the injury.

PROHIBITED WEAPONS

17. All kinetic impact projectiles that by their design imply a risk of excessive harm or injury should be prohibited, in particular: all multiple projectiles, any highly inaccurate single projectiles such as rubber balls, and projectiles with a too great impact such as rubber-coated metal bullets.

INSTRUCTIONS AND TRAINING

18. Law enforcement agencies must clearly instruct and train their personnel on the use of kinetic impact projectiles, including specific, narrowly-defined circumstances when and how they should be used, precautions to be taken to minimize harm and clear prohibitions when and how they may not be used. They should only hand out these weapons to certified law enforcement officials.

ACCOUNTABILITY AND REVIEW

19. Each use of kinetic impact projectiles that violated applicable rules, regulations and human rights standards must be met by an appropriate response, including disciplinary and criminal sanctions against the law enforcement official who fired the weapon as well as the commanding officers, if they failed to ensure the lawful and appropriate use of the weapon.
20. Law enforcement agencies must take appropriate measures to ensure the identification of the law enforcement official who fired a kinetic impact projectile, such as deploying only a limited number of law enforcement officials equipped with such a weapon, using traceable projectiles and ascertaining clear supervision and control.
21. Law enforcement agencies should constantly assess the overall situation regarding the deployment of kinetic impact projectiles and immediately address any shortcomings in relation to the projectiles and launchers used, the established policies and instructions, the training of law enforcement officials and the role of commanding officers. All related policies should be publicly accessible.
22. If the command leadership fails to stop and prevent excessive harm and injury caused by kinetic impact projectiles through

appropriate measures, their own direct administrative, disciplinary and even criminal responsibility may be involved.

TESTING, TRADE AND TRANSFER

23. All weapons used by law enforcement officials, including kinetic impact projectiles together with their launchers, must be subjected to thorough, independent testing to ensure they are safe and appropriate for human rights compliant use by law enforcement officials, in particular regarding the appropriate firing distance within which they must be sufficiently accurate, without having an impact that is likely to cause more than bruises.
24. States must not authorize the export of kinetic impact projectiles, related launchers and technical assistance when there are reasonable grounds for believing that the equipment will be used for serious human rights violations.
25. Manufacture and trade in kinetic impact projectiles and related launchers that by design are likely to cause excessive injury or harm, such as multiple projectiles, highly inaccurate single projectiles, as well as rubber-coated metal bullets should be prohibited.

DO'S AND DON'TS

DO: Law enforcement officials **should:**

- ✓ Only use KIPs to stop an act of serious violence against another person likely to cause considerable harm.
- ✓ Only use KIPs as a last resort when there is no less harmful alternative available.
- ✓ Warn people of the intention to use KIPs and give them sufficient time to comply with the order.
- ✓ When using, target less vulnerable parts of the body (lower torso and limbs) and avoid the upper body, head and groin.
- ✓ Be able to justify every use of KIPs.

DON'T : Law enforcement officials **should never:**

- ✗ Use KIPs against people who are peaceful and/or only passively resisting or running away.
- ✗ Use KIPs as a means of dispersal.
- ✗ Fire KIPs randomly at a crowd.
- ✗ Aim at the upper part of the body.
- ✗ Use multiple projectiles.