Force Procedures Manual

Article 29

Use of Force and Firearms

29-02 Use of Force Continuum

Use of Force Continuum is a series of closely linked escalating or de-escalating options of force to be considered by an officer.

2. Appropriate level of force is dependent upon the level of resistance of the subject, the officer’s perception of the threat, and the officer’s own abilities. Bearing in mind the principle that only the minimum force necessary to achieve the purpose may be used, an officer may enter the continuum at any level. In order to exercise control, an officer will be justified to use a level of force greater than that being offered by the subject.

3. The different levels of resistance, the corresponding levels of control, and examples of reasonable measures that can be considered by an officer are as follows:

<table>
<thead>
<tr>
<th>Levels of resistance</th>
<th>Definition</th>
<th>Levels of control</th>
<th>Use of force options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Psychological intimidation</td>
<td>Non-verbal manner indicating attitude, readiness or threat</td>
<td>Verbal advice/Control.</td>
<td>Officer presence/Erection of barriers/Verbal direction</td>
</tr>
<tr>
<td>Verbal non-compliance</td>
<td>Verbal response showing unwillingness, abuse or threats</td>
<td>Verbal advice/Control.</td>
<td>Officer presence/Erection of barriers/Verbal direction/Reinforcement</td>
</tr>
<tr>
<td>Passive resistance</td>
<td>Physical inaction designed to obstruct but not threaten</td>
<td>Soft Restraint Control.</td>
<td>Remove by 2 or 4 officers/Soft Empty Hand Techniques (Pressure point control/Escort position/Transport wrist lock)/Quick</td>
</tr>
<tr>
<td>Defensive Resistance</td>
<td>Physical action intended to prevent control, might cause injury to oneself or others</td>
<td>Hard Restraint Control or use of C.S. Chemical Agents</td>
<td>Hard Empty Hand Techniques (Palm heel strike/Stunning/Knee strike/Front kick/Angle kick)/Straight arm bar takedown/Transport wrist lock takedown/Iron wrist lock takedown/OC foam/Pepper spray/Tear gas/Tear gas grenades/Pepper balls/Tear gas or smoke emitted by thermal atomiser</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Active Aggression</td>
<td>Physical assault leading to, or relatively likely to lead to, bodily harm of others</td>
<td>Hard Restraint Control or use of C.S. Chemical Agents or Intermediate Weapons</td>
<td>Hard Empty Hand Techniques (Palm heel strike/Stunning/Knee strike/Front kick/Angle kick)/Straight arm bar takedown/Iron wrist lock takedown/OC foam/Pepper spray/Tear gas/Tear gas grenades/Pepper balls/Tear gas or smoke emitted by thermal atomiser/Crowd control water cannon (including C.S. chemical agents) Use of extendable baton, rigid fibre rods, rubber bullets, Remington shotgun loaded with rubber bullets or bean bag rounds/Crowd control water cannon</td>
</tr>
<tr>
<td>Item</td>
<td>Reference sections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>--------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Force</td>
<td>PGO 29-01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Force Continuum</td>
<td>FPM 29-02</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Police Firearms</td>
<td>PGO 29-03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drawing or Presenting Police Firearms</td>
<td>PGO 29-04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Open Fire—Reporting and investigation</td>
<td>PGO 29-05</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Shooting Stress Management</td>
<td>PGO 29-07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Shooting Stress Management</td>
<td>FPM 11-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mandatory Interview and Post Critical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incident Psychological Debriefing</td>
<td>FPM 11-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Investigation Reports (MIR)</td>
<td>FPM 21-26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparation of Investigation Files</td>
<td>FPM 21-27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Guidelines for Taking Statement</td>
<td>FPM 21-33</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: the table above does not necessarily include all situations. It can be used as a reference when choosing to use force; officers should determine what is meant by a reasonable level of force according to real circumstances and principles printed in the article 29-01 principles of the use of force.


5. For the use of force continuum in a maritime context, consult relevant orders issued by the RC Marine.

6. Use of force continuum for police patrol dogs, please consult CIP PDU’s Standing Instruction No.4/2015 ‘Police Patrol Dog in “Use of Force Continuum”’.

**Police Open Fire (POF) — Reporting and Investigation**

**Related Orders and Procedures**
Submission of Initial Report and MIR

Within 48 hours of the incident, officers must submit an Initial Report to D OPS in the following format:

Reference:  
Station:

On date/weekday/time, full name of officer who fired from police station/unit used a police service sidearm type and serial number in location, resulting in summarize of injuries, damage caused, and arrests made.

2. The facts of the incident as known at present are as follows:

3. Were other officers in the vicinity?

4. Details of independent witnesses:

5. To be completed by the Superintendent directing the investigation personally within 48 hours  
   a) From your enquiries so far, do you consider the use of the firearm was in accordance with Fire Orders; and  
   b) Explain the reasons for the above decision and any relevant points you wish to make based on enquiries so far.

6. Name, rank, post, and office contact telephone number of the officer detailed to complete the investigation.

Signed:  
Rank:  
Formation:  
Date:

CC: Regional Commander  
District Commander  
Formation Commander of the officer who opened fire  
Assistant Commissioner of Police (support) (handler: police superintendent (operational support and professional health and safety (support)))
2. The MIR will be submitted according to the schedule detailed at PGO 29-05 paragraphs 7-10. Following examination by D OPS, the MIR will be returned to the RC with directions on additional actions to be taken, if any. On completion of actions taken, the MIR is to be sent to CRB through SP WTDIV for filing. The officer involved in the POF will be informed of the result of the investigation as soon as possible.

3. If, at any time prior to the expiry of the deadlines detailed in PGO 29-05, it appears that a delay may be incurred an officer may apply to the next senior officer (copying his/her request to D OPS) for an extension. An Interim Report may be called for in these circumstances.

Investigation Procedure

4. Insofar as possible, the statements of every officer who fired should record criminal components of the incident and take place in a supportive environment, since the officer involved may be harmed psychologically. Since their statement will have to be shared with the defense if the incident touches upon a court case, the record must be exhaustive and detailed.

5. In order to make analysis more convenient for the training section superintendent (Support Wing), the “checklist” in the Operations Wing’s “Investigating Officer’s Aide Memoire” (see Appendix A) must be enclosed along with the MIR. Separate checklists must be filled for each official who discharged their firearm.

6. The MIR is limited to police gunfire incidents. Any other criminal matters or judicial proceedings that arise in the same case must be handled separately. The officer responsible for composing or commenting on the MIR must ensure:
   a) This case of police firearm use is thoroughly investigated and properly recorded and any ambiguities and inconsistencies are cleared up;
   b) All intelligence and instructions received by the officer involved (if any) are clearly noted;
   c) Point out any clear loopholes in training, equipment, preparation work or tactics and any shortcomings in orders or procedures; and
   d) Suggest means by which to ensure that the same errors are not committed again and, more importantly, that other officers are not exposed to the same dangers.

7. As to whether or not the officer who fired should be assigned duties without firearms, the commanding officer of the officer’s formation will decide based on the circumstances and opinions solicited from the District Commander.

Investigating Officer’s Aide Memoire
Differences in the standards of MIRs for officer gunfire incidents between formations has attracted attention, and to address this the investigating officer’s draft Aide Memoire attached is a practical guide for reference. The Aide Memoire’s contents may not be entirely suitable for every case, and because of this common sense should be exercised when choosing material.

**Foreword**

2. Investigations into police firearm use cases must be done in a thorough, impartial, and open-minded way. The Commissioner of Police attaches great importance to the work of investigating instances of police firearm use, and the police force must be able to prove that every case in investigation with the same detail and impartiality. Officers at the Regional Command, Headquarters Command and police levels alike must all complete the MIR. Besides having to be examined and verified by high-level officers, reports must be submitted to the deputy chief of police for his personal check and approval. If there are fatalities involved in the incident, the police force must make all facts available for legal judgement. Consequently, investigation work must strive for thoroughness and conclusions must be based on the facts. Investigating officers should understand that police firearm investigation work is to be handled separately from potential criminal proceedings arising from the case.

**Investigation Procedure**

3. The investigation procedure is laid out in PGO/FPM 29-05. As to the MIR composition guide, this is laid out in FPM 21-26/27 and PGO 10-04.

**Investigation Officer**

4. The rank and post of the investigating officer is indicated in PGO 29-05. Although the qualification for an investigating officer indicated therein are clear and simple, if casualties are involved in the case then it is even more imperative that the designated investigating officer has the appropriate experience.

**Objectives**

5. The foremost goal of an investigation into a police firing incident is to determine whether or not the officer’s use of their firearm at the time adhered to police instructions. D OPS will make their decision based on suggestions from the investigating officer, District Commander, and Regional Commander of Police. Although the incident may have occurred within just seconds, the full range of the investigation can take weeks to research in detail. Therefore, the investigating officer must understand that although the decision to fire is a matter of seconds, a detailed investigation needs more time.

**The Use of Force**
6. As regards the issue of police firearms use, this is summarised in PGO 29-03, and must go by the principles of the use of force outlined in PGO 29-01. Since some of these rules are legally mandated, the final judgement will be made in court, and therefore if a case is awaiting a hearing in court (be it civil or criminal) it must wait for litigation process to conclude before making a final decision whether the gunfire incident conformed to police instruction or not. It is regrettable that this decision must wait so long to be made, but this is out of the control of the police.

7. In order to prove that the investigation results are based on facts, investigating officers must remember the following points at all times:
   a) All use of force must be the minimum level required to meet the goal at hand; once that goal has been reached, the use of force must cease; and
   b) All use of force was reasonable for the situation at hand.

8. Generally speaking, proving point (a) is not very difficult. However, making a ruling regarding “reasonable according to the situation at hand” is relatively subjective and calls for deep consideration. The situation leading up to the gunfire incident is important material, including the orders received by the officer who fired and the observations made by that officer, from which to ascertain a clear reflection of their psychological state and their view of the progression of events. Officers may, due to what they see and hear at the time, decide whether to use their firearms. The standard of “reasonable for the situation at hand” for use of force must be weighed against the danger faced or perceived by the officer.

**Shooting to Wound**

9. In the past, officers have said that they aimed for the target’s hands, arms or legs. Although this conforms to a humane position, it does not equate to the “minimum level of force.” After concluding that the use of firearms is necessary, officers must ensure that injuries incurred are necessary to subdue the target. People who have sustained gunshot wounds to their legs or arms can still pose a danger or threat to others (including police), sometimes a great one. Many police officers may think that if they shoot for the target’s body they will be criticised. When officers fire according to their instruction, aiming for the biggest and most visible part of the torso is a principle of current firearms training.

**Firing In a Crowded Areas**

10. By firing on a busy street, officers can put the safety of innocent bystanders at risk. Therefore, this kind of gunfire incident requires careful assessment. Current firearms training decrees that officers must exercise control to avoid injuring bystanders. To not injury bystanders, officers ensure that they have a clear line of sight without any obstructions before aiming for the target and firing, and
must consider the danger posed by ballistics and missing the target.

**Shooting at Vehicles**

11. Police officers should aim at a specific target rather than at a vehicle. Besides being difficult to reach a legal goal, shooting at a vehicle could cause the vehicle to lose control (for example because the driver has been shot), thereby increasing the risk of casualties. Officers shooting at vehicles is frequently to protect themselves from being hit by the vehicle, but two problems must be considered: was this situation created by the officer themself, and was firing strictly necessary.

**Suicides**

12. Using firearms to kill oneself or attempt to do so is a clear violation of police instruction. This type of incident does not need to be official classified, and often there is no need for an investigating officer to submit an MIR. Relevant instructions can be found in part 2 of PGO 29-05.

**Drawing/Presenting Firearms**

13. PGO 29-04 concerns the drawing or presenting of firearms. Each District Commander can research in detail the circumstances of the case. Unless there are indications showing that the officer’s drawing or presenting of their firearm was inappropriate, it is not necessary to fill an MIR. This type of case does not need recorded statements. If the District Commander feels it is appropriate, an oral report will suffice.

**Statements**

14. Statements offered in cases of police officer firearm use is divided into four types:
   a) Statement by the officer who fired;
   b) Statements offered by eyewitnesses;
   c) Statements from experts who participated in the investigation—for example, chemists, pathologists, or doctors;
   d) Sometimes it may be necessary for a statement to be obtained from the suspect, covering police warnings heard, for example.

15. Common sense must be applied when recording a statement from an officer who fired. Statements from the officer who fired and chief witnesses must be recorded by an officer of appropriate rank and experience. It is meaningless to record detailed statements immediately after the incident because the officer who fired may be suffering under a great degree of pressure and could still be badly shaken. Some people need time to relax and think through what happened, even if they appear calm on the
16. Sometimes, when an officer who shot under reasonable circumstances is offering a statement, they are unwilling to accept contradictory evidence from experts. This is understandable, because they still have misgivings and are afraid of being censured or punished. Therefore, before recording their statement this should be explained to the officer to ensure that their statement lines up with, rather than contradicts, the facts. If the officer has been injured, regardless of how light, they must recover first.

17. It is understandable that investigating officers are under pressure to complete their report before a deadline. But most details of the case can be broadly grasped through witness statements and meeting with the officer who fired. Therefore, detailed information on these meetings should be recorded.

**Statement Content**

18. Statements must be comprehensive and contain any material which may be useful in providing an overall picture and better understanding of what has occurred.

**Checklist**

19. Investigating officers will find that the items covered in the “Checklist” attached to this Aide Memoire, which is to be included in each MIR, contains many pertinent points to be covered for both criminal investigation and POF purposes. One “Checklist” is to be completed for each officer who opened fire.

**Statements from Officers who have Opened Fire**

20. Statements from these officers should contain details of the following:
   a) What the officer saw and heard;
   b) The sequence of events leading up to the incident;
   c) Why and at what stage the firearm was drawn;
   d) Verbal warning given prior to opening fire;
   e) How many rounds were fired;
   f) The reason for each shot fired;
   g) Distances involved and the positions of those involved;
   h) Available cover present at the scene (if relevant);
   i) Obstructions such as passersby, vehicles, lampposts, etc.;
   j) Lighting, visibility, and weather conditions;
   k) Point of aim (all officers should be aware that it is part of their training to open fire at the centre of body mass and not at extremities); and
   l) Any actions taken immediately after the incident which are relevant to the open fire.

21. The statement should clearly reflect the state of mind of the officer before, at the time, and after he opened fire. Additionally, if the incident resulted from a pre-planned operation, what briefing and instructions were given. These last points are important and frequently overlooked.
Statements from Police and Other Eyewitnesses to the Incident

22. Statements from these witnesses should contain:
   a) The sequence of events leading up to the incident, the incident itself, and, if relevant, the open fire itself;
   b) Verbal warnings heard;
   c) Anything seen or heard relevant to the incident;
   d) Lighting, visibility, and weather conditions;
   e) Pedestrian and/or vehicular traffic;
   f) Distances; and
   g) Vantage points, positions.

23. Eyewitness accounts are often fragmentary with the witness having seen only part of the incident. Investigating officers should check the full sequence of events before concluding what the witness has, in fact, seen.

Statements from Specialist Witnesses after the Incident

24. Statements of Ballistics Officers, Chemists, Pathologists and other experts are normally self-written. However, if conclusions or opinions can be drawn based on the witnesses’ expertise or experience, then these should be contained in the statement.

Sketch Plans

29. Sketches should indicate the following information:
   a) Scale;
   b) Distances (as accurately as possible);
   c) Positions of eyewitnesses and parties to the open fire;
   d) Positions of exhibits;
   e) Positions of vehicles, furniture, etc.; and
   f) Direction of flight/pursuit (if applicable).

Post-mortem, Ballistics, Chemist’s Reports etc.

30. Although not always available at the time of MIR compilation, it is often possible to get a verbal indication from the Chemists, Ballistics officers and officers present at the post mortem as to whether or not the finished reports will contain anything of value to the open fire investigation. Mention of verbal indications in the covering report or associated minutes can often obviate delays in file submission, conclusions being drawn and recommendations/classifications being made. The full reports should be used to draw conclusions where possible by matching exhibits, angles of fire, markings on clothes, gunshot residue tests, etc.

Radio Messages

31. In many cases the exact wording of any radio message advising duties of the movements of armed criminals or suspect and specifically what crimes they are believed to have committed is relevant in order to appreciate the state of mind of the officer who confronts the criminals. The need for Radio Discipline has often been remarked on in police open fire cases and guidelines can be found in D OPS (67) in CP 34/41 Pt. 5 dated 19. 10. 1995.

32. In such cases, transcripts of the relevant messages should be included in the file. Investigating officers should
remember that recordings of radio/telephone conversations are only kept for two months by RCCCs before they are erased. If there is a court case where this evidence is required, the original tape should not be erased until after completion of all court action, including any appeal period.

Related Police Action

33. The investigating officer should consider any other relevant aspects, such as whether or not adequate briefings were given to the police officers involved. Additionally, consideration should be given to the adherence to correct tactics, training needs, and effectiveness of equipment.

Role of Post-Shooting Stress Manager (PSM)

34. Investigating officers should be fully aware of the role and responsibilities of the PSM at the very outset of any police open fire investigation. This role is defined at PGO 29-07 and FPM 11-21.

Compilation of Files

35. Investigation files in open fire cases are to be prepared in accordance with FPM 21-26/27.

Covering Reports

36. The objectives to remember in preparing a covering report are simplicity and clarity. The report should be complete in itself and readily comprehensible without the need to refer to any enclosure in the file.

37. The following headings will cover most of the circumstances arising in open fire investigations:
   a) Introductory matters: This is a general introduction as to how the incident first occurred. It is very important that the officer compiling the report remembers that the objective is to detail the open fire aspects of an incident and not the circumstances of a crime. Details of briefings given and intelligence known at the time are, therefore, important. This information will affect the appreciation of a situation by the officer that opened fire.
   b) Eyewitness accounts: At this point the evidence of officers involved and any other eyewitnesses is included. There is no need to summarize each witness statement and only relevant matters should be raised. Any contradictory statements whether between witnesses or within statements should be noted and mentioned in the report.
   c) Evidence of a formal nature: Under this heading include the following subjects
      i) Photographs;
      ii) Plans;
      iii) Medical reports (mention the severity of injuries and the condition of the victims at the time of writing the report;
      iv) Exhibits list;
      v) Pathologist’s report;
      vi) Chemist’s report
      vii) Ballistics report
   d) Court proceedings: It should be remembered that courts often comment on the open fire aspect and this may have an impact on the final classification of the shot(s). As such, the MIR should include reference to any criminal proceedings or Death Inquiry with dates and venues.
   e) Conclusions: Must relate specifically to the open fire aspects of the investigation. The fact that, for example, the person arrested or shot and killed was a habitually violent criminal is of no consequence to
the open fire. All facts of the case must be considered prior to a conclusion being reached.

f) Recommendations: These should be firm, thorough and succinct with reasons clearly stated.

**Legal Advice - Death Inquests/Civil Litigation**

38. Department of Justice have pointed out the need to consult the Police Legal Advisor upon the necessity of the Police officer concerned and the Commissioner of Police being represented at Court. Attention has also been drawn to the need to prevent statements and covering reports from being passed to third parties, however, in all court cases the contents of the Police Open Fire file should be made available to the prosecutor.

39. When a shooting case is referred to the Coroner or his officer it should also be referred to the Police Legal Advisor (PLA) at the Department of Justice. This will allow the PLA to fully consider the circumstances of the case and advise whether or not the Commissioner of Police should be represented by a Government Counsel at the inquest.

40. At the same time, advice may also be given as to whether the officer who opened fire should be legally represented in his own interests. Legal representation of the officer who opened fire will normally be by a Counsel outside the Department of Justice appointed by the Director of Legal Aid. This requires approval from the Secretary for the Civil Service, and, as this procedure takes time, an early referral to the PLA will avoid any need to have to apply to the Coroner for an adjournment.

41. Present practice is to provide the Coroner or his officer with a copy of all statements taken in connection with a death caused as a result of a Police shooting, as well as a copy of the covering report. This is quite proper and the purpose is to assist the Coroner in deciding which witnesses to call at the death inquest. These statements remain the property of the Commissioner of Police, or at least of the individuals who made them, and should not be released to third parties. In particular, they should not be given to any legal representative of the relatives of the deceased who may subsequently use such statements in a civil action against the officer concerned or against the Commissioner of Police. There is legal authority that such statements are police property and to release them to third parties is a breach of confidence and trust.

42. In order to protect both the Commissioner’s and officer’s position, when statements and covering reports are sent to the Coroner, or his officer, they should be accompanied by a short note stating that they are provided in confidence for use in conducting the inquest and are not for the use of any other person. The conclusion on a report (i.e. opinion as to whether the police shooting was in accordance with Force Orders or not) has no relevance to the inquiry itself and should be deleted before the report is released.

43. In all cases where a report is sent to the Coroner in connection with an inquest, the investigation file shall contain a statement from the Superintendent, Weapons Training stating: the Force policy on weapons training; the policy on the use of firearms; and, the principles of the “Use of Force Continuum.”
Advice/Guidance

44. Finally, if advice or guidance on the compilation of the MIR is needed, the following officers should be contacted:

   a) The respective formation commander;
   b) Force Operation Support and OSHC (SP) (Support) (2860 2597) with SP Field and
   c) Operation Support (SIP) (Support) (2860 2163). SIP Field

29-08 Use of Police Baton

1. Police batons can only be issued and used by officers who have successfully completed training with records documented in the Gen 2 IT system of the Personal Services and Staff Relations Branch. Officers may elect to be trained in any of the following contexts:

   a) Training provided by the Political Tactical Unit;
   b) Training provided by Weapons and Tactics Training Division under the Emergency Unit; and
   c) Training provided by a qualified police baton trainer.

2. All officers below the rank of CIP who have fulfilled the requirements stated in #1 must carry police batons while on duty. Unless otherwise instructed by the Formation Commander, however, the following officers are excluded from carrying the police baton:

   a) Officers exercising internal orders except on-duty security guards outside of detention cells;
   b) Plain-clothes officers; and
   c) Traffic, Marine, and Detective Police.

3. Police batons must be kept in the arms and ammunition stores, but they can be taken out of storage for use in training. Officers should wear police batons in a way that does not obstruct the carrying and drawing of their firearms.

4. Format of the Use of Police Baton Report

Formation Commander or Unit Commander must submit a preliminary report to the Major Formation Commander following a police baton strike whether intentional or by accident. A copy should be sent to the ACP Support (Officer-in-charge: Force Occupational Safety and Health (SP) (Support). The Preliminary report will be in the following format:

   Use of Police Baton Preliminary Report

   Formation : ___________________   Reference Number : ___________________
29-09 Use of Pepper Spray

1. Pepper spray can only be issued and used by officers who have successfully completed training with records documented in the Gen 2 IT system of the Personal Services and Staff Relations Branch. Officers may elect to be trained in any of the following contexts:
   a) Training provided by the Police Tactical Unit;
   b) Training provided by Weapons and Tactics Training Division under the Emergency Unit; and
   c) Training provided by a qualified firearms trainer.

2. All officers below the rank of CIP who have fulfilled the requirements stated in 1 must carry pepper spray while on duty. Unless otherwise instructed by the Formation Commander, however, the following officers are excluded from carrying pepper spray:
   a) Officers exercising internal orders except on-duty security guards outside of detention cells;
   b) Plainclothes Officers; and
   c) Traffic, Marine, and Detective Police.

3. Pepper spray must be kept in the arms and ammunition stores, but they can be taken out of storage for use in training. Officers should wear pepper spray in a way that does not obstruct the carrying and drawing of their firearms.
4. Format of the Use of Pepper Spray Report

5. Formation Commander or Unit Commander must submit a preliminary report to the Major Formation Commander and send a copy to the ACP Support (Officer-in-charge: Force Occupational Safety and Health (SP) (Support) following the use of pepper spray. Preliminary report will be in the following format:

**Use of Pepper Spray Preliminary Report**

<table>
<thead>
<tr>
<th>Formation</th>
<th>Reference Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of incident</th>
<th>Time of incident</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Location of incident: ________________

<table>
<thead>
<tr>
<th>Officer who has used pepper spray</th>
<th>Frequency</th>
<th>Impact</th>
<th>Case summary</th>
<th>Case classification</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e.g. Officer 12345, Chan Tai-man)</td>
<td>(e.g. sprayed once)</td>
<td></td>
<td></td>
<td>(e.g. pepper spray was used under reasonable circumstances)</td>
<td></td>
</tr>
</tbody>
</table>

Signed: ______________________________________________________________________

Rank/Name: ____________________________________________________________________

Post: _______________________________________________________________________

C.C. ACP Support (Officer-in-charge: Force Operation Support and OSHC (SP) (Support) (Fax: 2200 4329)

29-10 Use of C.S. Chemical Agent

The arms and ammunition stores will distribute ammunition containing C.S. chemical agent will only under the following circumstances:

a) For training purposes;

b) When a company of the Police Tactical Unit is deployed;

c) When a company of the Internal Security Division is deployed;

d) When an Emergency Unit car is deployed;

e) When a Formation Commander authorises distribution for the training of:
   i) Special missions; and
   ii) The defense of police stations.

f) When the MC MAR orders distribution to Marine Police vessels.
2. Use of C.S. Chemical Agent Report Format

3. Formation Commander or Unit Commander must submit a preliminary report to the Major Formation Commander and send a copy to the ACP Support (Officer-in-charge: Superintendent of Police (Operation Support and OSHC) (Support) following each occasion that a C.S. chemical agent is deployed. Preliminary report will be in the following format:

**Initial Report for Use of C.S. Chemical Agent**

Formation : ___________________        Reference Number : ___________________

Date of incident : ___________   Time of incident : ___________________

Location of incident: ___________________

<table>
<thead>
<tr>
<th>Officer using C.S. Chemical Agent</th>
<th>Type of C.S. Chemical Agent</th>
<th>Quantity</th>
<th>Impact</th>
<th>Case summary</th>
<th>Classification</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e.g. Officer 12345, Chan Tai-man)</td>
<td>(e.g. CS grenade)</td>
<td>(e.g. one unit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signed : _____________________________________________

Rank/Name: : _____________________________________________

Post : _____________________________________________

C.C. ACP Support (Officer-in-charge: Force Operation Support and OSHC (SP) (Support) (Fax: 2200 4329)

**29-14 Inspection Conducted by Forensic Firearms Examination Division**

Immediately following an open fire incident, officer must consult an on-duty Forensic Firearms Examination Division (FFED) officer if an onsite inspection is necessary through the Regional Command and Control Centre (RCCC). The on-duty FFED officer will provide safety instructions regarding ammunition removal if an onsite inspection is decided to be unnecessary. Under no circumstances should the firearms involved in the open fire incident be cleaned or interfered with; the firearms must be sent to the FFED for inspection as soon as possible. FFED officer may request advice from the Senior Force Armourer. A copy of the report from FFED (Senior Force Armourer) should be included in the MIR and be sent to D OPS (SACP).

**29-15 Police Use of Force, Firearms and Major Incident Policy Committee**

The Police Use of Force, Firearms and Major Incident Policy Committee convenes every six months.
Terms of Reference

22. Terms of reference of the committee include:
   a) Evaluation of the existing order and policy regarding use of force;
   b) Amendment and/or formulation of new order and policy within the committee’s terms of reference in response to new situations;
   c) Evaluation of the proficiency of police firearms, ammunition, and other relevant equipment for recommendations regarding upgrades or improvement;
   d) Evaluation of tactics, procedures, and training regarding the use of force and firearms;
   e) Recommendation to the Police Force’s senior management on potentially major changes to the existing procedures and/or policy on the use of force, firearms, ammunition, tactics, and firearms tactics when necessary;
   f) Guidance to policing policy regarding public events and major incidents, as well as supervision over implementation of the policy;
   g) Guidance to and supervision of the Force Command Cadre’s strategic actions;
   h) Supervision of the issues addressed in the “post-mission evaluation” regarding major incidents and other major police actions from a strategic standpoint;
   i) Consideration of the recommendations provided by the Public Order and Major Incident Committee, as well as provision of further instructions when necessary;
   j) Provision of recommendations provided by the Public Order and Major Incident Committee, as well as provision of further instructions when necessary;
   k) Establishment of a task force to study specific recommendations, issues, and procedures based on any of the aforementioned terms of reference.

Members

3. The committee members are as follows:

Chairperson: D OPS

Members: ACP OPS, ACP Support, Assistant Commissioner heads of the six regions, Commissioner Head of the Force Command Cadre;

PTU Commandant; Support Branch (CSP); Crime HQ (CSP); Complaints and Internal Investigations Branch (CSP); Deputy Director (I), Hong Kong Police College;

Major Incident (SSP), Operations Wing (SSP);

Firearms Training (SP); and

Other officers related to the topics discussed by the committee.
Secretary: Force Operation Support and OSHC (SP) (Support).

4. Major Unit Commanders are responsible for the submission of request or recommendation in written form. All submissions should be sent to the secretary of the committee for consideration of the chairperson.

29-16 Firearms Tactics Task Force Under the Police Use of Force, Firearms and Major Incident Policy Committee

The Firearms Tactics Task Force under the Police Use of Force, Firearms and Major Incident Policy Committee will convene depending on a situation.

2. The task force is established to provide a platform to study issues related to firearm tactics. Recommendations as a result of the meeting will be submitted to the Police Use of Force, Firearms and Major Incident Policy Committee.

3. Terms of reference and members of the task force are as follows:
   a) Report and recommend firearm tactics to the Police Use of Force, Firearms, and Major Incident Policy Committee;
   b) Evaluate current tactics to identify areas for improvements in training and procedures, and make recommendations accordingly;
   c) Provide recommendations to change or improve a current practice based on the findings in 3(b) or issues identified by the task force regarding police firearms and equipment;
   d) Recruit specialists or officers with relevant experience to the task force when needed; and
   e) Recommend policy guidance to the Police Use of Force, Firearms, and Major Incident Policy Committee.

4. Any issues applicable to Special Duties Unit, Witness Protection Unit, Criminal Intelligence Bureau Unit D, Security Wing, Airport Security Unit, Counter Terrorism Response Unit or Manual of Internal Security are not within the scope of work of this task force.

5. Members of the task force

Chairperson: Dep Commandant (Police Tactical Unit)

Members:
School of Foundation Training (SSP) (a representative)
Firearms Training (SP)
Support (SP) (School of Foundation Training)
Emergency Unit (SP) (a representative)
Crime Support representative
Marine Region representative
Auxiliary Support Bureau representative
Support Bureau (CIP) (PTU)

Secretary: PTU (EO)

6. Major Unit Commanders are responsible for the submission of request or recommendation for the task force to evaluate and discuss. All submissions should be sent to the Dep Commandant of Police Tactical Unit, chairperson of the task force, who will consult with the Police Use of Force, Firearms and Major Incident Policy Committee (if applicable) to decide if the issues should be considered by the task force.

29-17 Use of Spike Strip Tire Deflation Devices

Spike strip tire deflation devices can only be used by officers who have successfully completed training with records documented in the Gen 2 IT system of the Personal Services and Staff Relations Branch. Officers may elect to be trained in any of the following contexts:

Only trained officers who have successfully completed one of the trainings listed below are authorized to use spike strip tire deflation devices. The training record must be documented in the IT system of the Personal Services and Staff Relations Branch. Officers can receive training through:

a) Training provided by the Police Tactical Unit;
b) Training provided by the Hong Kong Police College;
c) Training provided by a qualified spike strip tire deflation devices trainer.

2. Training courses are specific to different spike strip tire deflation devices; officers are required to go through all of these courses.

3. Spike strip tire deflation devices must be kept in the arms and ammunition stores, but they can be taken out of storage for use in training. Formation Commander should make sure that the devices operate properly.

4. Format of the Use of Spike Strip Tire Deflation Devices Report

5. Formation Commander or Unit Commander of the officer must submit a preliminary report to the ACP OPS through the Major Formation Commander and send a copy to the ACP Support (Officer-in-charge: Force Occupational Safety and Health (SP) (Support) following the use of spike strip tire deflation devices. Preliminary report will be in the following format:

**Use of Spike Strip Tire Deflation Devices Preliminary Report**

Formation : ___________________ Reference Number : ___________________

Date of incident : ________________ Time of incident : ___________________

Location of incident: ___________________
Officer who used a spike strip tire deflation device | Date and time to use the device in the ACP OPS’ prior approval | Case summary | Remarks
--- | --- | --- | ---

C.C. ACP Support (Officer-in-charge: Force Occupational Safety and Health (SP) (Support) (Fax: 2200 4329)

6. Major Unit Commander must advise whether an in-depth report should be submitted regarding the use of spike strip tire deflation device.

Appendix A

**Checklist**

**Hong Kong Police College, Weapons Training Division**

**Analysis training: information regarding armed resistance and police open fire incidents**

Reference Number: Date/Time:
Location: Outdoors/Indoors
Nature of incident:
Cause of resistance or police open fire incident: (Please check the appropriate box)
- Officer witnessed the incident
- Someone reported the incident to a patrolling officer
- RCCC sent the officer to the scene
- Providing support to other officers
- Pre-planned operation
- No prior warning

Number of officers on site:
Number of officers who had opened fire
(In the incident where more than one officers had opened fire, a report should be filed per involved officer)

Rank of the officer involved in the open fire incident:
Length of service: (years) Formation: Uniform or clothing
Assignments during the incident:
Type of holster:
Was the holster issued by the police force? Yes / No

Type of firearms used by the police:
Was the firearms issued by the police force? Yes / No

Brand of the ammunition and type:
Number of shots fired:
Number of shots that hit the target:
A total of ____ targets were shot.

Distance from target when the first shot was fired:
Distance from target in subsequent shot(s):

Types of covers used by the police:
Was a bulletproof vest worn? Yes / No
Was the bulletproof vest issued by the police force? Yes / No
Was any officer injured? No / Yes

If so, report the number of officers injured, the severity of their injuries and what the injuries are.

Reason:
Reason for the officer to open fire:
(Finish this part after the investigation is completed)

Where did the officer aim the firearms at?
At the subject’s center body mass Unspecified

Others:
How was the lighting? Good OK despite a lack of light Barely visible Dark, lack of visibility
Was a torch used? Yes / No
Did you carry a torch? Yes / No

Gender of the target: Age: Height:

Body shape / weight:
Ethnicity: Clothing:

At the time of the incident, the target was:
Alone / With company

Did the target wear a mask? Yes / No

Means of escape:
Weapon(s) used by the target:
Did the target open fire? Yes: Fired ____ shots, someone was hit / did not hit anyone

The distance from the victim when the first shot was fired (applicable in crime cases):
Shot ___ people (victim / passerby / officer)

Superficial reason the subject fired the shot:
Were there any hostages? Yes / No (If so, how many hostages)
Who were the hostages? (e.g. passerby, family members, no need to include their names)

Where did the hostage(s) get released?

Activity level of the target before s/he was shot
Not active Active Extremely Active
The state of mind of the target before s/he was shot
Calm  Anxious  Extremely anxious

Was the target under the influence of drugs or alcohol?  Drugs  Alcohol  No

How did the target get shot?  Directly  Shot through an object (The object is:  )

When the target was shot, s/he was  On foot  In a vehicle  Others (Please explain)
When the target was shot, s/he was  running  walking  standing still  Others (Please explain)

Where was the target hit with the first shot?  Head  Body  Others (Please explain)
Where was the target hit in subsequent shot(s)?  Head  Body  Others (Please explain)

Distance from the target when the first shot was fired:
Distance from the target when subsequent shot(s) was(were) fired:
Target was stopped after the ____ shot was fired.  The target could not be stopped (Target’s reaction to the first shot)

The end result?  Survived  Dead on arrival at the hospital  Dead after arrival at the hospital  Dead for other reasons

Other relevant information (If available):
Covering Report
Sketch Plans of the Scene
Medical / Post-mortem Report
Ballistic Report
Photograph (if applicable)
Was any passerby injured?  No / Yes
(If so, please state the reason of injury and severity of the injury):
This form is an attachment to the preliminary report, a copy should be sent to Firearms Training (SP).