**UNITED NATIONS**

**Department of Peace Operations**

**Police Division**

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**DIRECTIVE ON DETENTION, SEARCHES AND USE OF FORCE FOR MEMBERS OF FORMED POLICE UNITS ON ASSIGMENT WITH THE UNITED NATIONS MISSION IN CARANA (UNAC)**

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**DIRECTIVE ON DETENTION, SEARCHES AND USE OF FORCE FOR MEMBERS OF FORMED POLICE UNITS ON ASSIGMENT WITH THE UNITED NATIONS MISSION IN CARANA (UNAC)**

**GENERAL**

**Authority and Mandate**

1. This Directive, including its Annexes A-B, constitutes the Directive on detention, searches and use of force for all members of Formed Police Units (FPUs) in the United Nations Missions in Carana (UNAC) (hereinafter: “Directive”).
2. This Directive provides the authority for the detention, searches and use of force by members of FPUs in UNAC.
3. This Directive is issued by the USG-DPO and sets out the principles, parameters, and conditions under which detention, searches and use of force may be used by members of FPUs in UNAC while executing their mandated activities within the limits of their capacities and areas of deployment, in accordance with Security Council resolution (SCR) 9901 of 06 October 2020. The Police Commissioner may issue more detailed directives to his commanding staff and FPU commanders.

**Command Responsibility**

1. Implementation of this Directive is a command responsibility. In accordance with the DPKO/DFS Policy for Formed Police Units, dated 1 March 2010 (“FPU Policy”), which forms an integral part of this Directive, primary and overall command of the FPUs is vested in the Police Commissioner who can delegate his/her command functions to the Deputy Chief of Operations/FPU Coordinator, responsible for all matters related to FPUs.
2. Each FPU Commander is responsible for the effective command and control of the Unit under his/her command, and shall ensure that all the FPU members under his/her command understand and comply with this Directive as well as with any directives issued by the Police Commissioner.

**Principles of Use of Force**

1. At all times, use of force shall be consistent with the principles of gradations and last resort, minimum necessary and proportionate use of force as well as legality, and accountability in accordance with the FPU Policy.

**Training and Qualifications for the Use of Force**

1. Every member of a FPU who carries a firearm(s) or other item(s) of law enforcement equipment must be fully familiar with this Directive and understand the rules it contains, and have received current and proper training on the care and use of the particular weapon or item(s) of law enforcement equipment assigned to him/her. The Police Commissioner will issue detailed directives regarding induction training and briefings on this Directive, including the documentation that must be submitted to prove that they have been received. A member of a FPU can only carry a firearm or other item(s) of law enforcement equipment if the Police Commissioner has certified that he/she has received the required briefings stipulated in the aforementioned directives.

**Equipment and weapons**

1. Members of FPUs may only carry and use the firearms and other items of law enforcement for the exercise of their functions during the time of their mission listed in Annex A of this Directive.
2. It is the personal responsibility of every member of a FPU to keep his/her firearm, ammunition and other item(s) of law enforcement equipment secure. He/she must be able to account for their whereabouts and condition at all times. The Police Commissioner will issue detailed directives regarding the carriage, care and storage of firearms, ammunition and other item(s) of law enforcement equipment.

**AUTHORITY TO STOP, DETAIN AND SEARCH**

1. Responsibility for the maintenance of law and order resides with the Caranian authorities. Members of FPUs do not have any lawful authority to arrest persons. Members of FPUs are authorized to stop and detain individuals in all situations where the use of force is authorized as set out in paragraph 14 and 15 of this Directive. Persons may not be stopped or detained for any other reason or purpose.
2. Members of FPUs must act, and all detained persons must be treated, in accordance with the principles and procedures set forth in the DKPO/DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations (ISOP), dated 25 January 2010, for the handling of any persons detained by them.
3. Members of FPUs are authorized to search persons stopped or detained under paragraph 11 for arms, ammunition, weapons and explosives and to seize such items as might be used to cause harm to him/herself or to others. Members of FPUs may not confiscate other items that they may find in the possession of a person.

**USE OF FORCE, FIREARMS AND OTHER ITEMS OF LAW ENFORCEMENT EQUIPMENT**

1. Members of FPUs are authorized to use force in the circumstances specified below. However, the principles of gradation and last resort, minimum necessary and proportionate use of force as well as legality and accountability are to be observed at all times.

**Use of Force, excluding Lethal Force**

1. Members of FPUs are authorized to use force or items of law enforcement equipment, excluding lethal force:
2. to control movement of assemblies;
3. to disperse assemblies that are unlawful but non-violent;
4. to prevent or stop the commission of a crime that does not involve a grave threat to life or serious bodily injury when they are providing support to Caranian law enforcement agencies;
5. to prevent forcible passage by an individual or group through a roadblock, checkpoint or cordon whose establishment has been authorized by the Caranian law enforcement agencies and the Police Commissioner;
6. against any person or group who limits or intends to limit the freedom of movement of the FPU or its members, or the freedom of movement of the members of the Caranian law enforcement agencies to whom they are providing support, or the freedom of movement of United Nations and associated personnel, or the freedom of movement of humanitarian workers;
7. to prevent the escape of any apprehended or detained person, pending their hand-over to the Caranian law-enforcement agencies;
8. to protect civilians, including humanitarian workers, against a hostile act or a hostile intent that does not involve a grave threat to life or serious bodily injury;
9. to protect or defend themselves, other United Nations and associated personnel, United Nations facilities, installations, equipment, areas or goods designated by the Special Representative of the Secretary-General (SRSG), in consultation with the Police Commissioner, against a hostile act or a hostile intent that does not involve a grave threat to life or of serious bodily injury; and
10. to protect other key sites, facilities, installations, equipment, areas or goods designated by the SRSG, in consultation with the Police Commissioner, against a hostile act or a hostile intent that does not involve a grave threat to life or of serious bodily injury.

**Use of Force, up to and including Lethal Force**

1. Members of FPUs are authorized to use force, or items of law enforcement, up to and including lethal force:
2. to protect or defend themselves, or other members of their Unit, or other United Nations and associated personnel against a hostile act or a hostile intent that involves a grave threat to life or of serious bodily injury;
3. to resist armed attempts to abduct or detain themselves, other members of their Unit or other United Nations or associated personnel;
4. to resist armed attempts to abduct or detain members of the Caranian law enforcement agencies to whom they are providing support;
5. to resist armed attempts to abduct or detain humanitarian workers and other personnel designated by the SRSG in consultation with the Police Commissioner;
6. to defend members of the Caranian law enforcement agencies to whom they are providing support against a hostile act or a hostile intent that involves a grave threat to life or of serious bodily injury;
7. to protect civilians, including humanitarian workers, under imminent threat of physical violence, against a hostile act or a hostile intent, when competent local authorities are not in a position to render immediate and/or sufficient assistance;
8. to protect or defend United Nations facilities, installations, equipment, areas or goods designated by the SRSG, in consultation with the Police Commissioner, against a hostile act or a hostile intent that involves a grave threat to life or of serious bodily injury;
9. to protect other key sites, facilities, installations, equipment, areas or goods designated by the SRSG, in consultation with the Police Commissioner, against a hostile act or a hostile intent that involves a grave threat to life or of serious bodily injury;
10. to prevent or put a stop to acts of civil unrest that involve a grave threat to life or of serious bodily injury; and
11. to prevent or stop the commission of a serious crime under international or national laws that involves a grave threat to life or of serious bodily injury.
12. Members of FPUs may not use force or firearms or other items of law enforcement equipment otherwise than in accordance with the authorization given in paragraphs 14 and 15 of this Directive.

**Gradation of Force**

1. Members of FPUs shall, as far as possible, apply de-escalation/non-violent means before resorting to the use either of physical force, firearms or other items of law enforcement equipment. They may use force, firearms or other items of law enforcement equipment only if other means remain ineffective for the purpose of achieving an authorized objective specified in paragraphs 14 or 15 of this Directive, or are without any promise of achieving such an authorized objective. Section D.2.2. of the FPU Policy, governing Gradation of Force, shall apply at all times.
2. If there is no practical alternative to the use of force, firearms or other items of law enforcement equipment in order to achieve an authorized objective specified in paragraph 14 or 15 or this Directive, members of FPUs must, whenever the operational circumstances permit, observe the following graduated procedures:
3. unarmed force must be used, if at all possible;
4. if non-lethal incapacitating weapons or tear gas are possessed by members of a FPU who are trained to use those weapons, and where they would be an effective means to bring a threat to an end, then they must be used, if so allowed by the on-scene authorized commander;
5. if the preceding measures remain ineffective or are without any promise of achieving an authorized objective, an attempt should be made, if possible, to make use of the visual and audible effect of preparing a firearm for use;
6. if the preceding measures remain ineffective or are without any promise of achieving an authorized objective, warning shots should, if circumstances allow, be fired at a safe point of aim that avoids the causing of personal injury or collateral damage to property;
7. if the preceding measures remain ineffective or have no real likelihood of achieving the authorized objective, the use of armed force against persons is authorized.
8. If members of FPUs intend to use force or firearms against other persons, they must first:
9. identify themselves in English and any other language(s) that may be spoken in the location to which the FPU is posted as members of the UNAC Police component; and
10. give a clear warning of their intent to use force or firearms.
11. If members of a FPU intend to use force, the following warning shall be used in English, and other primary languages used in that region:
    1. < UNITED NATIONS, HALT OR I WILL USE FORCE >; and
12. If members of a FPU intend to use firearms, the following warning shall be used in English, and other primary languages used in that region:
    1. < UNITED NATIONS, HALT OR I FIRE >; and
13. give enough time for that warning to be obeyed, unless to do so would:
    1. unduly place themselves at risk of death or serious bodily harm;
    2. create a risk of death or serious bodily harm to other persons; or
    3. clearly be inappropriate or pointless in the circumstances.
14. The Commander of each FPU has a duty to ensure that his officers know the warning to be given verbally in English and in the primary language(s) spoken in the region to which the FPU is deployed.
15. Whenever the use of force or firearms or any other item of law enforcement equipment is determined to be required under paragraph 14 or 15 of this Directive, members of FPUs shall:
16. act with restraint and only use the minimum degree of force that is proportional to the seriousness of the threat and necessary to achieve the authorized objective;
17. respect and preserve human life and cause the minimum of injury to people;
18. cause the minimum of damage to property;
19. as soon as practicable, help anyone who is hurt and ensure that medical aid is rendered if needed; and
20. as soon as practicable, ensure that relatives or friends of people injured or affected by the incident are notified.
21. No member of a FPU shall point a firearm or a non-lethal incapacitating weapon in the direction of any person other than in the circumstances and to achieve the objectives set out in paragraphs 14 and 15 of this Directive.

**REPORTING AND INVESTIGATION**

1. Immediately upon any incident involving the detention of any person pursuant to paragraph 10 of this Directive, the Police Commissioner shall be notified of such detention, which notification shall include the identity of the detained person(s).
2. Within 36 hours of the occurrence of any incident involving the detention of any person pursuant to paragraph 10 of this Directive, the member of a FPU who carried out the detention must submit through the chain of command to the Police Commissioner a copy of the relevant forms. In addition, in accordance with paragraph 11, all reporting procedures as required by the ISOP must be observed within the time limits as specified.
3. Immediately after any incident involving the use of force or firearms or other item of law enforcement equipment and regardless of whether or not such use resulted in death or injury to people or damage to property, the member of the FPU concerned must verbally inform the Office of Police Commissioner and record the details of the incident, including:
4. the date, time and place of the incident;
5. the name(s) of the UNAC personnel involved;
6. the name(s) of any members of the Caranian law enforcement agencies involved;
7. the events leading up to the use of force, firearms or other item(s) of law enforcement equipment;
8. the reasons why he/she used force, firearms or other item(s) of law enforcement equipment;
9. who was subjected to the use of force, firearms or other item(s) of law enforcement equipment;
10. the apparent results of the use of force, firearms or other item(s) of law enforcement equipment; and
11. a diagram of the incident scene, where appropriate.

He/she must submit a written report with those details within twelve (12) hours of the time of the incident through the chain of command to the Police Commissioner. This report is separate from any notices and/or documentation that must be made or submitted pursuant to paragraph 23 of this Directive. The Police Commissioner will, without delay, investigate the incident and present a report on it to the SRSG who will transmit that report to United Nations Headquarters. All members of FPUs are required to cooperate fully and actively with any such investigation.

**CONTRAVENTION**

1. Members of FPUs are advised that obedience to superior orders shall not preclude a violation of this Directive or of the rules that it contains from being considered an act of serious misconduct if the member of a FPU concerned knew that an order to use force, firearms or other item(s) of law enforcement equipment resulting in the death, injury of a person or damage to property was manifestly in violation of this Directive and the rules contained herein and he/she had a reasonable opportunity to refuse to follow it. Responsibility shall, in any case also rest on the superior(s) who gave an order in violation of this Directive and the rules contained herein, and shall be considered as a serious misconduct under paragraph 27.
2. Any contravention of this Directive, as well as of the rules contained herein, shall be considered as an act of serious misconduct under the Directive for Disciplinary Matters Involving Civilian Police Officers and Military Observers.

**DEFINITIONS**

1. The definitions in Annex B of this Directive shall form an integral part of this Directive.

**ENTRY INTO FORCE**

1. This Directive is adopted without prejudice to the rules of engagement for the military component of UNAC.
2. This Directive shall enter into force on 25 June 2021.

**Under-Secretary-General for Peace Operations**

**ANNEX A**

**LIST OF LAW ENFORCEMENT EQUIPMENT RELATED TO THE USE OF FORCE, INCLUDING LETHAL FORCE AUTHORIZED FOR MEMBERS OF FORMED POLICE UNITS ON ASSIGMENT WITH UNAC**

1. Police Armoured Protected Vehicles APVs / APCs Infantry Carriers
2. Water cannon
3. Crowd control vehicles
4. Rifles and ammunition
5. Side arms and ammunition
6. Machine guns and ammunition (up to 15 mm)
7. Electric baton / Taser (advanced pistol)
8. Launcher for tear gas grenades (single/multiple barrel)
9. Tear gas/smoke hand grenades
10. Tear gas/smoke grenades/canisters (37 mm and above)
11. Flash-bang / stun grenades
12. Smoke grenades (coloured)
13. Soft-Kinetic Projectiles (SKPs) as per UN specifications
14. Illumination flares
15. Signal pistol
16. Pepper spray canisters (OC Mace)
17. Spike strip / Traffic spikes
18. Police baton / Tonfa
19. Rigid handcuffs
20. Disposable restraints

**The carriage and/or use of any firearms, ammunition or related items of law enforcement that does not appear on this list is strictly prohibited.**

**ANNEX B**

**DEFINITIONS**

* + - 1. Armed Force. The use of weapons, including firearms, non-lethal incapacitating weapons and tear gas.
      2. Civil Unrest. The commission, perpetration or instigation of acts of violence which affect public peace or order.
      3. Force. The use, or threat of the use, of physical means to achieve an objective authorized in this Directive.
      4. Hostile Act. An action where the intent is to cause death, bodily harm or destruction of designated property.
      5. Hostile Intent. The threat of imminent use of force, which is demonstrated through an action or behaviour which appears to be preparatory to a hostile act. Only a reasonable belief in the presence of hostile intent is required before detention or the use of force is authorized. Whether or not hostile intent is being demonstrated must be judged by the on-scene commander, on the basis of one or a combination of the following factors:
         1. the capability and preparedness of the threat;
         2. the available evidence which indicates an intention to attack;
         3. historical precedent within the Mission’s Area of Responsibility (AOR).
      6. Caranian law enforcement agencies. All duly recognized law enforcement agencies operating in Carana.
      7. Prevent. To take action for the purpose of ensuring that an event or activity which one has a reasonable belief, supported by credible evidence or information, will soon occur does not in fact take place.
      8. Reasonable belief. A belief which a reasonable person would sensibly hold on the basis of facts as they are known to the commander or individual officer at the time.
      9. Unarmed force. The use of physical force, short of the use of “Armed Force”.
      10. United Nations. The United Nations, including its offices, programmes, funds.
      11. United Nations and Associated Personnel. The following persons are considered “United Nations and Associated Personnel” for the purpose of this Directive:
          1. Members of UNAC (including locally recruited personnel while on duty);
          2. Officials of the United Nations and of its specialized agencies and related organizations;
          3. Experts on Mission for the United Nations and for its specialized agencies and related organizations;
          4. United Nations Volunteers (UNVs) on assignment or mission in Carana;
          5. Other personnel designated by the SRSG in consultation with the United Nations headquarters (UNHQ), including:

Persons engaged by the Secretary-General or by one of the specialized agencies or related organizations of the United Nations to perform functions on behalf of UNAC or the United Nations;

Persons assigned by a Government or an intergovernmental organization operating with the authority of the Security Council or General Assembly to carry out activities in support of the fulfillment of the mandate of UNAC or of programmes of the United Nations, including programmes of its offices, agencies, funds and programmes;

Persons deployed by authorized humanitarian non-governmental organizations or agencies under an agreement with the Secretary-General or with a specialized agency or related organization of the United Nations to carry out activities in support of the fulfillment of the mandate of UNAC or of programmes of the United Nations, including programmes of its offices, agencies, funds and programmes.

* + - 1. Stop and detain. To hold a person so that he/she cannot leave.