

UNDERSTANDING POLICING

TRAINING MANUAL

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**AMNESTY
INTERNATIONAL**



UNDERSTANDING POLICING for HUMAN RIGHTS ADVOCATES

TRAINING MANUAL

This training manual was developed by Anneke Osse of the Police and Human Rights Program (PHRP) of Amnesty International's Dutch Section in joint cooperation with Josef Roy Benedict of the Indonesia Team at the International Secretariat in London, UK.

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GUIDELINES FOR TRAINERS

This manual has been developed to be used in conjunction with '*Understanding Policing, a resource for human rights activists*' (hereafter referred to as *Understanding policing*) and it is assumed the trainer is well familiarized with the contents of this book. It needs contextualization to the country where it is being used, for example by complementing it with country-specific materials, such as country reports by Amnesty International and other human rights organizations, country specific legislation and police regulations. A list with suggested materials is provided in the appendix of this manual.

Aim of the manual

The aim of the manual is to help carry out training sessions for human rights advocates intending to start working on 'police and human rights' related issues. Prime objective of such training is to enhance participants' understanding of the police as an institution, as well as of policing as a function in society, in order to develop (more) effective strategies targeting the police aiming to enhance police respect for human rights principles. Note that this manual is not meant for 'train-the-trainer' training sessions, to prepare future trainers in conducting human rights training for the police. Rather it is meant to prepare human rights activists to work on policing issues and – if applicable – engage with the police in their country.

In using this manual, the trainer's role is to guide the discussions and to allow students to become active participants in their own learning and that of each other. As attitude change is more likely when it is the result of a discussion rather than a lecture, this manual aims to activate participants and stimulate them to critically reflect on their own knowledge, expectations and perceptions of the police. Of course the trainer can decide to also include lectures on the issues discussed, that can go along with the interactive sessions. For these lectures please refer *Understanding policing*.

Basic knowledge of international human rights standards and how they relate to police work is essential, and the trainer should familiarize him or herself with the relevant standards so that he or she can inform participants of their usefulness. Too often, human rights activists are unaware of international human rights law and how it relates to police work in practice – and hence make little use of concrete articles in their advocacy work. It is therefore suggested that the trainer ensures that participants acquaint themselves with the international standards and where possible ensures that all participants receive copies of the international standards, if possible in the national language. But knowledge of international law alone is not enough to understand how police work in practice and what dilemmas they may face. With this manual, and the accompanying documents, we hope to be able to support human rights advocates in their efforts to initiate working on policing issues.

Target group of the training

The target group for this training are human rights advocates who (will) work on the police and or on police-related issues and those who (intend to) engage with the police in the future. Working on or with police can involve topics as diverse as excessive use of force, slack accountability, corruption or more general police reform.

Participants are expected to conduct self-study, in particular participants should get acquainted with the international human rights standards relating to policing issues, and national police legislation, regulations and the national policing structures.

Please note that sometimes participants' experience with the police in their country is (very) negative, sometimes leading to an almost competitive atmosphere characterized by 'us versus them' stereotypical thinking. This usually does not stimulate an open attitude necessary for learning about the police and policing and as such needs to be addressed by the trainer when it occurs. This is also why this training starts with a session where participants can share their experiences freely in order to give the trainer the opportunity to explicitly acknowledge such experiences and if needed discuss how it may affect the training.

Guide to the manual

The manual consists of 5 modules, each of them divided into sessions. The modules are designed such that they can be used separately or jointly in one training seminar, depending on the practical circumstances under which the training takes place. For example, one may decide to organize one module or even just one session per week, or do all the modules in one go in a 3 day seminar.

The 5 modules and their sessions are (times given are estimates of the minimum time needed):

Module 1: General Understanding of Policing (5 hours)

- Session 1: Experience with the police
- Session 2: Police structure and functions
- Session 3: Law and policing
- Session 4: Security actors and policing

Module 2: Use of Force (2 hours)

- Session 1: Use of force
- Session 2: Dealing with crowds

Module 3: Arrest and Detention (3 hours)

- Session 1: Arrest
- Session 2: Detention

Module 4: Police Accountability (2,5 hours)

- Session 1: Operational independence
- Session 2: Internal accountability
- Session 3: External accountability

Module 5: Engaging the police (1,5 hour)

Following these modules it could be considered to organize a strategy workshop, where participants develop a joint strategy on how to (continue to) work on policing issues in their country.¹

So, a structure for a 3 day training could be:

Day 1: Police and human rights

Day 2: Police powers: Use of Force & Arrest and detention

Day 3: Police accountability & Engagement & Future work on police

The modules in this manual each follow the 'ADIS' format:

- *Activity*
- *Discussion*
- *Input from trainer*
- *Synthesis*

¹ Note that this manual does not have modules for each chapter of *Understanding policing*. We do recommend however including sessions on Community Policing and Police Training, in particular, as in many countries these are very relevant topics. Trainers could consider including lectures on these issues, and maybe invite guest speakers.

Each session starts with an activity, aiming to stimulate participants to actively reflect on the subject at hand and share their reflections, considerations and opinions. The activity can be a discussion, or can be followed by a discussion in which participants share their findings and discuss these with the other participants. After the discussion the trainers role changes from *facilitator* to *resource person*, as now he or she is supposed to add information which the participants may not have yet, and provide new input to the participants. Finally, the trainer or any of the participants, should bring together the lesson learnt during this session in the synthesis.

In the manual each session is described following these headings:

- Aim of session
- Learning Objectives: what will the participants know by the end of the session?
- Materials needed: for carrying out this session, such as handouts and also practical materials like a flipchart and a whiteboard.
- Total time: needed for this session
- Reference Material: needed for this session, such as *Understanding policing* and particular international standards and national regulations
- Activity: The procedure for how to carry out the activity is given. There are no hard and fast rules. Just as each trainer delivers the same knowledge in a different manner, so his/her presentation of a topic for discussion will be a personal one. To someone without any experience of this methodology however, the suggested procedure is a good starting point. For each activity a rough time indication is given. Some sessions contain more than one activity.
- Discussion: The activity is followed by a group discussion. Sometimes guiding questions for the discussion are provided
- Input of the trainer: New information (ie that isn't mentioned by the participants yet) is provided by the trainer.
- Synthesis (or Conclusions): The trainer summarizes the main conclusions of the session and explains relevance of this session for human rights activists working on policing issues.

The role of the trainer

It is the responsibility of the trainer to create an atmosphere which facilitates the free expression of thoughts and views by the students during a discussion so as to enhance the learning process. Being armed with creative and effective skills, the trainer can become more effective when she conducts meetings, workshops and sessions. These skills are essential to enable them to gather views from the people and hear their stories.

In order to do so, the trainer should consider the following:

1. Trainers should prepare in advance of the workshops in order to be familiar with all the sessions and activities and to develop a clear understanding of the issues being raised. They should also find out about of the target group they will be training as well as the context in which they are working
2. Before any discussion, trainers have to do preparations and be clear of the objectives of the session. If the group discussion is side-tracked, the trainer should put them back in focus.
3. The trainer may want to consider co-facilitation with an external specialist on some of the more substantive issues raised. At the same time division of tasks among the facilitating teams are important to ensure a smooth session. This will avoid confusion not only among the trainers but also with the participants.
4. The workshops should be facilitated and/or adapted where necessary to take account of the local cultural and political context, although without changing the objectives of each session.

5. The trainer must present the agenda and timing for the program and set the grounds rules for the training eg switch off hand phones
6. The trainer is there to guide the discussion and not to participate in it and should therefore avoid the use of "I think", "I find", "I believe" etc. The trainer's opinion is not important and can in fact be detrimental to the discussion, giving the student the impression that because it is expressed by the trainer it must be the 'right' one when, in fact, all opinions are valid.
7. The trainer needs to exercise good communication skills such as summarising different views, asking for clarification, checking understanding and listening carefully to what is being said. Some useful ways to stimulate the discussion are:
 - "I have heard that some people sayWhat do you think of that?"
 - "Suppose instead of x it was y, would that influence your views?"
 The trainer can also comment on the group's reactions:
 - "I notice that when x saidsome of you became restless. Why?"
 - "A lot of you seem to disagree. Can you say why?"
 The trainer should try not to ask questions which invite a simple 'yes' or 'no' answer.
8. Great care must be taken to stimulate active participation by all members of the group and to reassure them that all opinions are relevant. Addressing a silent student by name and asking their opinion directly often assists them to participate more actively.
9. Discussions are a free exchange of opinions and ideas and not about individuals' personal feelings. If necessary the trainer should intervene with "Could you formulate it in such a way that we can discuss it?" Students should feel free to express their opinions in the knowledge that what is said inside the classroom is completely confidential, therefore this should be agreed upon by all the participants at the outset of the training course.
10. A discussion does not usually end with a right or wrong answer, although it may result in a consensus of opinion. Individuals are entitled to keep their own opinion but they must be prepared to defend it.

Optimal conditions for discussions

- In a discussion it is preferable to have a small group of people if all are to have the opportunity to contribute. In a class of 12-16 participants, discussion is still possible but if the class is larger than this, or if the trainer is concerned that not all feel able to participate in a large group, then small groups can be organised. Each group then appoints a spokesperson to report back on their discussion to the rest of the class and the results are compared. This requires good class management skills on behalf of the trainer but results in more participants expressing their views in less time than an open class situation.
- Seating arrangements are very important to create the right atmosphere for an interchange of views. A large group should be seated in a semicircle with the trainer at the open end, facing all the participants. Alternatively, small groups can form small circles and in this case, the trainer must be free to move from one group to the other, monitoring progress and assisting where necessary. In both situations, participants should still have the means to take notes, even if this means that desks must be used.
- If an overhead projector is available it can be used to enhance both theoretical training as well as discussions, due to the added visible dimension. The trainer can use it in place of a flip chart, whilst the participants themselves could use it to report back on small group discussions, for example.

Developing a training course

Key condition for any training is the definition beforehand of its objectives: what does the training seek to achieve and how realistic is this? Having defined the overall objective(s) it is important to define specific learning objectives: what will the participants have learnt after completion of the training? When designing the training it is important to regularly check whether the contents and design of the training still match the overall objectives as well as the specific learning objectives.

An important aspect to consider is the time-frame. A typical training course might take 2-3 days depending on the group and their level of human rights experience. If needed the training could be split into two or more parts. This enables the trainer to include 'homework' or other exercises. As to illustrate this: after a short course participants return to normal duties with an assignment to complete, for example 'identify human rights dilemmas for police work you have come across in the media'. When they come together again, perhaps a month later, their observations can be used as the core of another short course.

The trainer could try to enhance understanding of police and human rights by inviting contributions to the training course from other interested parties, including (former) police officers. Police representatives could also be invited to actively participate in some aspects of the training by giving presentations, leading discussions etc.

Participants themselves may be able to contribute to the development of a training course. Inviting their comments and suggestions on completion of the course, by means of an evaluation form, could help to identify areas of weakness and improvement.

The trainer can make use of other training materials as an aid to developing his/her own police and human rights training course. There are many training materials available on the internet on the issue of Police and Human Rights.

The trainer should make sure to acquaint him or herself thoroughly with the situation in the country at hand and that of policing in particular, so that the training can be related to those issues most urgent and relevant to the particular context.

MODULE 1: GENERAL UNDERSTANDING OF POLICING

Total time: 5 hours

Session 1: Experience with the police

Aim of session

This introductory session is meant to share experiences participants may have with the police in their country – and possibly also elsewhere.

Learning Objectives

This session doesn't have specific learning objectives, other than the sharing of experiences, in order to provide the trainer with important information about the background of the participants and also about expectations they may have about the police but also about (having to) work with the police and hence also about this training. Additionally sharing experiences may enable participants to express any negative feelings they may have towards the police (or this training) in order to prevent these from negatively affecting the training.

Materials needed

None.

Total time needed

Depending on the experiences probably 30-45 minutes.

Reference Material

None.

Activity: Experiences with police (30-45 min)

- The trainer simply asks participants what are their experiences with the police. The trainer should try to start as open as possible, enabling everyone to come up with whatever their experiences are. These may involve good and bad experiences, and need appropriate time accordingly.

If needed the trainer ask further questions like:

- Have you ever met a police officer?
- Did you ever talk with a police officer?
- Did you ever visit a police station?
- Etc.

The reason for this exercise is that previous experiences with the police are likely to impact on the attitude with which police will be approached in the future. It is also likely to impact how participants feel about this training. It is important for the trainer to know about this so that the training can be adapted if needed. Note that the trainer should listen only, and does not have to 'defend' the police nor the participant.

Input of the trainer

Not applicable.

Synthesis

If desired the trainer can close of with a brief summary of experiences shared. Also, the trainer could discuss with the participants how their experiences have impacted or are impacting how participants think about participating in this training.

Session 2: Police structure and functions

Aim of session

To discuss the structure and functions of a police service

Learning Objectives

By the end of the session, participants will have:

- Discussed stereotypes and perceptions of the police
- A better understanding of the role and functions of the police in their country
- A better understanding of the police structure in their country

Materials needed

- Flipchart paper
- Marker pens
- Photocopies of police structure for all participants

Total time

1 hour and 15 minutes

Reference Material

- *Understanding policing*, chapters 1, 2 and 3.
- Country reports describing the police
- Organizational chart of the police
- National Police Act

Activity: Associations (30 min)

- Ask participants what comes to mind when they think of 'police'? Ask them to associate freely and write up whatever comes to their mind.

Make sure that participants note down any association they might have. This should not take too long, in principle not more than 3-5 minutes. After having written down the associations, participants are asked to share what they've written down. The trainer can for example ask each participant to share three things, and then ask each next participant to share what has not been mentioned before. The trainer should note the words given down on a flipchart or blackboard. Make sure this doesn't take too long, it should be a dynamic session.

Tip: It can help if the trainer, when noting down the associations on the blackboard or flipchart, categorizes the associations so as to structure to discussion that follows afterwards. So for example, the trainer can write all associations about bad policing in the top left corner; all associations related to the police functions in the top right corner; all associations related to visible characteristics of the police in the bottom left corner and associations related to police powers in the bottom right corner. Doing so will make it easier to discuss some key elements of policing afterwards.

(10 minutes)

Discussion & Input:

- Discuss why the police has certain characteristics, eg why does the police have to wear a uniform?, in order to explain the principle that police are to work in the public interest and should use their powers accordingly.
- Discuss police powers – mention that we will come back to these later on.
- Discuss the functions of the police (refer to Chapter 3 of *Understanding Policing*)
- Optional: Ask participants to compare what the police should do in theory and how the police in their country actually operate in practice. You can do this by

going through one function at a time with participants and writing their experience on a flipchart.

Synthesis:

At the end of the session highlight the following with participants:

- It is important to realize we all make generalisations about the police.
- We require effective policing to protect human rights (positive obligations on States).
- Activists need to understand the functions and structure of the police before they can work with or on the police.

(20 minutes)

Activity & Discussion: Draw the organizational chart of the police (45 min)

- Ask participants to draw the organizational structure of the police (the main departments) on a flipchart. You can break them up into 2-3 groups to do this. Inform subgroups that they will have to present it to the group.

(20 minutes)

Discussion & input:

- There will most probably be different answers during the subgroup presentations. This is fine. The trainer will open the floor to discussion and clarification after each presentation. The presentations can be done relatively quick.
- As an alternative: the trainer can also skip subgroup presentations put rather put the flipcharts on the wall and invite all participants to study each others flipcharts, followed by a plenary discussion.
- Discuss the organizational structure of the police in the plenary session following the subgroup presentations, if possible provide participants with a handout of the structure. Walk participants through the organizational chart; discuss observations and reactions participants may have.

Synthesis:

- When working on the police you need a thorough understanding of the police in the country at hand, including its internal structures and 'who's who'.

(25 minutes)

Session 3: Law and policing

Aim of session

To highlight the importance of understanding international and national law relevant to policing.

Learning Objectives

By the end of the session, participants will have:

- Better understanding of international and local law on policing
- Better understanding of police regulations

Materials needed

- Flipchart paper
- Marker pens
- Photocopies of the UDHR and ICCPR
- Photocopies of UN Code of Conduct for Law Enforcement Officials
- Photocopies of National Police Act
- Photocopies of national police code of conduct / ethics

Total time

1 hour and 15 minutes.

Reference Material

- *Understanding policing*
- Country reports describing the national police
- International human rights standards (see Appendix: General resource materials)
- National legislation

Activity: Collect legislation (40 min)

- Divide group in subgroups of 4 persons each. Ask the following question to participants: What national and international legislation guides the police? Write down on the flipchart.

[Possible answers: Criminal Code, Criminal Procedures Code, SOPs, UDHR, ICCPR, CEDAW, etc]

(10 minutes)

Input

- Provide an overview of police relevant legislation (see appendix, also see *Understanding policing*)
- Explain the different legal aspects that guide police work:
 - Explain what international law is and how it is made and how it relates to national law. Explain difference between binding treaties and soft law. Many policing standards, giving concrete guidance on how to implement human rights, are soft law.
 - Introduce the UDHR and the ICCPR to participants.
 - Compare the National Police Act with international legislation (refer in particular to the article defining the role and or functions of the national police).
 - Police regulations and SOPs are 'translations' of national legislation to police practice. Discuss what are SOPs and police regulations and why we need them (refer to Part III on Police Powers of *Understanding Policing*). Optional: Discuss one concrete SOP as an example.

- Explain that human rights law prohibits police particular actions and 'orders' other actions, explain principle of 'due diligence'. Relate to positive obligations on States. Also, relate to 'domestic violence' in particular.

Synthesis:

- Explain to participants that police work by national legislation. The police usually have little (if any) knowledge of international law.
- National legislation is drafted by a legislative body – not by the police! National law must be in line with international law.

(30 minutes)

Activity and Discussion: Draft a police code of conduct (45 minutes)

- Divide participants into 2 groups. Ask them to draft a Code of Conduct for the police and present this on a flipchart.

(20 minutes)

Input

- Compare the drafts with the UN Code of Conduct for Law enforcement officials.
- Go through the entire UN Code of Conduct with participants, as well as the resolution adopting it.
- Also discuss the Guidelines for an Effective Implementation of the UN Code of Conduct.
- Go through the national police code of conduct with the participants.
- Explain what is a code of conduct and why it is needed.

Synthesis

At the end of the session highlight the following with participants:

- Activists need to understand the (international and national) laws related to policing.
- Governments need to comply with international law they've ratified and with customary international law.
- Activists also need to understand (national) police procedures and regulations.
- Sometimes human rights violations result from national legislation; if this is the case human rights activists should consider targeting the legislature (rather than the police) for ensuring that national legislation does accord with international (customary) human rights law.

(25 minutes)

Session 4: Security actors and policing

Aim of session:

To discuss the various security actors and how they impact on policing.

Learning objectives:

By the end of the session, participants will have:

- Better understanding of the security actors in the national context
- How these security actors relate to the police

What you need:

- Flipchart paper
- Marker pens

Total time:

1 hour

Reference Material

- *Understanding policing*, Chapter 2
- Country reports

Activity: Case studies (45 min)

Divide participants into 5 groups, each of which representing a single security actor:

- Military
- Police
- Intelligence
- Private security groups
- Village head, Mayor or other equivalent of local administration

Present the 3 case studies below. For each case study ask subgroups to discuss the following questions and write on a flipchart. Questions:

- Do you have a role?
- How do you respond?
- What should other players do?

Case 1: A group of armed separatists have attacked a local police post near the village. There is serious material damage, fortunately nobody got hurt.

Case 2: There has been a demonstration by local factory workers in the village for higher wages. They have occupied the road in front of the company owner since two hours

Case 3: This morning a mining company near the village has evicted a local community leaving many homeless

Tip: The trainer may of course choose to develop new case studies that are more relevant for the country under discussion.

(30 minutes)

Input

- Discuss the differing roles of various security actors – police, military, intelligence, private groups (refer to Chapter 2 of *Understanding Policing*).
- If applicable: Discuss the specific problems with regards to the relationship between the military and police; intelligence and police; and or private security and police.

(15 mins)

Synthesis:

At the end of the session highlight the following with participants:

- Human rights advocates intending to initiate working on the police should realize that police are (just) a small part of the wider security and justice system.
- Understand the different security actors and the roles they play and how this interacts with policing.
- How policing work can be restricted by the interest of other security actors and how the entire chain is dependent on the quality of each single part.

MODULE 2: USE OF FORCE

Total time: 2 hours

Session 1: Use of force by the police

Aim of session:

To discuss issues around the 'use of force' by the police

Learning Objectives

By the end of the session, participants will have:

- What kind of 'use of force' is justified during policing operations
- What does the law say about the 'use of force'

What you need:

- Flipchart paper
- Marker pens
- Photocopies of Basic Principles on the Use of Force and Firearms
- Photocopies of national Use of Force policy
- Photocopies of national police code of conduct / ethics
- Photocopies of other relevant SOPs related to the use of force

Total time:

1 hour

Reference Material

- *Understanding Policing*, Chapter 5
- National police Use of force policy
- Country reports
- International standards: ICCPR, UN Code of Conduct for Law Enforcement Officials, Basic Principles on the Use of Force and Firearms

Activity and Discussion: When can police use force? (60 min)

- Put 4 chairs in 4 corners with the sign – Yes, No, Don't know and Don't care
- Ask participants a series of questions on the use of force and get them to take a position (see below)
- After each statement: Discuss their positions; ask participants to explain why they took this position
- Then check with the others: does this change your position? What convinced you?
- After the statements has sufficiently been discussed, move on to the next statement.

Consider these statements:

1. The police have a right to use force when arresting a criminal
2. Its is okay to use force against a terrorist in order to get a confession
3. During violent demonstrations the police have a right to use force to protect the public
4. It is not the fault of the police if a criminal is beaten up by another criminal in detention
5. The police can use their gun to stop a fleeing rapist
6. Sometimes force has to be used to evict people who have illegally occupied land

(15 minutes)

Input

Discuss the following questions with the participants and write on flipchart.

1. What equipment/means to use force does the police have in your country? And in other countries?
→ Note: also discuss use of force that does not involve the use of equipment, eg open and closed hand techniques; and also do not forget use of force that involves animals, such as horses and dogs
2. Which units are mostly involved in the use of force?
3. What force can the police use in the following cases?
Eg in arrest, public order situations, suspect interview, detention (see table as provided below). The trainer may wish to illustrate cases with images or footage, for example taken from You Tube.
→ relate this to scale of force
→ relate this to the principles of proportionality, necessity, lawfulness
→ discuss lethal force, and human rights principles around its use (only in order to save life)
→ relate this to situation in own country
4. Who are the most vulnerable re (unlawful) police use of force?
5. What should police do after having used force?
→ explain requirement to report use of force
→ medical assistance
→ relate to principle of accountability
6. What are your national police regulations regarding to police use of force?
Use handouts with national SOPs on the use of force and study these (if available)
→ relate these to the international standards: do they accord with the standards?
7. Who is responsible when police have used force, or have abused force?
8. What should be done following (alleged) unlawful use of force?
→ disciplinary or criminal procedures
9. What can human rights groups do in case of unlawful police use of force?

For question 3

Case	What force can police use?	What force do police use in reality
Arrest		
Suspect interview		
Detention		
Demonstrations		

Synthesis

- Not every police use of force is a human rights violation: Police work encompasses using force sometimes. Police have the right as well as the obligation to use force in order to achieve a lawful policing objective.
- There are laws and policies that guide the use force.
- Police have some discretion –within the framework as defined by law – as to when to use what force.
- Police should try to avoid the use of force. Therefore they should have alternatives to the use of force, and alternatives to the use of lethal force, this means they should be properly trained and equipped.
- They should also have a range of means of force at their disposal so that they can choose the appropriate proportional response.
- When force is used police should account for it, ie there should be guidelines on reporting. Failing to follow these guidelines should be a (disciplinary) offence.
- When there is excessive use of force, police should be held accountable.

Session 2: Dealing with crowds

Aim of session:

To discuss issues around the 'use of force' by the police in situations of crowds.

Learning Objectives

By the end of the session, participants will have:

- What kind of 'use of force' is justified during policing operations
- What does the law say about the 'use of force'

What you need:

- Flipchart paper
- Marker pens
- Basic Principles on the Use of Force and Firearms (Basic Principles)
- Photocopies of national Use of Force policy
- Photocopies of national police code of conduct / ethics
- Photocopies of other relevant SOPs related to crowd control
- Video footage, for example from You Tube, with examples of police use of force. If video footage is not possible, then try to collect pictures of police use of force.

Total time:

30 minutes

Reference Material

- *Understanding Policing*, Chapter 5
- National police Use of force policy
- Country reports
- International standards: ICCPR, UN Code of Conduct for Law Enforcement Officials, Basic Principles on the Use of Force and Firearms

Activity: is this acceptable use of force? (30 min)

- Discuss examples of police use of force in crowd situations using You Tube videos of police responses in demonstrations, sporting events and other situations involving crowds. Assess these on the principles of Proportionality, Lawfulness, Accountability and Necessity (PLAN).

Input

Discuss professional principles of 'crowd control' such as gathering intelligence beforehand, engaging with the groups that will gather, and other means to prevent violence. Refer to Chapter 5 of *Understanding Policing*.

Synthesis

- In situations involving crowds police should aim at preventing escalation and violence, and a violent police response.
- Within its lawful restrictions, people have a right to assemble and express their views. Police should facilitate this.
- However, in order to protect others, police may need to resort to the use of force.
- Then all principles as discussed in session 1 are applicable.

MODULE 3: ARREST AND DETENTION

Total time: 2,5 hour

Session 1: Arrest

Aim of session:

To discuss human rights issues around arrest.

Learning Objectives

By the end of the session, participants will have a better understanding of international and local standards on arrest.

What you need:

- Flipchart paper
- Marker pens
- Photocopies of the Convention Against Torture and the Optional protocol (if these have been ratified) and the Body of principles for the protection of all persons under any form of detention or imprisonment
- Photocopies of national arrest legislation, policy and related SOPs
- Photocopies of national police code of conduct / ethics

Total time:

1 hour

Reference Material

- *Understanding Policing*, Chapter 6
- National legislation on arrest
- National police arrest & detention policies
- Country reports
- International standards: ICCPR, CAT, OPCAT, UN Code of Conduct on Law Enforcement Officials, Basic Principles on the Use of Force and Firearms and the Body of principles for the protection of all persons under any form of detention or imprisonment.

Activity: Roleplay (1 hour)

Roleplay an arrest with the participants. Use different situations. Take a case of police and a drug addict and ask one of the participants to make an arrest. Discuss the role play with the group ask the observers to 'advise' the police officer who carried out the arrest how to do it better the next time. After the first role play the trainer can give different instructions to the 'drug addict', for example:

- to cooperate
- to resist the arrest verbally, but not physically
- and the 3rd time to resist physically.

Note: be careful that participants do not get too rough with each other!

The trainer can also introduce specific elements; for example arrest a female participant, or a child, someone handicapped etc.

(15 minutes)

Discussion:

Discuss the following questions with the group:

- When can the police arrest someone?

- When do they need a warrant?
- How to carry out an arrest? What should police do and what should they say?
- How to respond to someone who resists arrest?
- Can the police shoot? When?
- Change the case to murder (instead of a drug addict). Does it matter?
- What happens after the arrest?
- Discuss the procedure and requirements for a body search, including for women

(30 minutes)

Input:

- Discuss international standards & principles on arrest
- Discuss the Convention against Torture and the Optional Protocol
- Discuss local laws and policies on arrest; and where these accord and don't accord with international standards

(15 minutes)

Synthesis

- Arrest has to be done in line with international standards
- Local law should integrate these standards

Session 2: Detention

Aim of session

To discuss human rights issues around detention

Learning Objectives

By the end of the session, participants will have:

- A better understanding of international and local standards on detention
- A better understanding of international standards on conditions of detention

What you need:

- Flipchart paper
- Marker pens
- Photocopies of the Convention Against Torture and the Optional protocol (if these have been ratified) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- Photocopies of national detention legislation, policies and related SOPs
- Photocopies of national police code of conduct / ethics

Total time:

2 hours

Reference Material

- *Understanding Policing*, Chapter 6
- National legislation on arrest and policies and SOPs
- Country reports
- International standards: ICCPR, CAT, OPCAT, UN Code of Conduct on Law Enforcement Officials, Basic Principles on the Use of Force and Firearms and the Body of principles for the protection of all persons under any form of detention or imprisonment.

Activity: Draft a checklist (90 min)

- Form subgroups of max 4 persons each. You are part of a visiting group to prisons. What would you check? Draft a checklist for the visit and report back to the plenary group (30 minutes)
- In the plenary check the checklist with international standards. As a minimum they should include reference to:
 - Habeus corpus
 - Is the location of the detention facility known?
 - Physical conditions (space, light, air, toilet facilities, washing facilities)
 - Women in detention (separate from men)
 - Children in detention (separate from adults)
 - Separation of police detainees and convicts
 - Treatment (food, medical, contact with outside world, incl family, separation of males/females, convicted/under trial, adults/children)
 - Right to remedy and complaints procedure
 - Length of stay related to quality of facilities
 - Record book (names of detainees, time and date of arrival and transfers, first appearance before judicial authority, identity of law enforcement officials responsible)
 - Is there some form of independent oversight?
 - Prevention of torture?
 - SOPs re detention and use of force when in detention
 - Etc(45 minutes)

Input:

- Discuss the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the Standard Minimum Rules for the Treatment of Prisoners; OPCAT and national legislation and SOPs.
 - Walk through these documents with the participants and check where these do and do not accord with international standards. Note: This could also be done in new subgroup work.
- (30 minutes)

Synthesis

- Detention has to be done in line with international standards
- Conditions of detention must also be in line with international standards

MODULE 4: POLICE ACCOUNTABILITY

Total time: 2,5 hours

Session 1: Operational Independence

Aim of session

To discuss issues around the operational independence of the police

Learning Objectives

By the end of the session, participants will have:

- Better understood the need for the police to have some degree of autonomy and discretion

What you need

- Flipchart paper
- Marker pens

Total time

30 minutes

Reference Material

- *Understanding Policing*, Chapter 4

Activity: What should police do? (30 min)

Discuss the following questions with the group:

1. A person is speeding beyond the legal limit. How should the police react?
2. Some youths have spray painted on a school building. How should the police react?

Input

- Discuss the balancing act of the police between state and the public and their own professional code
- Discuss the meaning of operational independence

Synthesis:

- Police leadership must be authorised (and equipped) to have some degree of autonomy to decide, within the established budgetary and legal framework, how they allocate resources and how they respond to law and order situations
- Independence is to be limited, both by law and policy (police cannot do whatever they like) and by its co-requirement of accountability.

(30 minutes)

Session 2: Internal Accountability

Aim of session:

To discuss issues around the internal accountability systems of the police

Learning Objectives

By the end of the session, participants will have:

- Better understood the internal accountability mechanism of the national police

What you need:

- Flipchart paper
- Marker pens
- Flowchart for disciplinary complaints (if available)
- Flowchart for criminal complaints (if available)
- Photocopies of organizational chart of the police

Total time:

1 hour

Reference Material

- *Understanding Policing*, Chapter 8
- Country reports

Activity: What should police do - 2? (60 min)

Use a case study to discuss aspects on internal accountability in the plenary group. The case study is given in the plenary after which participants discuss the questions in pairs - they do not leave the room. After this the trainer gives input and comments where relevant and continues with the next case – after which questions are again discussed in pairs etc.

Case 1: Local thugs attack a group of demonstrators. A police officer nearby who sees the incident calls for assistance from his colleagues but no one shows up to help him. Later he finds out that they were sleeping (or shopping) on the job. He decides to inform their supervisor.

Questions (in pairs):

- Is this an offence/misconduct? What is the offence or the misconduct precisely, you think?
- You are the supervisor what do you do? (Roleplay this if possible)

Input

- Discuss the national Ethical and Disciplinary Code. Ask how many have heard about the code.

Case 2: Local thugs attack a group of demonstrators. A police officer in the area assists the attackers and seriously beats up one of the demonstrators and breaks his arm.

Questions (in pairs):

- Is this an offence/misconduct? What is the offence or the misconduct precisely, you think?
- You are the supervisor what do you do? (Roleplay this if possible)

Input

- Difference disciplinary and criminal offence

Case 3: The demonstrators then make a complaint to the police office about this

Question: You are a police officer in charge of the office. What do you do?

Input:

- Discuss how disciplinary offences are dealt with, in practice. Use organisational chart. Relate this to international standards.
- How can police prevent misconduct? (selection, vetting, chain of command, training, reporting etc).

Synthesis:

- For police to be effective, they must be trusted and accountable for their actions.
- When acts of misconduct take place, there should be clear disciplinary or criminal procedures.
- These procedures must be written down and the public must be made aware of how to access them

Session 3: External Accountability

Aim of session:

To discuss issues around external accountability

Learning Objectives

By the end of the session, participants will have:

- A better understanding of the needs of external accountability mechanism
- A better understanding of the roles and requirements of a successful oversight body

What you need:

- Flipchart paper
- Marker pens
- Flowchart for disciplinary complains (if available)
- Flowchart for criminal complaints (if available)

Total time

1 hour

Reference Material

- *Understanding Policing*, chapter 8
- Country report

Activity and Discussion: And then? (60 min)

- Ask participants to discuss in subgroups:
Question: If nothing has happened after the complaint was made to the police, who else can you make a complain to? Write down the answers on a flip chart. (20 minutes)

Discussion:

Questions to pose in the plenary during the subgroup presentations:

- What happens when you make a report to them?
- Anyone with experience doing this? What happened?

Input:

- Discuss the flow of complaints.
- Discuss need for an effective external complaints mechanism and what it should look like, include that it should not just look at individual cases but should try to look at the overall pattern as well. Also discuss the pros and cons of a separate specialized police complaints body as opposed to a general body.

(25 minutes)

Synthesis:

- Police accepting and actively seeking accountability are key to (enhancing) public confidence
- This in itself is key to fair and effective policing
- External accountability mechanisms, outside of police control and operating independently (and also seen as operating independently) are key to the integrity of the entire police accountability system
- The internal accountability mechanisms should have trust in and be willing to cooperate with the external bodies. (15 minutes)

MODULE 5: ENGAGING THE POLICE

Total time: 1,5 hour

Session 1: Engaging the police

Aim of session:

To discuss issues around engaging the police

Learning Objectives

By the end of the session, participants will have a better understanding on:

- What engaging the police means
- How to prepare if they want to engage the police

What you need:

- Flipchart paper
- Marker pens

Total time:

1,5 hours

Reference Material

Understanding Policing, chapter 10

Activity/Discussion: Subgroup work on engagement (1,5 hour)

- Break participants into groups of 5 people. Ask each group to discuss the following questions and write answers on flipchart
 - What do you understand by 'engaging the police'?
 - List the different forms of engagement that you are aware of between civil society and the police in Indonesia and in other countries
 - What are the pros and cons for civil society in of using engagement as a tactic?
- Each group will present the outcomes of the discussion as trainer notes them on a flip chart.

(45 mins)

Input:

- Discuss the dilemmas in engagement (see *Understanding Policing* 10.3.2)
- Discuss the different types of NGOs using the matrix (see *Understanding Policing* 10.3.2)
- Discuss the different types of engagement – community policing, external oversight, witness protection, police training and human rights education
- Discuss how to organise approaches to police (10.5)

(30 mins)

Synthesis:

- It is important to understand what engagement means and the dilemmas of engagement
- Your organisation must also decide depending its aims and objectives if it is suitable to use this as a tactic and you have the expertise, time and financial resources
- If you decide to engage there is a need to know how to analyse the police and develop a strategy

APPENDIX: MATERIALS FOR TRAINING

General resource materials

1. Book: *Understanding Policing: A resource for human rights activists*
2. Reference Materials (if possible translated)
 - a. Universal Declaration on Human Rights (UDHR)
 - b. International Covenant on Civil and Political Rights (ICCPR)
 - c. International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - d. Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT) and the Optional Protocol (OPCAT)
 - e. Basic Principles on the Use of Force and Firearms (Basic Principles)
 - f. Body of principles for the protection of all persons under any form of detention or imprisonment (Body of principles)
 - g. UN Code of Conduct for Law Enforcement Officials (UN Code of Conduct) and the resolution with which it was adopted² as well as The Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials³

Country specific

3. Police Act
4. Human Rights Act (if applicable)
5. Police Use of force Policy
6. Arrest and detention Policy
7. Other Standard Operational Procedures of the police (if available to the public)
8. Criminal Code and Criminal Procedures Code
9. Police Organisational Structure
10. Flowchart for disciplinary complaints
11. Flowchart for criminal complaints
12. Country reports by AI, HRW, ICG etc
13. Optional: Youtube clips, for example on Police use of force

² Resolution 34/169 adopted by the General Assembly, 17 December 1979

³ Resolution 1989/61 adopted by the Economic and Social Council, 24 May 1989 and endorsed by the General Assembly in its Resolution 44/162 of 16 December 1989