

## **Publication of the police' use of certain forcible means etc.**

Pursuant to section 21, paragraphs 1 and 2 in Act 444 of 9 June 2004 on the activities of the police, it is stipulated that:

### **Part 1**

#### *Overall provisions regarding the police' employment of force*

**Section 1.** Pursuant to section 15 in the Police Act, the police may employ force

- 1) for the purpose of preventing and averting risk of disturbance of the public peace and order, as well as peril to individual or public security
- 2) for the purpose of controlling whether someone is in possession of or carrying weapons,
- 3) for the purpose of terminating criminal activities, or in connection with inquiries and prosecution of criminal offences,
- 4) in the course of assisting other authorities,
- 5) within the scope of control and inspection tasks, as well as
- 6) for the purpose of determining whether a child or an intoxicated, sick or helpless individual is in danger.

**Section 2.** Pursuant to the Police Act section 16, paragraph 1, the police' employment of force must be indispensable and adequate, and may only take place with means and to an extent in reasonable proportion to the interest that they aim to protect. The determination of the propriety must involve the assessment of the risk of third parties getting hurt.

*Paragraph 2.* Force must be employed as carefully as the circumstances allow for, and in a manner so that any injuries are limited to a minimum, cf. the Police Act section 16, paragraph 2.

### **Part 2**

#### *The employment of certain forcible means*

**Section 3.** The rules on use of the forcible means mentioned in sections 4, 10, 15 and 21 apply any use of those resources, including actual use as well as warnings and other declarations of use hereof.

#### *Use of firearms*

**Section 4.** Pursuant to the Police Act section 17, paragraph 1, firearms may only be used for the purpose of

- 1) averting a launched or imminent dangerous assault on an individual,
- 2) averting other imminent danger to individuals' life or risk of serious bodily harm,
- 3) averting a launched or imminent dangerous assault on essential institutions, businesses or facilities,
- 4) ensuring the apprehension of individuals that have –or are suspected with reasonable grounds of having– launched or carried out a dangerous assault on a human being, unless there is deemed to be no risk that the individual commit such an assault anewed,
- 5) ensuring the apprehension of individuals that have –or are suspected with reasonable grounds of having– launched or carried out a dangerous assault on essential institutions, businesses or facilities,

- 6) ensuring the apprehension of individuals that have –or are suspected with reasonable grounds of having– committed serious crimes against the independence and security of the State, against the State’s Constitution or the supreme authorities of the State.

**Section 5.** Before the police fire shots that involve risk of bodily harm, it must if possible, first by shouts of warning and subsequently by warning shot(s), be made known to the individuals concerned that the police intend to shoot in case of non-compliance with the order given by the police, cf. the Police Act section 17, paragraph 2. Furthermore, it must –if possible– be ensured that it is possible for the individuals concerned to comply with the order.

**Section 6.** Warning shot(s) must be fired in such a manner that they, in the existing situation, do not pose an obvious danger to others and must therefore, if they take place out in the open, in general be given straight up in the air.

**Section 7.** Shot(s) against an individual must be fired in a way that limits consequential harm to a minimum and in such a manner that the shots, in the existing situation, do not pose an obvious risk to others.

*Paragraph 2.* If there is an obvious risk that others may be hit, shooting may only take place as a last resort.

**Section 8.** A police officer under direct command may only employ firearms upon order from a superior, except in the situations mentioned in section 4, number 1 or 2, cf. the Police Act section 17, paragraph 4.

*Paragraph 2.* The Commissioner of the Danish National Police lays down more specific rules on the issuing of orders concerning firearms in situations where a police officer is under direct command.

**Section 9.** If the firing of shot(s) by the police has caused harm to an individual, then said person must immediately be examined by a doctor, cf. the Police Act section 17, paragraph 5.

#### *Use of baton*

**Section 10.** Pursuant to the Police Act section 18, paragraph 1, the police may only use baton for the purpose of

- 1) averting a launched or imminent dangerous assault on an individual,
- 2) averting other imminent peril to individuals’ life and health,
- 3) averting a launched or imminent dangerous assault on essential institutions, businesses or facilities,
- 4) averting a launched or imminent dangerous assault on property,
- 5) ensuring the implementation of police actions met with active resistance, or
- 6) ensuring the implementation of police actions met with passive resistance, in the event that the police action is deemed urgent and less intervening use of force is deemed obviously unsuitable.

**Section 11.** Before baton is used for the purpose of clearing streets, buildings etc. of a large amount of individuals, it must be made known to the individuals concerned, wherever possible, that the police intend to use baton in case of non-compliance with the police order, cf. the Police Act section 18, paragraph 2. It must be ensured, wherever possible, that it is possible for the individuals concerned to comply with the order.

**Section 12.** The baton must be used with level-headedness so as not to cause greater harm than needed.

*Paragraph 2.* The baton may only be used against arms, legs, back and buttocks.

*Paragraph 3.* The baton may not be used against head, throat, neck, collar bone, chest, abdomen, kidneys, groin or spine.

*Paragraph 4.* The baton may not be used for jabbing.

*Paragraph 5.* It must be avoided, wherever possible, to use the baton against knees, elbows and other joints.

**Section 13.** If the police' use of baton against an individual has caused harm, then said person must immediately be examined by a doctor, unless it is deemed obviously unobjectionable to refrain from medical examination, cf. the Police Act section 18, paragraph 3.

**Section 14.** Police officers under joint command may only use the batons upon direct order, except in the situations mentioned in section 10, paragraphs 1 and 2.

*Use of dog as enforcement*

**Section 15.** Pursuant to the Police Act section 19, paragraph 1, the police may only employ dogs for the purpose of

- 1) averting a launched or imminent dangerous assault on an individual,
- 2) averting other imminent peril to individuals' life or health,
- 3) averting a launched or imminent dangerous assault on essential institutions, businesses or facilities,
- 4) averting a launched or imminent dangerous assault on property,
- 5) ensuring apprehension of individuals,
- 6) ensuring the implementation of police actions met with active resistance, or
- 7) ensuring the implementation of police actions met with passive resistance, in the event that the police action is deemed urgent and less intervening use of force is deemed obviously unsuitable.

**Section 16.** Before dog is utilized, it must be made known to the individuals concerned, wherever possible, that the police intend to use dog in case of non-compliance with the police order, cf. the Police Act section 19, paragraph 2. It must be ensured, wherever possible, that it is possible for the individuals concerned to comply with the order.

**Section 17.** Dog must be employed with level-headedness, caution and as much consideration as possible. The employment must be terminated as soon as the order is complied with.

**Section 18.** If the police' use of dog against an individual has caused harm, then said person must immediately be examined by a doctor, unless it is deemed obviously unobjectionable to refrain from medical examination, cf. the Police Act section 19, paragraph 3.

**Section 19.** A police officer under direct command may only use dog upon order from a superior, except in the situations mentioned in section 15, number 1 or 2.

**Section 20.** Decision to possibly use dog for clearing streets, buildings etc. of a large amount of individuals must previously be submitted to the management of the police district.

*Paragraph 2.* Before clearance is carried out, it must –if possible– be made known several times and by megaphone to the individuals concerned that the police intend to use dog in case of non-compliance with the police order. If dog is used hereafter, it must be made clearly known –immediately prior to the use– that dog will now be utilized.

*Paragraph 3.* Clearances are carried out with the dog attached to a tactical leash. The dog is lead forward with the shortest possible tactical leash that the circumstances allow.

*Paragraph 4.* In the context of prepared clearances merely met with passive resistance aimed at preventing the implementation of the lawful police order, the tactical leash on which the dog is led forward may only be a maximum of 1,5 meter.

#### *Use of gas*

**Section 21.** Pursuant to the Police Act section 20, paragraph 1, gas may only be used for the purpose of

- 1) averting a launched or imminent dangerous assault on an individual,
- 2) averting other imminent peril to individuals' life or health,
- 3) averting a launched or imminent dangerous assault on essential institutions, businesses or facilities,
- 4) averting a launched or imminent dangerous assault on property,
- 5) ensuring the implementation of police actions met with active or passive resistance.

**Section 22.** Before using gas against an individual, it must –if possible– be made known to the individual concerned that the police intend to use gas in case of non-compliance with the police order, cf. the Police Act section 20, paragraph 20. Furthermore, it must –as far as possible– be ensured that it is possible for the individual concerned to comply with the order.

**Section 23.** In the assessment of whether, and if so how, to use gas, the police must take into consideration the extent of possible inconvenience caused to others in the case of using gas. The assessment must involve, amongst other things, whether the contemplated use of gas would be taking place in a densely built-up area or near child care centres, care home for the elderly or the like. Furthermore, the assessment must take into consideration how weather and wind conditions would affect the use of gas.

*Paragraph 2.* It must be possible for individuals exposed to gas to leave the gas-covered premises or areas, and attempts must be made at limiting the inconveniences for others as much as possible.

*Paragraph 3.* The police must show restraint in the use of gas on individuals that are indoors. Consideration must be taken particularly to the amount of persons present, as well as to whether poor access conditions will hamper the possibilities of the individuals concerned to leave the place.

**Section 24.** After any use of gas, the police must provide the necessary tidying-up and airing.

*Paragraph 2.* If the police' use of gas against an individual has caused inconveniences that are deemed to require medical assistance, then said person must immediately be examined by a doctor, cf. the Police Act section 20, paragraph 3.

**Section 25.** The police may only use gas types approved by the Commissioner of the Danish National Police.

*Paragraph 2.* Moreover, the police' use of gas must be carried out in accordance with the guidelines laid down by the Commissioner of the Danish National Police for the use of the gas type in question and for the relevant gas material.

## Chapter 3

### *Reporting etc.*

**Section 26.** The Commissioner of the Danish National Police may lay down rules on reporting use of the forcible means mentioned in sections 4, 10, 15 and 21.

## Chapter 4

*Training and exercises*

**Section 27.** This order does not apply to the police' use of forcible means with a sole view to training or exercises.

Part 5

*Commencement*

**Section 28.** This order comes into force on 15 October 2004.

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