MANUAL FOR LAW ENFORCEMENT AGENCIES OUTLINING WHEN AND HOW FORCE SHOULD BE USED IN A CROWD CONTROL SITUATION

EU TWINNING PROJECT

"ENHANCING THE CAPACITIES OF BOTH CHIEF CIVIL ADMINISTRATORS ABOUT CROWD CONTROL AND THE CIVIL INSPECTORS ABOUT EFFECTIVE INVESTIGATION"

TWINNING

This is a Twinning Partnership between Turkey and the UK.

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This document builds on the lessons learnt in both the UK and EU across a range of Law Enforcement Agencies and provides comprehensive guide for Law Enforcement staff who deal with the issues surrounding the use of force in crowd control situations.

The content and guidance has been organised to provide direction and information to assist Law Enforcement staff who will be commanders, planners and advisors and operators to prepare for and manage events where there is a risk to public safety or a potential for disorder and during which force may be used.

The Turkish law enforcement agencies are tasked with keeping order at a wide variety of events and are operating in a period of high threat and risk. It faces the dilemma of protecting the public, ensuring that events can take place, and yet allowing authorised protest to occur within the framework of the current legislation, the Constitution of the Republic of Turkey and the Human Rights Laws under the Universal Declaration and European Convention. Interventions by Law Enforcement agencies where force is used are always contentious and come under continuous scrutiny and law enforcement agencies must always strive to work within the provisions of the Turkish Ethical Principles of Law Enforcement.

The aim of this manual is to provide Law Enforcement agencies with a framework within which accurate, ethical and accountable decision making and planning can take place which will allow legitimate gatherings to occur in a peaceful manner in line with the Constitutional rights of citizens of the Republic of Turkey.

It also provides structured, process driven models which allow for consideration of all options when considering the use of force;

SECTION 1: INTRODUCTION

The information contained in the manual relates to the management of crowd control situations and can be applied to a range of situations from routine operational policing through to large scale crowd control situations.

1.1 WHAT IS ITS STATUS?

This document needs to take account of existing legislation, emerging protestor trends and the threat posed by pre-planned and spontaneous civil disobedience and public safety.

It should be applied on the backdrop of a considered threat & risk assessment.

It should be used in conjunction with any associated and available guidance documents, relevant legislation and the Constitution of the Republic of Turkey.

1.2 WHO IS IT FOR?

All staff at strategic, tactical and operational levels who will be involved in the planning, management and implementation of crowd control situations where force may be used.

1.3 WHAT DOES IT DO?

It sets standards for the management of crowd control situations and provides a framework for the use of force in these situations. It does not provide absolute guidance but acts as a framework within which a clear decision-making process can be applied

1.4 WHAT DOES IT NOT DO?

This document is not intended to be exhaustive or restrictive and does not preclude the innovative use of strategies and tactics which are lawful, Human Rights compliant and have been adequately risk assessed.

It does not provide a directory of specific 'approved' tactics, nor does it remove the responsibility of individual areas / regions to identify specialist training needs based upon regular environmental scanning and associated threat assessments.

1.5 NATURE AND SCOPE OF CROWD MANAGEMENT

The scope of crowd management, public order & public safety policing may be determined by the category, size, impact and frequency of any given event or incident.

Emerging trends, external influences, and changes within communities can be identified through the effective management of information and intelligence.

Law enforcement activity can then focus on preventing and reducing crime and disorder. This must, of course, be considered in the current climate and threat level with regards to terrorism and state security.

Crowd control may be generally categorised into four broad areas.

a) Disorder associated with spontaneous incidents, for example:

- community issues
- criminal activity
- law enforcement activity

b) Single issue protests, for example:

- direct action groups
- industrial disputes
- environmental issues

c) Lawful public events, for example:

- sporting events
- concerts
- organised marches

d) Unlawful public events, for example:

- unlawful assemblies
- unlawful marches

SECTION 2: GENERAL PRINCIPLES

2.1 THE PRINCIPLES OF HUMAN RIGHTS

Respect for an individual's Human Rights should be borne in mind throughout the entire process of policing.

There is an obvious expectation that all policing will be conducted reasonably and within the bounds of the law.

It is generally recognised within International Human Rights that the responsibilities of law enforcement agencies extend not only to taking positive action to protect those rights and freedoms but also includes a negative duty not to act or to take unreasonable measures that may restrict any individual freedoms under Human Rights legislation.

Turkey has signed several international treaties and incorporated the principles of Human Rights into its constitution and domestic legislation.

The Universal Declaration of human rights lists the rights of the individual as:

- the right to legal recourse when their rights have been violated, even if the violator was acting in an official capacity
- the right to life
- the right to liberty and freedom of movement
- the right to equality before the law
- the right to presumption of innocence until proven guilty
- the right to appeal a conviction
- the right to be recognized as a person before the law
- the right to privacy and protection of that privacy by law
- freedom of thought, conscience, and religion
- freedom of opinion and expression
- freedom of assembly and association

All official bodies have an individual responsibility for ensuring that they are properly educated and informed about the extent of their legal powers and the context within which those powers can properly be exercised. It is unacceptable for Law enforcement agencies to claim ignorance of the law.

The process of restricting or limiting individuals Human Rights by Law Enforcement Agencies must be recognised as a major intervention by the state, and must take account of the following:

2.1.1 CONSIDERATIONS

The use of force in any crowd control situation is always contentious and rightly draws intense levels of scrutiny from both the public and media. Law Enforcement agencies are charged with the maintenance of the highest professional standards of behaviour and Law Enforcement agencies must consider the following issues at all times when making critical decisions in relation to the use of force.

- What is my objective?
- Is what I am doing proportionate and ethical?
- Do I have a lawful power and a legal basis for my action(s)?
- Is the proposed action relevant and necessary?

- Is there a reasonable relationship between the aim to be achieved and the means used?
- Is there a less intrusive alternative?
- Can the objective be achieved with less impact on the rights of the subject and any other(s) likely to be affected by the action?
- Is there a record of my decision and rationale?

2.1.2 THE SIX PRINCIPLES OF USE OF FORCE

There are six key principles which have been identified as the current best practice with regards to the use of force by Law Enforcement agencies in crowd control situations.

It is vital that all Law Enforcement agencies engaged in these duties are fully aware of their individual and collective responsibilities to the members of the public who may be affected by their actions.

The 6 principles are;

1. Style and tone of the operation

- The style and tone must be set at the start of an operation.
- Law Enforcement agencies must be aware of the impact of their actions on public perception
- Law Enforcement agencies must be impartial, fair, approachable, accessible and legally compliant
- Law Enforcement agencies should be readily identifiable

2. Communication

- Law Enforcement agencies must use engagement and dialogue where possible
- Links must be established and maintained with stakeholders to build trust and confidence
- Messages should be planned and clear
- All opportunities for disseminating information should be utilised including social media

3. Decision making model

- The model should be used for all operational decision making
- An audit trail should record decisions and rationale for all Law Enforcement agencies

4. Command

- All Law Enforcement agencies undertaking key roles must be trained
- The use of specialist advisors should be considered

5. Proportionate response

- Human Rights principles must be applied at all times

- Law Enforcement powers should be used appropriately and proportionately

- Planning should be based on information and intelligence

- Decisions should be made based on professional judgement and experience

- Use of force implications should be considered

6. Capacity and Capability

- Resources should be trained to agreed standards

- Sufficient trained staff should be available to meet local and national needs

See Appendix A – 10 rules of engagement for law enforcement agencies when using force.
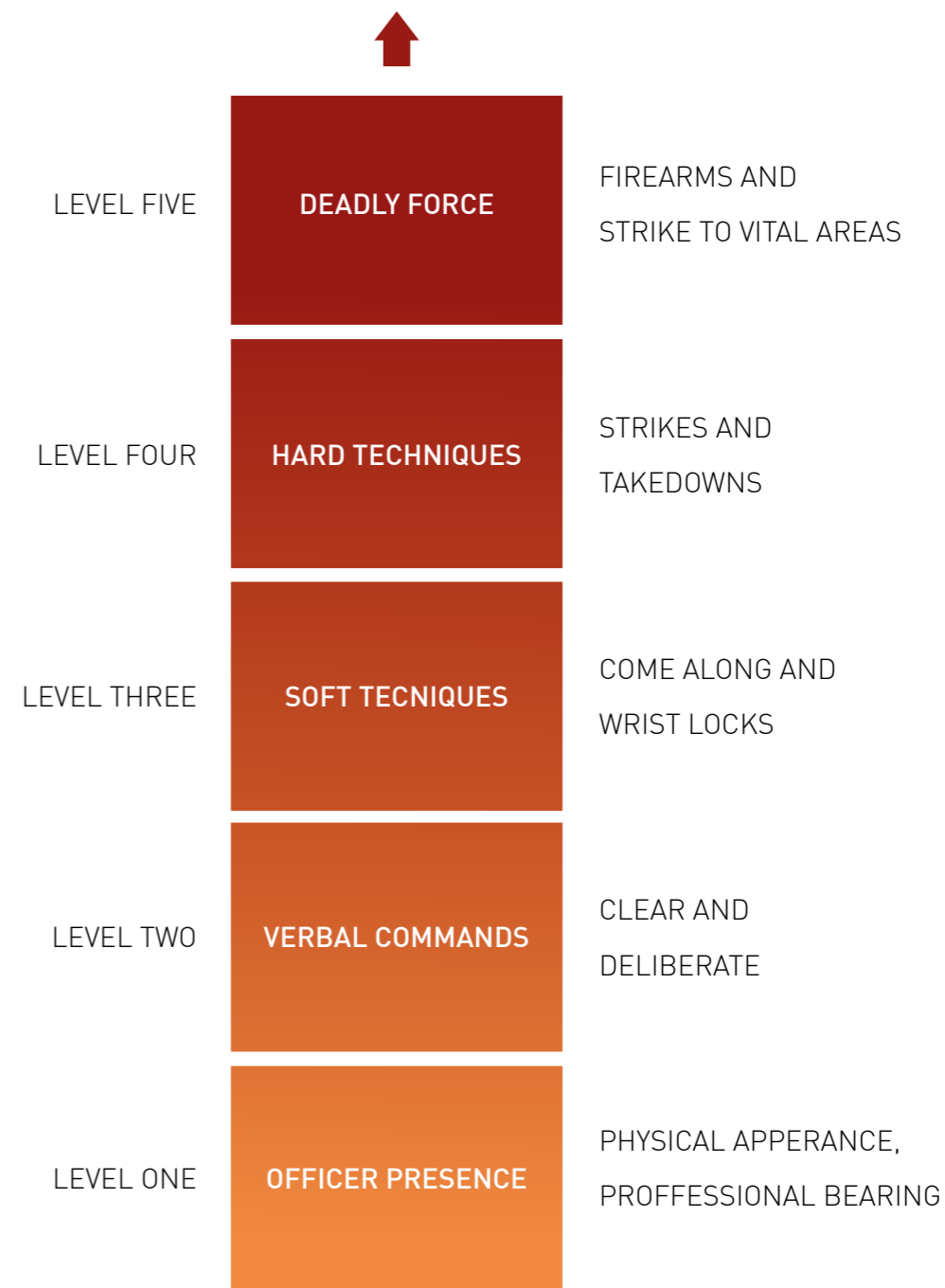
2.1.3 THE USE OF FORCE CONTINUUM

It is essential that all law enforcement agencies and individual staff are able to answer these questions when considering the use of force;

- Does the use of force have a lawful objective (e.g., the prevention of injury to others or damage to property, or the effecting of a lawful arrest) and, if so, how immediate and grave is the threat posed?

- Are there any means, short of the use of force, capable of attaining the lawful objective identified?

- Having regard to the nature and gravity of the threat, and the potential for adverse consequences to arise from the use of force (including the risk of escalation and the exposure of others to harm) what is the minimum level of force required to attain the objective identified, and would the use of that level of force be proportionate or excessive?

To assist in making this judgement, the use of force continuum allows law enforcement staff to make individual assessments of the use of force whether on an individual or collective basis, whilst recognising the rights of individuals under the Constitution of the Republic of Turkey, relevant Turkish legislation and the European Convention on Human Rights.

It is essential that all law enforcement agencies have a clear understanding of the contiuum and are able to justify and explain their actions in a proportitate, reasonable and ethical manner based on a clear assessment of the level of threat faced.

USE OF FORCE CONTINUUM

LEVEL FIVE	DEADLY FORCE	FIREARMS AND STRIKE TO VITAL AREAS
LEVEL FOUR	HARD TECHNIQUES	STRIKES AND TAKEDOWNS
LEVEL THREE	SOFT TECNIQUES	COME ALONG AND WRIST LOCKS
LEVEL TWO	VERBAL COMMANDS	CLEAR AND DELIBERATE
LEVEL ONE	OFFICER PRESENCE	PHYSICAL APPERANCE, PROFFESSIONAL BEARING

2.1.4 RECORDING ACTIONS/DECISIONS

A record should be kept of all decisions made and actions taken which may limit an individual's rights this includes the use of force on any individual by Law Enforcement agencies.

The record should include the supporting rationale for the decision made/action taken.

The record should show why actions/decisions are:

Proportionate

- Not arbitrary or unfair.
- Limited to what is required to achieve the objective.
- Balance between 'individual' and 'community' rights.

Legal

- Prescribed by law (where possible giving Act & Section / source).
- In accordance with the law.
- Have a legitimate aim (as contained within the HR Article(s)).

Accountable

- How are the decisions and rationale recorded and stored?
- Does the individual decision maker have a means of accounting for his/her decision?
- Is there a sound legal and ethical basis for the decision?

Necessary

- Is the aim to maintain a state of normality in a democratic society.
- Is there a pressing social or political need?

In deciding whether the action was 'necessary in a democratic society' it will be necessary to show that:

- the action fulfilled a pressing social need, and
- the action pursued a legitimate aim, and
- There was a reasonable relationship of proportionality between the means
- employed and the aim pursued.

This means that the action was designed to:

- impair as little as possible the right or freedom in question
- not be arbitrary, unfair or based on irrational considerations, and
- Be balanced against the severity of the effect that the measure has on the individual or group. The more severe the adverse effects of the measure, the more important the object must be if it is to be classified as legitimate.

2.2 DUTIES UNDER ANTI - DISCRIMINATION LEGISLATION

In addition to the requirements of the Universal Declaration of Human Rights, public authorities have clear responsibilities under Turkish legislation, when carrying out their functions not to discriminate, harass or victimise on grounds of:

- Race
- Disability
- Religion or belief
- Gender

The taking of appropriate steps to comply with human rights (UDHR) will ensure compliance with the provisions of the constitution of the Republic of Turkey and will minimise the need to resort to the use of force.

2.3 THE LAW AND REGULATIONS REGARDING USE OF FORCE

Regulations regarding use of force are contained within:

LAW	TURKISH NAME
European Convention on Human Rights	Avrupa İnsan Hakları Sözleşmesi
Constitution of the Republic of Turkey	Türkiye Cumhuriyeti Anayasası
2911-Law on Meetings and Demonstrations	2911-Toplantı ve Gösteri Yürüyüşleri Kanunu
5442-Law on Provincial Administration	5442-İl İdaresi Kanunu
3201-Police Organisation Law (published in 1937)	3201-Emniyet Teşkilatı Kanunu (ETK)
2559-Law on Duties and Powers of Police	2559-Polis Vazife ve Salahiyet Kanunu (PVSK)
REGULATIONS	
Regulation on Riot Police	Polis Çevik Kuvvet Yönetmeliği
Regulation On the Implementation Of Law On Meetings And Demonstrations	Toplantı ve Gösteri Yürüyüşleri Kanununun Uygulanmasına Dair Yönetmelik
Regulation on the Organisation, Duties and Practices of the Governorates' and District Governorates' Units	Valilik Ve Kaymakamlık Birimleri Teşkilat, Görev Ve Çalışma Yönetmeliği
DIRECTIVES	
Directive on Riot Police Special Team	Çevik Kuvvet Özel Tim Yönergesi
Directive on the Preparation and Implementation of Security and Public Order Plans (JGY-117) (published in 1992)	Emniyet ve Asayiş Planları Hazırlama Ve Uygulama Yönergesi JGY 117 (1992)
Directive on the Rules and Procedures for Conducts of Staff Involved in Public Events	Toplumsal Olaylarda Görevlendirilen Personelin Hareket Usul ve Esaslarına Dair Yönerge
Directive on the Assignment of a Negotiator for Public Events	Toplumsal Olaylarda Müzakereci Görevlendirilmesine İlişkin Yönerge
Directive for Gendarmerie	Jandarma Yönerge
Directive on Principles of Intervention to Public Events-published in 2013	Toplumsal Olaylara Müdahale Esasları Yönergesi-2013

All the above Laws, regulations and Directives **must** be used in accordance with regards to the European Convention on Human rights (ECHR).

2.4 MAINTAINING PEACE, KEEPING AND RESTORING PUBLIC ORDER

The promotion of good order is not the sole preserve of the Law Enforcement agencies. Citizenship is dependent upon truly inclusive stakeholder ships where all in society work together to achieve a safe environment.

The Law Enforcement Agencies and other key stake holders have two overlapping roles which should be constant:

i) The building and keeping of the peace in the community.

ii) The restoration of peace through local negotiation and appropriate interventions in order to minimise the effects of criminal activity and local tensions or conflict.

Tension and conflict may be present in every community and social grouping and needs to be effectively managed. It is essential that the management of conflict be regarded as a continuous process and not as crisis intervention.

2.4.1 BUILDING PEACE AND KEEPING PUBLIC ORDER

Local communities and agencies will have a view of what is 'normality' within the community, and they may be expected to also recognise when things are improving or deteriorating. The role of Law Enforcement agencies and key stakeholders is to:

- consult with communities
- provide services which preserve public order and work for improvement
- be proactive in maintaining a peaceful society
- be sensitive to tensions within the community and respond appropriately to threats of crime and disorder.
- ensure that, if required, the use of force is within the law and is proportionate to the harm which is being prevented.

Diversity in communities makes it incumbent upon the Law Enforcement agencies and their stakeholders to acknowledge the local significance of events and places. This cannot be done unless communities assist the Law Enforcement agencies in understanding what is important to them. Effective community information and intelligence management is a key element in this process.

2.4.2 RESTORING PUBLIC ORDER

Where the situation within a community has moved from a state of normality, the Law Enforcement agencies and stakeholders need to be proactive in identifying and resolving the causes.

The objective should be to reduce tension and return to normality. In certain circumstances the actions required to combat a problem will be, by necessity, led by Law Enforcement agencies.

Throughout the peace-restoring process the community will still require normal policing services. During such periods there are two aspects of Law Enforcement:

a. Normal Policing

This involves the continued use of local officers in the maintenance of normality. The activities associated with reducing tension and causes of conflict should be a priority in areas that have been made safe. The visible presence of normal policing resources will assist in the reassurance of the community.

b. Specialist Tactics (Crowd Control units)

Law enforcement resources (who may be specially equipped and trained) whose role it is to restore order in the most appropriate manner to deal with and prevent incidents of violence, minimise risk, reduce tension and facilitate the return to normality.

Community cohesion

The restoration and maintenance of normality is closely linked to the efforts made in building and maintaining community cohesion and a sense of normal life. Law Enforcement agencies should recognise the priorities of the community and incorporate them into any operations where the use of force could be a consideration.

It is essential that any tactics used in an operation to restore normality should support this longer-term aim.

The rationale for the maintenance and restoration of normality should be communicated via a community/public relations strategy to ensure that the overarching ethos of the Law Enforcement agencies is clearly understood by the communities in which it operates.

During periods of normality and tension, the Law Enforcement agencies should set a style and tone which considers which operational tactics and resources are most appropriate and acceptable within a given community.

Where there has been an escalation into disorder/serious disorder, alternative policing styles, tactics and resources may have to be considered and deployed.

The strategy should specifically consider implementation of community initiatives aimed at promoting cultural diversity, addressing racism and protecting Human Rights.

It is essential that Law Enforcement agencies are involved in this process wherever possible.

Failure by anyone to recognise and address the causes and symptoms of conflict and resulting tension will be an aggravating factor in managing any subsequent difficulties and facilitating a return to normality at the earliest opportunity.

## 2.5 DISORDER MODEL - INTRODUCTION

This model explains the nature of disorder and may assist in the management of Law Enforcement operations, events and incidents where there is a risk of disorder or a potential for disorder to occur or further escalate.

The Disorder Model allows individuals within the overall Command structure to make judgements about the exact nature and scale of the treat and risk and to provide a plain language explanation of the situation. This then allows for a justified, proportionate response which is proportionate to the threat and deemed to be necessary to achieve a legitimate aim.

Used in conjunction with the Decision-Making Model, the 'Disorder Model' may also assists in the threat assessment process and the recording of decisions made and their supporting rationale. By providing an instant assessment of the situation currently faced by Law Enforcement personnel.
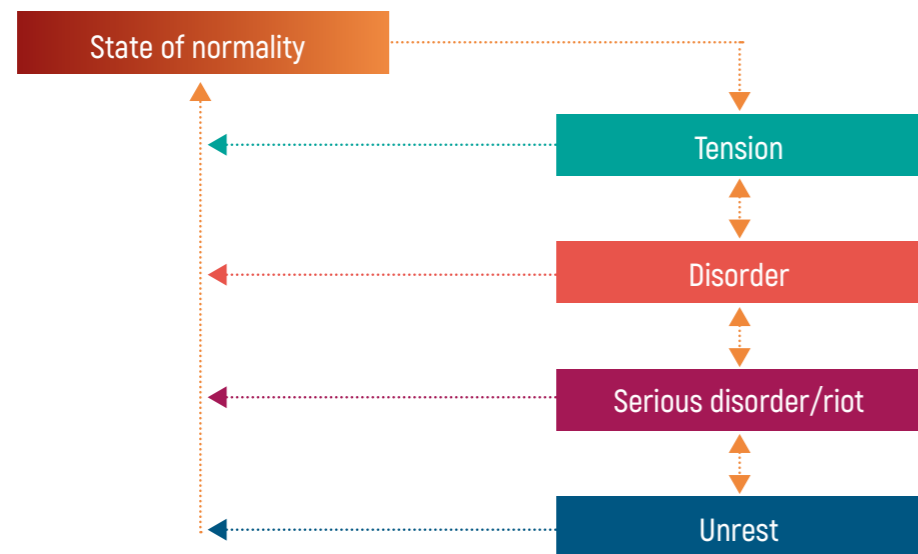
2.5.1 DISORDER MODEL – THE STAGES EXPLAINED

State of Normality:

The day-to-day state of order and policing services provided within a community. This can vary widely from one area to another and even by time of day. Effective community information and intelligence management will provide accurate information as to the current state.

It should be recognised that communities are complex in nature and may be permanent or transient.

The aim of any Law Enforcement operation should be to remain at a state of normality for as long as possible and to return to such a state at the earliest opportunity.

Tension:

This manifests as a level of increased concern or feelings within a community. A trigger incident may result in movement from a state of heightening tension to disorder. Such incidents can be caused by law enforcement agencies, the community or a third party.

Disorder:

This represents the stage at which mood is supplemented by action, whether isolated or sustained. It manifests itself in disruption, damage or violence. Such disorder may occur following a single trigger incident or a series of incidents that have a cumulative effect. At this level, unchecked or uncontrolled activity may deteriorate into serious disorder.

Serious Disorder/Riot:

An escalation into wide spread violent behaviour. This may take the form of violent protest, rioting, criminal damage, looting, and include the use of weapons.

Unrest:

This is the period, sometimes prolonged, when the rebuilding of relationships takes place. Sensitivity and trust are key factors in this process. Law enforcement agencies and stake holders should focus on a structured return to a state of normality and should be aware that it is possible to cause a return to disorder/serious disorder through excessive or inappropriate action.

The nature of the Disorder Model is such that progression through all stages of the model is not necessary. Dependent upon circumstances, it may be possible to return to the state of normality from any level.

The stages from state of normality through to serious disorder/riot can be viewed in terms of an escalation in tension and conflict.

A return to the state of normality from any other stage can be viewed as a de-escalation.

2.5.2 DISORDER MODEL - CONSIDERATIONS

- The desired outcome should be the return to a state of normality. There may be a difference in the state of normality before and after an incident of disorder/serious disorder.
- It is possible that the Law Enforcement staff and communities will have different perceptions of the level of tension, conflict or disorder. Effective Community liaison and negotiation may assist in reducing this disparity.
- The use of information and intelligence to identify potential or existing conflicts/tensions within communities can facilitate appropriate interventions.
- Rumours or misinformation relating to the activities of the parties to a dispute or disorder may circulate. These may include the actions or responses of the law enforcement agencies and should be clarified as quickly as possible. Good liaison and a sound community/public relations strategy are key factors for success.
- During periods of disorder, the maintenance of normal policing services (both to the affected community and the wider policing area) should be maintained wherever possible.
- Force used by Law Enforcement Agencies must be lawful and proportionate to the threat.
- Activities by the community, other agencies and Law Enforcement Agencies in partnership, are key elements in the prevention of disorder and the reduction of tension.
- A trigger incident is any incident, however minor, that leads to an escalation in the level of tension/disorder. An anticipated escalation in the level of tension/disorder, based upon the model, may assist commanders with forward and contingency planning.

2.6 DECISION MAKING MODEL

This model offers structured guidance on the management of events and incidents with a risk to public safety or potential for disorder. It also assists in the decision-making process and provides key decision makers with a structure for the documentation of decisions and their rationale.

The cyclical nature of the model indicates the necessity for a process of continual assessment of a situation and for appropriate action to be taken based on the most up to date information and intelligence available at that time.

None of the stages should be seen as the sole responsibility of Law Enforcement agencies. Indeed, restoration of normality in the community is a truly multi-agency responsibility.

Decisions can be examined and challenged, both at the time and afterwards, the decision making model is adopted for all as a consistent framework and in its centre is the Code of Ethics. This should include ECHR, the Turkish Constitution and the, 'Ethical Principles of Law Enforcement', as the code of ethics for all decision making.

☑ Information/Intelligence should:

- be gathered from all available internal and external sources
- include criminal and community information/intelligence
- inform the planning and decision-making process

☑ Threat and risk assessment identifies:

- threats to individuals, the organisation and stake holder
- threats to the success of any operation
- the level of any threat
- the situation in relation to the Decision Making and Disorder model

☑ Powers and policy will:

- be used appropriately and lawfully in compliance with, national, regional and local legislation and guidance.

☑ Options and contingencies includes:

- The range of suitable responses which reflect the current level of threat and are not restricted to those included in this manual of guidance.

☑ Action and review taken must be:

- HR compliant
- regularly reviewed
- audited

The Decision-Making Model can be applied equally to spontaneous or pre-planned events. It is designed to assist with the resolution of conflict and in making critical decisions in relation to the use of force, whether by individual officers or through to the deployment of large numbers of personnel and resources.

2.7 CROWD BEHAVIOUR

There has been considerable research into trends in crowd behaviour. Many examples exist, worldwide where innocent members of the public have died whilst exercising their lawful, democratic rights because of the actions of law enforcement agencies. It is essential that all staff involved in the planning and delivery of crowd control events are aware of the potentially fatal impacts caused by the actions of law enforcement agencies on crowd behaviour.

When planning, commanding or advising on crowd control events where there is a risk to public safety or a potential for disorder the following behavioural patterns may be present in any crowd:

Crowds will contain many different attitudes and behaviours. It is likely therefore that there will be different levels of participation in crowd activities. A trigger incident may affect levels of involvement. Research has shown that the most likely trigger is the use of what is perceived to be unfair and indiscriminate use of force by Law Enforcement agencies.

A trigger incident may be a result of actions by crowd participants, the law enforcement agencies, or because of altered perceptions arising from the interactions between them. Information (whether accurate or inaccurate) about external events, received by the crowd or law enforcement organisation, may also heighten, diminish, or alter individual's perceptions of circumstances.

- Members of a crowd do not necessarily get carried away by 'crowd hysteria'. Each person in a crowd has a different perception of events based upon their ability to see, hear and move. This may affect their behaviour.

- When crowd members become highly emotional or aggressive, their visible behaviour can spread and become regarded as acceptable by those around them. It can be an opportunity for a minority to influence and mobilise others around them.

- Anonymity removes the fear of identification by the law enforcement agencies and sanction from crowd members and may lead to the breakdown of legal and moral constraints. This process also applies to law enforcement agencies, who should ensure that where possible units and individuals within those units can be identified.

- During crowd migration, non-directed crowds will follow routes of least effort. Highly motivated crowds will attempt to follow the most direct route to achieve their objective.

- If it is necessary to apply control measures and direction to crowds, exits and escapes must be considered.

- The higher the crowd density:

The higher the likelihood of interaction within the crowd and joint action by the crowd.

The more difficult it becomes for crowd members to leave. Continuous monitoring of crowd density and dynamics is essential to ensure public safety.

- The less informal control there is within the crowd in relation to the crowd members, the more likelihood of the need use of force to be needed by law enforcement agencies.

- Crowd control by law enforcement agencies is a dynamic and interactive process. Members of the law enforcement agencies – whether as individuals or groups, may also be subject to influences received from the crowd, or by being party to events generally. It is here that considerations of planning, training, communication and leadership are of particular importance.

2.8 CROWD MANAGEMENT PRINCIPLES

The following key principles should be considered during the planning, briefing and deployment stages of any crowd control operation involving the management of crowds:

Intelligence

Wherever possible, and prior to any event, the law enforcement agencies should identify the groups that might be involved; their intentions, their tactics, their notions of acceptable behaviour, together with their views of other groups. Intelligence may also indicate the proportion of activists within a crowd, and how homogenous that crowd might be in its intention, for example, the balance of those prone to violence and/or disruption and those who are peaceful.

Communication

During the planning process of an event the law enforcement agencies should attempt to explain to interested parties their powers policies and principals of crowd management. Law enforcement agencies should seek to educate these interested groups in relation to acceptable norms of behaviour and themselves in relation to the intentions, capacity and capability of the groups involved. This principle applies equally to spontaneous events where initial contact and negotiation with organisers is crucial to the safety and security of all participants.

This approach may engender the crowd to adopt a degree of self-policing. It may also encourage some parties to distance themselves from other groups that do not wish to partake in peaceful protest and may be acting illegally. During the process the law enforcement agencies should communicate to the crowd how they are seeking to facilitate the crowd's legitimate aims and how the illegitimate actions of some in the crowd may serve to impede those aims.

Communication should, wherever possible, be through identified organisers and/or figures respected by crowd members.

Law enforcement agencies must also be aware of the considerable influence of social media platforms and should ensure that a "credible voice" exists ahead of any crowd control event to allow for effective communication with the public.

Facilitation

The law enforcement agencies should seek to facilitate any peaceful and legitimate aims of groups that are present – especially when conflict breaks out. The aim should be to permit the pursuit of peaceful aims whilst dealing with groups acting illegally.

Differentiation

The law enforcement agencies should encourage officers not to treat all crowd members in the same manner. When violence starts there is a tendency to treat everybody with hostility. However, especially in such situations, it is crucial to treat people with respect and win them to your side, not the side of those already promoting conflict.

The early identification and detention of ring leaders will assist with this process and may reduce the need for the use of force as legitimate protesters will have more faith in capacity and capability of the law enforcement agencies.

It may be necessary to facilitate the desires of the many, such as the wish to peacefully protest, so that they may assist the law enforcement agencies with their overall intention which is to prevent disorder and maintain public safety.

2.9 AUDIT TRAILS

2.9.1 WHAT IS AN AUDIT TRAIL?

An audit trail for these purposes is an accurate and timely record of the commander's decision-making process.

2.9.2 WHY IS AN AUDIT TRAIL IMPORTANT?

An audit trail is important for two reasons.

First it assists the commander in reaching a reasoned lawful and justifiable decision at the time of the event.

Second it can help the commander account for their decision(s) after the event.

Importance of an audit trail at the time of the event

The commander is required to reach lawful, necessary and proportionate decisions. In order to do so, there needs to be a logical structured approach to the decision-making process. By creating an audit trail as part of the decision-making process the commander can ensure this.

Importance of an audit trail after the event

After the event the commander may be required to account for their decisions. It is no longer the case that decisions made by public authorities (including law enforcement agencies) are immune from accountability. This is particularly the case where discretion has been exercised. A wholly unreasonable exercise of discretion can be subject to a duty of care.

2.9.3 HOW THE AUDIT TRAIL MAY BE USED IN THE PROCESS OF ACCOUNTABILITY

Accountability may arise before internal investigations such as an allegation of unreasonable use of force, law enforcement agency contact death, criminal or civil courts or a public inquiry. Whatever the forum the question will often be the same: did the commander reach a reasonable decision?

The answer to this question might be used to help determine whether:

(i)   There has been misconduct

(ii)   gross negligence manslaughter,

(iii)   civil negligence, or

(iv)   the circumstances surrounding an event and to make recommendations to prevent a recurrence.

To fully account for a decision the commander will need to explain the decision-making process and the circumstances or context within which they took a decision. Failure to do this can often result in hindsight distorting the decision-making process and at worst a reasonable decision being seen to be unreasonable and under the law potentially negligent or criminal.

2.9.4 WHAT AN AUDIT TRAIL SHOULD LOOK LIKE

There is no prescribed format or formula for what an audit trail should look like. However, it should provide practical assistance to the decision-maker at the time of and after the event. It need not be extensive, but it must help the decision-maker to reach and prove that they reached a reasonable decision. A reasonable decision is one that other law enforcement staff would have reached in the same circumstances. The audit trail should evidence those circumstances, i.e. the context within which the decision was reached. It should record or reference the following:

- The task (problem)
- Originator of the task
- Information available at the time
- Source of information available (consider separate record for sensitive material)
- Resources available
- Options available
- Lawfulness, necessity and proportionality of the options
- Risk assessment of the options
- Advantages and disadvantages of the options
- Elimination of the least reasonable options
- Selection of the most reasonable option – solution, (the plan – unless already recorded or to be developed by another)
- Time and date.

Key decision makers could be assisted in explaining their rationale by reference to the stages of the disorder model.

Key timed points that should be documented by commanders:

When you found out/were informed, including the timing.

What you decided/ordered/did/did not do, including the timing.

How it was implemented/achieved, including the timing.

Was it effective, including the timing?

Review/revised including the timing.

Logged or otherwise credibly provable.

It is important to start with a clear articulated question, for example "What is the problem? (The task(s)", in order to identify a solution (the plan). Without a clear start point the law enforcement agencies cannot ensure a timely and focused planning process. This is because there is a risk of considering irrelevant facts and inappropriate options. An unreasonable decision is also likely to follow where the solution is reached first and the task, information, resources and options considered second. In other words, the decision-making process is 'back-to-front'.

2.10 INFORMATION AND INTELLIGENCE

2.10.1 THE ROLE OF INFORMATION AND INTELLIGENCE IN CROWD MANAGEMENT

The collation of information, from a wide range of sources, is an essential part of law enforcement operation. It enables steps to be taken to maintain the public order, minimise disorder, prevent crime and maintain public confidence.

Law enforcement agencies should be intelligence led, adopting a system that provides a process for gathering, evaluating and analysing information and clearly identifies how information may be used to create intelligence products.

These intelligence products can then be used to make decisions about strategic priorities, tactical responses, and operational deployments to crowd management.

Intelligence systems must be capable of using information from a wide range of sources.

Within this process, emerging trends are identified and an appropriate law enforcement response determined.

In addition, this process should cover:

• Community Tension Monitoring. This will provide a context for law enforcement activity and may indicate a deteriorating situation that requires action which falls short of a policing plan.

Threat & Risk Analysis

Information, intelligence, community tension monitoring and known (pre planned) events can be used to build a data base of known or likely events.

This is a simple process of scaling the likelihood of the event (how soon it will happen) against the impact (organisational and community) that it will have.

The higher the likelihood and impact the greater the risk.

This approach allows a bespoke approach tailored to geographical variances and focuses on the higher risk events.

Within the sphere of crowd management, this may necessitate the establishment of a command structure, planning team and supporting intelligence cell as well as the mobilisation and deployment of specialist crowd management resources.

Summary

Community information should be an integral part of intelligence processes, so that key decision makers within law enforcement agencies, at all levels are aware of the levels of tension in their areas.

A routine report should be one of the intelligence products from intelligence units. Where a trigger event happens or is anticipated, community information should inform the process of community impact assessment.

SECTION 3: THE CROWD CONTROL COMMAND STRUCTURE

Clarity in the command structure is essential to ensure accountability, effective communication and operational effectiveness.

The crowd control command structure has three levels:
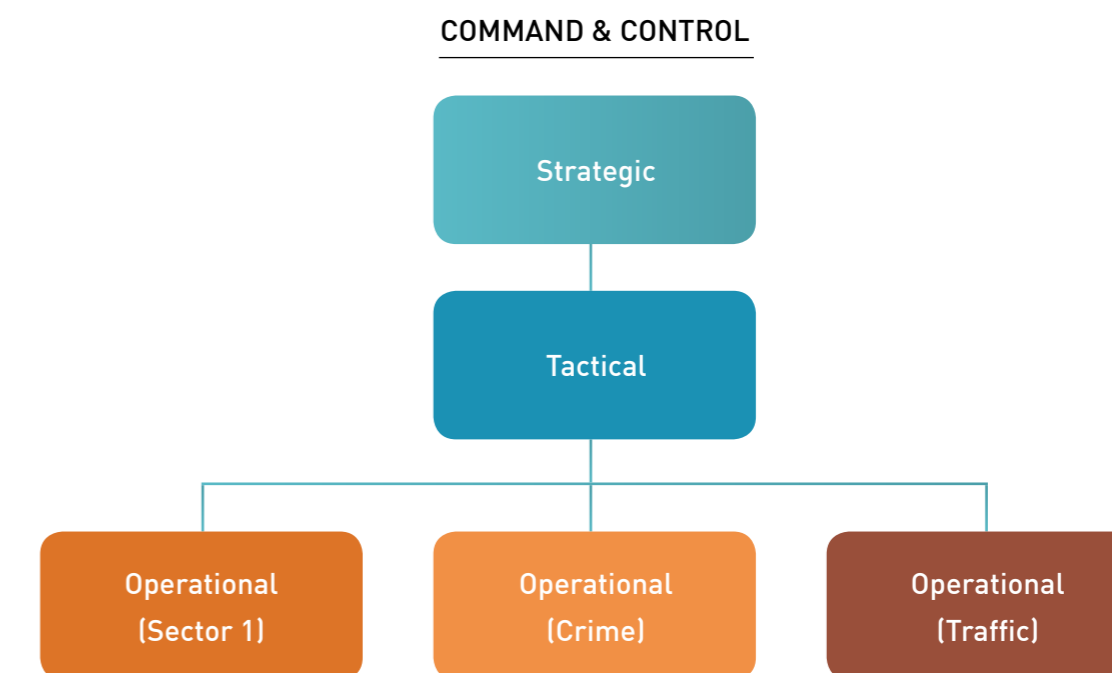
1. **Strategic**

2. **Tactical**

3. **Operational**

DIAGRAM: Public Order Command Structure

This illustration provides a structure for a command team to manage an event. It must not be regarded as exhaustive.

COMMAND & CONTROL

The crowd control command structure is designed to be used for both pre-planned and spontaneous events as it provides the degree of flexibility required to cope with a varied and developing range of events or incidents. The decision to implement this structure should be taken based upon the threat assessment for the event or incident.

This structure is role not rank specific, however, the leadership and command experience of the individuals selected to carry out these key roles should be carefully considered. All law enforcement staff must be aware of the parameters of their own role, whilst accepting their relationship with others in the command team.

Command resilience must be considered, particularly in relation to operations that may become protracted. Suitably qualified replacements should be nominated and briefed in good time.

Each incident or event is unique and merits its own strategy, consequently, it should be recognised that there are inherent dangers in the repeated use of generic strategies.

The strategy and supporting rationale should be recorded as a part of the audit trail. Any amendments to the strategy should be similarly recorded.

SECTION 4: STRATEGY

4.1 STRATEGIC CONSIDERATIONS

When planning for and managing events and incidents where there is a risk to public safety or potential for disorder, the law enforcement agencies response should support and complement routine operations.

The intention should be to restore normality as soon as practicable by appropriate measures and interventions. It may be appropriate to pursue an early resolution of the situation, whether by information or action.

There are several key areas that require consideration. This list is not exhaustive but provides a framework to assist the decision-making process.

What is the Situation?

- location, scale, size, timing.
- number of participants, motivation.
- spontaneous or pre-planned.
- information and intelligence.
- media interest.
- political implications (local, national and international)
- wider law enforcement implications.
- threat assessment(s).
- what tactical limitation(s) should be imposed.

(Restrictions on the use of firearms and other potentially lethal tactics which may be released by the strategic law enforcement official.)

Involvement of other parties

- identify all potential stakeholders
- establish a multi-agency liaison groups co-ordinated by law enforcement officials.
- produce a statement of intent and protocols to aid joint working
- keep all relevant stakeholders informed and updated.

Ethics

- Identify the ethical basis for the strategy. It should be agreed, shared and easily communicated.
- Devise processes for checking actions against agreed strategies.
- Avoid a quick fix that may compromise the strategy.
- Be aware that the actions of law enforcement agencies may unnecessarily align them with a stakeholder to the detriment of another.

4.2 KEY ROLES AND RESPONSIBILITIES

4.2.1 Strategic Law Enforcement Official

- Is the person in overall command and has responsibility and accountability for the incident or event.
- Has the responsibility for initiating the strategic planning process.
- Should ensure that the strategy for the event is set, regularly reviewed and updated where necessary.
- Needs to approve the Tactical plan and ensure that it is in accordance with the strategy.
- Should be so located as to be able to maintain effective strategic command of the operation.
- Should maintain objectivity and as such should not become drawn into tactical (Silver) decisions.
- Should remain available to the tactical law enforcement agency if required.
- Should ensure that the strategy for the event is documented and that a clear audit trail is maintained throughout the event.

The strategy for any event should;

- Identify the overall aim
- Identify individual objectives with supporting rationale

- Identify the style and tone of the operation
- Identify the preferred, acceptable, and unacceptable outcomes
- Clearly establish the command protocols between strategic, tactical and operational levels
- Set tactical parameters for the operation.

4.2.2 Tactical law enforcement official

- Is responsible for devising and co-ordinating a Tactical Plan in order to achieve the strategy.
- Has the responsibility to review, update and communicate changes in the Tactical Plan.
- Is responsible for ensuring the tactics employed meet the strategic intention and Tactical Plan.
- Is responsible for ensuring that all staff are fully briefed.
- Is responsible for the activities of the operational law enforcement officials to achieve the Tactical Plan.
- Must ensure that all decisions are documented to provide a clear audit trail.
- Provides the pivotal link in the command chain between operational and strategic levels.

Tactical issues

Tactics – definition:

Tactics are the way resources are used to achieve the strategic intentions.

Tactics should:

- Reflect the strategy
- Be appropriate to the level of threat
- Be applied to achieve the intention(s)

Law enforcement agencies and stakeholders should be aware of the impact of any actions on the community.

Tactics and deployments whilst being flexible enough to meet changing circumstances should always reflect the strategic intentions.

As with the strategic intentions, the tactical commander must consider applying tactical limitations to the operational commanders such as the protocols for the deployment and use of force options which may be considered.

The use of potentially lethal force must be balanced against the rights of the individual under the ECHR and the Constitution of the Republic of Turkey and the code of ethics in line with the decision-making model.

Individual law enforcement staff must be able to account for their actions when using force against any individual.

The Tactical Plan should be recorded as a part of the audit trail. Any amendments to the Tactical Plan should similarly be recorded along with supporting rationale.

TACTICAL CONSIDERATIONS

The following issues should be considered by tactical and operational commanders when planning and managing an event or incident.

The list is not exhaustive but is a framework to assist the decision-making process.

Negotiation

- With identified organiser(s)/representative(s).
- May minimise/remove potential for conflict.
- May result in reduction of level of resources required.
- Consider the use of a trained negotiator.

Operational Parameters

- Timings and duration.
- Phased operation may allow flexibility to review/amend tactics as the situation evolves.
- Define the operational responsibilities geographically/functional.
- Identify key/vulnerable, individuals/groups.
- Identify symbolic/strategic locations.
- Environmental features.
- Operational objectives.

Use of Legislation

- Identify relevant/appropriate legislation.

Briefing

- Essential to the successful management of any operation.
- Should clearly identify the scope of operation.
- A record of all briefings should be made.

Debriefing

- Supports intelligence and evidence gathering.
- Addresses welfare and community issues.
- Assists in planning future events.
- A record of issues raised and actions arising should be made.

Establishing Control

- Early deployment of resources.
- Key locations to be secured.
- Early demonstration of the Policing style adopted for the operation.

Containment

- Keeps incident/event localised.

- Buys time whilst awaiting extra resources.

- May be used to protect vulnerable property/persons.

- Resource intensive and can be difficult to maintain.

- Must have a clear legal basis and be subject to regular review.

- Exit strategy required.

Maintain and Regain the Initiative

- Proactive rather than reactive.

- Capitalise on any advantage.

- Flexible response required.

- Unlawful activity may be disrupted by appropriate and effective information management.

Diversionary Tactics

- Diverts the attention of a group/crowd/individual.

- Used to disrupt activity or create an advantage.

Withdraw / Regroup

- Withdrawal must be balanced against the need to serve and protect the public.

- Should not be viewed as a negative step.

- Ongoing assessment of the threat should determine the tactical response.

- Provides the opportunity to reconsider tactics, diffuse the situation, or disengage prior to a planned action.

Dispersal

- Proactive but can be confrontational.

- Can be high or low profile.

- Reduces potential offenders' cohesion and resolve.

- May be difficult to control.

- Lack of defined exit routes may impact on crowd safety.

- may incorporate use of force options such as baton tactics, C.S. water cannon and finally firearms. Firearms should only be considered where all other options have failed or would have been deemed to fail.

- May displace flash point.

Arrest

- Depletes offender numbers.

- Weakens resolve of protagonists.

- Assists intelligence/evidence gathering.

- Removes primary offenders, inciters of criminal activity.

- Establishes acceptable tolerance levels.

- Essential that detention can be justified.

- Resource intensive.

- Prisoner processing and handling.

- May trigger adverse response.

- Arrest policy must be considered and documented.

- Consideration of post incident investigation.

Reserves

- Should be considered for any operation.

- Allows flexibility to exploit a tactical advantage.

Resource Co-ordination

To effectively manage resources in support of any operation, consideration should be given to:

- RVP.

- Ability to mobilise.

- Safe entry and exit routes.

- Holding areas.

- Forward holding points.

4.2.3 Operational law enforcement official

- Is responsible for the implementation of the tactical plan by the use of appropriate tactics within a geographical or functional area of responsibility.

- Must have knowledge and clear understanding of the tactical law enforcement officials plan and their role within it.

- Will ensure staff within their areas of responsibility are fully briefed.

- Is required to keep the tactical law enforcement official updated on current developments and deployments including any variations in agreed tactics within their geographical or functional area of responsibility.

- Should be so located as to be able to maintain effective operational command of their area of responsibility.

- Should be available to unit commanders. However, they must allow them the independence to carry out their role in accordance with the Tactical Plan.

- Should document decisions to ensure an audit trail exists.

OPERATIONAL ISSUES – TACTICAL OPTIONS

The following section sets out a range of tactical options.

This list is not exhaustive. Forces may develop these or other options to suit local need, or the circumstances of a particular event or incident.

The rationale for using any tactical option should be recorded.

Capabilities will vary and this may impact upon the ability to implement a particular option.

Support and assistance may be available from a variety of external sources including aid in the form of additional personnel and equipment.

Whilst listed sequentially, it may be appropriate to utilise a selected option or combination of options at any stage of an operation.

Officers of all ranks should ensure that any options that are selected and carried out are discriminate and are not (unless justified) applied to groups as a whole.

This is particularly important when using the higher level of force options

If the use of lethal force is a considered option then in addition (command structure and protocols) then a clear and auditable process and predetermined plan needs to exist in order to facilitate hand over of that tactic to an appropriately trained commander and team.

These officers must be able to work within the existing crowd control arena whilst applying this specialist tactic under strict guidelines and understanding which are transparent and accountable.

List of Tactical Options:

THIS REQUIRES UPDATING WITH A LIST OF TACTICAL OPTIONS AVAILABLE TO LAW ENFORCEMENT AGENCIES IN TURKEY

1. Normal policing

2. Community mediators

3. Directed response

4. Evidence Gathering Teams

5. Barriers

6. Air support

7. Protected Officers

8. Tactical Support Group

9. Cordons and Intercepts

10. Obstacle / Protestor removal

11. Standoff/regroup

12. Shield tactics

13. Batons

14. Arrest teams

15. Water Cannon

16. Attenuating Energy Projectiles

17. Tear Gas

18. Firearms

These Tactical Options are not listed in any strict hierarchy of deployment as the appropriateness and relevance of any Tactical Option will be dependent upon the particular situation and circumstances extant at any given time and the manner in which a particular tactic is deployed.

4.3 COMMAND PROTOCOLS

Command protocols may reduce risk and inform and direct decision making by ensuring law enforcement officials are aware of what they are expected to achieve, how they will do it and with what resources.

A Command Protocol will identify:

(i) Who is responsible for achieving each objective which will lead to the desired outcomes.

(ii) Who controls each of the resources available.

(iii) Who has responsibility and accountability for each separate geographical area or function.

(iv) What instigates the transfer of responsibility from one official to another.

Command protocols can be summarised as: 'Who owns what and when'.

4.4 INVESTIGATION

4.4.1 THE INVESTIGATING OFFICER (IO)

The role of the IO is the management and investigation of crime and misconduct. Crowd control events and incidents which present a risk to public safety or a potential for serious disorder may present unique challenges for an IO because of their dynamic nature.

These include the:

- potential scale of investigations
- diversity of offences
- difficulties of scene management
- resource implications
- likelihood of high profile court proceedings
- management and handling of witnesses and suspects.

Advances in information technology, scientific practice and investigative techniques now applied to criminal and misconduct investigations should be used when dealing with incidents of serious disorder or public safety.

4.4.2 APPOINTMENT OF THE INVESTIGATING OFFICER

For any policing operation, consideration should be given to the appointment of an IO at an early stage in the planning process.

4.4.3 IO: PRE-EVENT RESPONSIBILITIES

- Determine criminal or misconduct investigation plan to support the strategy.
- Determine prosecution policy within case disposal guidelines.
- Establish liaison with key members of the department of public prosecutions.
- Determine the available budget.
- Determine the crime media policy within the constraints of the overall media strategy.
- Ensure communications systems meet the requirements of the investigation.
- Determine resources required.
- Obtain necessary authority levels.
- Develop working protocols and maintain close liaison with the Intelligence Manager.
- Identify and brief key staff to ensure investigation can be activated if required.
- Decide on contingencies to deal with crime scene management.

The individual circumstances or incident may require the appointment and briefing by the IO of:

- hospital teams
- prisoner reception teams
- interview teams
- exhibits officer(s)
- file handling teams.

4.4.2 IO: DURING EVENT RESPONSIBILITIES

- To be the crime or misconduct advisor.
- To obtain sufficient quality evidence.
- To successfully bring offenders to justice by making the best use of available resources.
- Together with the tactical law enforcement official, decide if the risk of using plain clothes officers or undercover resources during disorder is justified in the circumstances.
- Co-ordinate major enquiry, file preparation teams and crime scene managers.
- Maintain liaison with the Intelligence function.
- Liaise with representatives of specialist investigation agencies from other departments.

The preservation of any crime scene must be balanced with the needs of the ongoing police operation as dictated by the tactical law enforcement official. The IO will advise the tactical law enforcement official on the need to preserve a scene. The tactical law enforcement official will advise on the feasibility of preserving that scene with current resources. The decision must be recorded for the audit trail.

4.4.5 IO: POST-EVENT RESPONSIBILITIES

- Manage the investigation of crime or misconduct and lead the teams involved.
- Ensure that accurate records are kept.
- Decide when scenes can be released from police control.
- Continue liaison with the Intelligence Function to ensure that all information and intelligence is available to the enquiry.
- Maintain close liaison with the prosecution agencies.
- Determine arrest policy within the constraints of the agreed strategy.
- Contribute to the event or incident debriefing process.

4.4.6 POST-INCIDENT/EVENT INVESTIGATION

The strategic group should decide the extent of any post-event investigation, considering such factors as:

- scale of incident(s)
- number and types of offences committed
- media interest
- public opinion
- resource implications.

On conclusion of the event all materials should be catalogued and retained in line with service policy.

4.5 COMMUNITY/PUBLIC RELATIONS - MEDIA POLICY

Law enforcement officials and partner agencies should consider a media and community / public relations plan.

All EU law enforcement agencies now employ professional communicators who form part of any command team for a major or critical incident.

Objectives

- Demonstrate law enforcement agency integrity and professionalism.
- Offer public reassurance.
- Highlight our obligation to enforce the law whilst recognising the right to demonstrate lawfully.
- Proclaim our duty of care.
- Appeal for information re possible/actual criminal activity.
- Keep our own officers and staff informed and well briefed.

Methodology

- Internal communications are a vital part of a strategy.
- Involve other agencies/stake holder in the planning of a public relations.
- Agree key messages with stake holder.
- Establish a credible frontline spokesperson for each agency.
- Agree individual agency responsibilities.
- Do not encroach on other persons areas of expertise.
- Avoid justifications of wider issues
- Ensure that ownership stays with appropriate authorities.
- Identify target audiences.

- Contingency plan for likely outcomes in advance, developing communications strategies to enable an appropriate quick response.
- Prepare for post event criticism and review.
- Regularly review the communications plan as part of the operational process.
- Ensure consistency of message.
- Do not compromise the security and integrity of sensitive intelligence orinformation.

SECTION 5: BRIEFING AND DE-BRIEFING

Good communication is crucial to the organisation and the management of events or incidents. Effective briefing and debriefing will enhance operational performance and should be delivered by suitably trained personnel.

It must be borne in mind that disclosure implications may arise in both criminal and civil proceedings in respect of briefings and debriefings.

When briefings are attended by the media or non-law enforcement agency representatives, careful consideration should be given to the content of the briefing. This may present issues in relation to the disclosure of sensitive information and the identification of officers who may work, ordinarily in covert roles.

Consideration should be given to the style of briefing based upon the number of staff involved and the complexity of the information to be passed.

5.1 BRIEFING

All staff should be thoroughly briefed prior to participation in an event, adequate time when possible should be allocated for this purpose.

Briefings should:

- be concise
- include relevant information
- include evaluated intelligence
- include the strategy and the Tactical Plan
- include health and safety information
- include specific duties
- include advice on legal implications
- include stake holders and community issues
- be recorded

5.2 DEBRIEFING

Debriefing should be regarded as part of the planning process for future events.

Its purpose should not be to apportion blame, but to identify the most and least effective aspects of the operation.

Debriefs should:

- be structured
- make use of open questions to encourage participation
- identify and promote good practice
- be as soon after the incident as practicable ('hot' debriefs can be a suitable forum for ensuring that all evidence and intelligence has been gathered).

Essentially a good de-briefing structure will illustrate:

- What went well and why?
- What did not go well and why?
- What should we do differently next time?

A de-briefing process will provide an opportunity to identify:

- Intelligence and information
- Potential or required improvement to systems equipment and resources
- Good practice
- Training needs
- The beginning of the process for planning future events

The range of issues identified by a de-brief process may be as diverse as the nature of the operation itself and may bring up many areas for consideration and future development

APPENDIX A-TEN KEY PRINCIPLES GOVERNING THE USE OF FORCE BY THE LAW ENFORCEMENT AGENCİES

1. Law enforcement agencies owe a general duty to protect persons and property, to preserve order, to prevent the commission of offences and, where an offence has been committed, to take measures to bring the offender to justice;

2. Law enforcement agencies may, consistent with this duty, use force in the exercise of particular statutory powers, for the prevention of crime or in effecting a lawful arrest. They may also do so in self-defence or the defence of others, to stop or prevent an imminent breach of the peace, and to protect property;

3. Law enforcement agencies shall, as far as possible, apply non-violent methods before resorting to any use of force. They should use force only when other methods have proved ineffective, or when it is honestly and reasonably judged that there is no realistic prospect of achieving the lawful objective identified without force;

4. When force is used it shall be exercised with restraint. It shall be the minimum honestly and reasonably judged to be necessary to attain the lawful objective;

5. Lethal or potentially lethal force should only be used when absolutely necessary in self-defence, or in the defence of others against the threat of death or serious injury;

6. Any decision relating to the use of force which may affect children, or other vulnerable persons, must take into account the implications of such status including, in particular, the potentially greater impact of force on them;

7. Law enforcement agencies should plan and control operations to minimise, to the greatest extent possible, recourse to lethal force, and to provide for the adoption of a consistent approach to the use of force by all officers. Such planning and control will include the provision to officers of a sufficient range of non-lethal equipment and the availability of adequate medical expertise to respond to harm caused by the use of force;

8. Individual Law enforcement staff are accountable and responsible for any use of force, and must be able to justify their actions in law;

9. To promote accountability and best practice all decisions relating to the use of force, and all instances of the use of force, should be reported and recorded either contemporaneously, or as soon as reasonably practicable;

10. Any decision relating to the use of force by Law enforcement agencies must have regard to the duty of care owed by the relevant agency to each individual staff in the discharge of their duties. Deployment of Law enforcement agencies in a public order context where force may be used can carry grave risks to their own safety, and so must be the subject of rigorous control.