

## **APPENDIX 'A' TO FORCE ORDERS 3337 DATED 2011-05-19**

### **POLICY STATEMENT**

It is the policy of the Jamaica Constabulary Force that all interactions between its members and the public, must be done in a manner which reflects respect for citizens rights and dignity; portrays a professional image of the police and enhances positive relationship between the community and the police service.

The Standard Operation Procedures for Police Citizens Interaction are adopted as a set of practical guide to minimum standards to be adhered to by all members of the JCF and its auxiliaries and will come into effect as of the date of publication in Police Force Orders.

Any departure from these procedures will be viewed as breach of Force Orders and will attract disciplinary action.

### **1 PURPOSE**

The purpose of this policy is to standardize the manner in which police personnel carry out their duties on a daily basis. It demands that members of the JCF, the ISCF and the Rural Police consistently demonstrate high standards of professionalism during the execution of their duties, especially when they interact with the public. This policy is aimed at transforming the negative aspects of Force culture manifested in disrespect, abuse of power, incivility and disregard for the rights of the citizens we are sworn to serve and protect. Conversely, it will support discipline, respect for all, professionalism, compliance with the rule of law and accountability for all our actions. These procedures support our effort at transforming the organization into a caring, service oriented, highly professional and respected entity, fulfilling its mission as prescribed by law and in keeping with the *Charter of Rights* for the people of Jamaica.

#### **1.0 INTRODUCTION**

The JCF, ISCF and the Rural Police are all governed by rules, laws, policies and regulations consistent with the provisions of the Jamaican constitution. Members are expected to comply with all policies and regulations governing the organization in order to ensure that the rights and liberty of all persons they interact with during the lawful execution of their duties are upheld.

Serving and past members of the JCF have reported traumatic experiences on occasions when they come in contact with their colleagues especially while commuting in the public. Many reports feature unprofessional conduct in the manner in which citizens were spoken to and the threatening use of weapons. On the other hand, there are recorded cases of death, serious injuries and assaults to members of the public resulting from such actions. These clear breaches and inconsistency in behaviour have often times led to:

- 1) Members of the Force and the public being exposed to risks of serious injuries or death;
- 2) The abuse of citizens' rights;
- 3) Confrontations and tension
- 4) Lack of confidence and trust in the police
- 3) Serious damage to the image and reputation of the JCF; and
- 4) Compromise of the integrity of court cases arising from such interactions.

In an effort to address these problems, this policy outlines Standard Operating Procedures that members are mandated to adhere to in their interaction with members of the public. It covers legal grounds for police initiated contacts, as well as guiding procedures for **contacts** such as : **a)** stop and search, **b)** stop and account **c)** in rendering assistance/advice, **d)** routine patrols; and **public initiated contacts** such as: **a)** station visits, **b)** telephone contact , **c)** approaches made in public spaces; and **d)** vicariously through police control.

The policy outlines the sources of police authorities on occasions where contacts are made on the streets, in police establishments whether by use of the telephone or personal contact when citizens visit police stations. Standardized scripts are inserted in this document which should be used by members of the JCF, ISCF and Rural Police as far as is practicable when communicating with members of the public during the lawful execution of their duty.

## **1.1 POLICE POWERS AND LEGISLATIVE AUTHORITIES TO STOP & SEARCH**

The police power to stop and search is grounded in the Jamaican Constitution and several legislations, the scope of which encompasses: the Constabulary Force Act., Dangerous Drugs Act, Road Traffic Act, and Firearms Act. Members of the JCF and its auxiliaries **must** be conversant with the constitutional provisions and these legislations when conducting a stop and search operation. Supervisors **must** ensure that the contents of these Acts form part of their briefing to members prior to being dispatched on such operations.

### **1.2 *Constitutional Provisions***

Enshrined in the Constitution of Jamaica is the protection of certain fundamental rights of the citizens to include but not limited to the right to freedom of movement and freedom from arbitrary search. Section **16(1)** of the Constitution states that:

**“No person shall be deprived of his freedom of movement and for the purposes of this section, freedom means, the right to move throughout Jamaica....”**

Albeit this right to freedom of movement is a constitutional right to which all Jamaicans are entitled, it must be noted that this right is not an absolute right and may be rescinded in certain circumstances. Section **16(3)** therefore states that:

**“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision: (a) which is reasonably required in the interest of defense, public safety, public order, public morality or public health.**

As it relates to **arbitrary searches**, section **19(1)** of the Constitution states that:

**“Except with his own consent, no person shall be subject to the search of his person or his property....”**

Again this right is not an absolute right and section **19(2)** of the Constitution provides that:

**“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required..”**

Section 19(2) goes on further to state, inter alia, that a person’s right to freedom from arbitrary search can be abridged in the interest of defense, public safety, and public order and for the purposes of preventing or detecting crime.

Once a member of the JCF is conducting a stop and search, the person who is subjected to this activity **must** be made aware of the authority under which he or she is being stopped, searched and or to make an account of himself/herself.

### **1.3 LEGISLATIVE AUTHORITY**

#### ***The Constabulary Force Act***

Under this legislation provisions are made for any constable to stop and search motor vehicles. Section 19 of the Act empowers a constable, without a warrant, to lawfully stop any vehicle which he suspects to be conveying stolen goods or any dangerous or prohibited drugs and to search such vehicle, the driver and any persons conveyed therein. Implied here, is a condition that there must be some grounds for suspicion that the police are obliged to make known, if requested so to do.

#### ***The Firearms Act***

*Section 42(1) of the Firearms Act provides that:*

**“Any constable may without a warrant stop any vehicle in which he suspects any firearm or ammunition is being conveyed, and may search such vehicle and the driver thereof and any person conveyed therein,”**

#### ***The Dangerous Drugs Act***

*Section 24(1) of this Act states that:*

**“If any constable has reasonable cause to suspect that any conveyance is being used or has been used for the commission of any offence against this Act, he may without a warrant search and if such search reveals evidence that the conveyance is being used or has been used for the commission of any offence as aforesaid, seize and detain such conveyance”**

#### ***The Road Traffic Act***

A number of provisions are made under this Act which empower the police to stop motor vehicles in the lawful execution of their duty.

#### ***Section 34(3) provides that:***

Any person driving a motor vehicle on a road shall stop the vehicle on being so requested by a constable in uniform and if he fails so to do shall be guilty of an offence.

#### ***Section 56(1) states that:***

On request of any constable or if such constable shall raise his hand executing the number one signal to stop, the motorist shall immediately comply and the motor vehicle kept stationary as long as may be reasonably necessary

**Section 58 of the Act states that:**

The driver of a motor vehicle shall obey all directions whether verbal or by signal given by a constable in the execution of his duty to stop the vehicle

**Section 22 of the Act provides:**

“Any person driving a motor vehicle on any roadway shall, on request of a constable, produce his driver’s license for examination so as to enable the constable to verify the name and address of the driver, and to determine the validity of the license. A valid driver’s license would bear the name of the holder, his/her address, date of issue, the class of the license and the Issuing Authority

#### **1.4 Policy Interpretation of Constitutional Provisions and Legislations**

The Jamaican citizens have a right to the freedom of movement and protection from arbitrary searches. However, these rights are not absolute and there will be no infringement of the constitution if they are suspended pursuant to sections 16(3) and 19(2) of the Constitution.

The Firearms Act, The Constabulary Force Act, and the Dangerous Drugs Act all empower the police to stop and search motor vehicles and the occupants. However, **there must be reasonable grounds** upon which the policeman believes that there has been some infraction of any of the aforesaid legislations. Thus, a constable cannot lawfully stop and search a motor vehicle/motorist under the Firearms Act unless he has reasonable grounds to suspect that the vehicle is being used to convey any illegal firearm or ammunition.

Similarly, a policeman’s authority to stop and search a motor vehicle under the Constabulary Force Act is predicated upon there being **reasonable grounds** to suspect that the vehicle is conveying stolen goods or prohibited drugs. Consequently if a policeman, acting under any of these Acts, stops and searches a motor vehicle/motorist without having reasonable grounds to suspect that there has been some infraction, this would be a violation of the motorist’s constitutional rights to freedom of movement and protection from arbitrary search.

The pertinent Act however is the **Road Traffic Act**, which, unlike the other mentioned Acts **does not** require a constable to suspect that there has been some breach of the law in order to stop a motorist. Thus there would be **no violation** of a citizen’s constitutional right if he/she is stopped by a policeman operating under the Road Traffic Act as this power would be exercised in the interest of the public order and public safety as provided for by our Constitution.

If in pursuant to **section 22** of the Road Traffic Act, a constable has reasonable grounds to suspect that there has been some contravention of the Dangerous Drugs Act, the Constabulary Force Act or the

Firearms Act then the constable, acting under the relevant legislation, can proceed to search the vehicle and its occupants in respect to the provisions of the respective Act.

Consequently all members of the JCF and its auxiliaries are well within their rights to stop motorist in the execution of their duties pursuant to the provisions of the Road Traffic Act.

#### **1.5 Administrative Guidance: Conduct and Decorum**

It is the policy of the Jamaica Constabulary Force and its auxiliaries that all members conduct their duties and responsibilities with integrity and transparency consistent with ethical standards of the

Force. Actions of members of the JCF and its auxiliaries that are unethical or in conflict with the established Code of Ethics of the JCF will affect the reputation of the organization and detract from efficient service delivery. It is therefore important that in pursuit of a professional service based organization, only ethical practices in gathering evidence will be appreciated and considered in the investigative process and only professional conduct of members will be accepted.

The JCF is committed to the prevention of unprofessional and unethical conduct of its members. As such the image of the organization and its reputation will be preserved through professional service delivery at every point of contact with citizens.

### **1.6 Contact initiated by the Police**

The JCF expects the highest standards of ethical and professional behavior from its members. On any given occasion the police will come in contact with citizens from all walks of life. It is the sworn duty of every member of the JCF to treat all persons with “proper respect for the rights of all”. In that regard considerations should be given to the treatment meted out to offending citizens as no offence was committed against the individual police man or woman but against the state. Where an offence is committed against a member of the JCF then same should be investigated and the perpetrator(s) brought to justice.

### **Addressing Citizens**

When members of the public come in contact with the police, the police are expected to conduct themselves with decorum. Be polite in all areas of your contact with members of the public, do not use words such as “*aunt, uncle, big man or boy*” to address persons that you interact with, it’s uncivil, disrespectful and unprofessional and must cease forthwith. Members must be respectful to all persons they come in contact with irrespective of age, class, status. It is the policy of the JCF that adult males be addressed as **Sir**, young males as **young man**, adult females be addressed as Miss or their respective title if known. **Prisoners in custody** should be addressed by their names and persons attending court should be called with **Mr., Mrs. or Miss** before their names.

In approaching any member of the public courtesy should be extended. It is important to remember that the treatment delivered oftentimes determine the reaction received, your approach in most cases determine the reaction of the person you accost in the public thoroughfare.

## **2 DEFINITIONS**

**Search:** A police operational activity involving the systematic examination by law enforcement officers of persons, properties or places

**2.1 Stop & Account:** when a member of the Jamaica Constabulary Force stops a member of the public under any reasonable or legislative authority without searching them and requires such person to give an account of himself as to his or her actions, behavior or mere presence at a location. This encounter shall be termed a ‘**stop and account**’ and does not require the police officer to issue a receipt to the suspect. The policeman/woman is however obligated, upon request of the citizen to explain the reason(s) for his/her action.

The **purpose** of a ‘stop and account’ is to enable the observing officer to satisfy his curiosity in respect to the person’s legitimacy for being present in a particular area as also the person’s actions or modus operandi. It should not be used as a grounds to search such person, however, the information unfolded by

the citizen during the account might give the officer reasonable cause to believe that he/she is concealing something illegal on his/her person and as such a search might be conducted and recorded.

## 2.2 PROCEDURAL GUIDELINES

The following are the procedural guidelines of the Jamaica Constabulary Force that members must adhere to in any police public contact as outlined:

### 2.3 Stop & Account

Vehicular stop and search are often routine operations usually conducted by Traffic and other personnel seeking to ensure compliance with the Road Traffic Act. The number one signal to stop should be used for planned operations; and all such stops must be carried out with courtesy, consideration and respect. This type of operation should follow:

- Persons must be greeted politely eg. ***“Good morning, good day or good night Sir or Miss, I am Carol Jones Corporal of police along with a team from the Allman Town Police Station. We are conducting spot – check operations under the Road Traffic Act and would like to examine your motor vehicle documents.”***
- The police should then instruct driver to turn off engine; e.g. ***“Please switch off your engine and step from your vehicle with the documents for the vehicle as also your driver’s licence.”*** While it is a requirement to instruct motorists to switch off the engine, requesting that they exit the vehicle is situational, e.g. if you suspect that the occupants are armed, if you need to see all occupants of the vehicle or if you intend to carry out a vehicle search. Instructions must be clear and concise not ambiguous and condescending.
- Where suspicion is heightened the instruction to the motorist should be in this format, ***“Please switch off the engine of your motor vehicle. Keep your left hand on the steering wheel and use your right hand to open the driver’s door. Please step from the motor vehicle. You will be required to produce your driver’s licence.”***
- If any violation is detected the police should proceed based on his/her legitimate authority; example; ***“Your licence disc has expired and you will be issued with a ticket.” Or “The registration plate numbers on your vehicle are obscured and as such your vehicle will be seized.”***
- If no violation is detected the police should thank the motorist and occupants for their cooperation, apologize for the inconvenience and bid driver/occupants a good day.
- No one should be kept for more than five minutes except in furtherance of an issue that arise ;
- Queries and concerns of motorists MUST AT ALL TIMES be politely entertained and addressed;
- At no time should any member use any abusive, threatening or indecent language to any member of the public, no matter how provoked; or should any member of the public be unlawfully assaulted
- The police should not demand the keys to the vehicle unless it is with the intention of seizure for a specific traffic violation
- The police should not order any person out of the vehicle unless they have reasonable cause to search or arrest such person;
- Should it become necessary to seize vehicle, the owner/ driver should be made to sign as to the state/condition of the vehicle. This receipt should also be signed by the officer and kept for future reference to include when vehicle is being handed over

- When seizure becomes necessary the public should be given an opportunity to remove their belongings from the vehicle and be informed where their vehicle will be taken/kept. The police have a responsibility to ensure the safety of the occupants by offering or assisting with transportation, telephone calls, etc. (especially where children and/or the elderly are involved).
- Under no circumstance should the police drive or offer to drive the vehicle but should instead act as escort where possible;
- The police should not seize driver's license other than for a person whose license has been revoked;
- The police should not open or volunteer to open the door of a motorist vehicle unless upon request;
- Under no circumstance should the police remove any item other than an exhibit from the seized vehicle without the consent of the owner/driver;
- As far as possible stops and searches of vehicles and occupants should be conducted in well lit areas.

## 2.4 **Approaching vehicles Stopped**

- At no time should the police point weapons directly at individuals unless they are under threat and or intend to shoot;
- Weapons kept at the ready should be lowered as soon as any threat is defused;
- Vehicular stop and search carried out by members travelling in service vehicles should follow:
  - Not less than two police personnel should be in service vehicle;
  - There should be no civilians in the service vehicle;
  - The driver of targeted vehicle should be signaled to stop ( via flashing lights, siren, loud hailer horn etc);
  - Service vehicle should stop behind targeted vehicle;
  - Blocking of the public thoroughfare should not be done unless it's a tactic that supports the operation;
  - Instructions should be given to the driver to turn the engine off and for driver/passengers to place hands where the police can see them;
  - One member should give instructions to the driver /passengers (preferably the observer);
  - The observer/observers should then cautiously approach the vehicle stopped, ensuring their safety;
  - The above instructions captured under Stop & Search would then be followed;
  - Occupants of vehicles should be told that all instructions are to be obeyed for their safety and that of the officers eg. '**For your safety and mine, please switch off the car engine.**'

## 2.5 **Stops & Search**

All stops and searches must be carried out with courtesy, consideration and respect.

- Persons must be greeted good morning, good day or good night Sir or Madam ( **same text as above**);
- The police, who stops to search, must provide the individual with information including:
  - a. Their name ,rank and the station where they work ;
  - b. The law under which persons have been stopped;
  - c. Explanation of why they are being stopped and searched;
  - d. Motorist will be requested to exit vehicle as scripted above and where the trunk of vehicle will be searched occupants of vehicle should be requested to accompany police personnel;

- The process should be handled quickly (to be quantified) and professionally;
- The police officer will ask as few questions as necessary and proceed to search based on some suspicion or information;
- If a violation is detected the police should proceed based on the legislative provisions of his/her authority;
- If there are no detected violations the police should apologize for any inconvenience caused and wish individuals a good day.
- Under no circumstances should a member solicit personal information from a citizen in order to start a relationship. No sexist, racial or offensive remarks should be made to any citizen and no favours solicited.

## **2.6     *When a motorist fails to stop***

In instances where a motorist fails to stop after been so signaled by the police, the following is to be adhered to:

- The police should seek to ascertain identification features of the vehicle (Registration number, make, model, color etc.);
- Note time and place of incident;
- Communicate the information via radio to police control;
- Proceed with investigation and summon the owner/driver to court;
- The police should refrain from engaging in high-speed chase of motorists who refuse to obey them;
- Trailing at safe distance and communicating with back-up resources is a safe and effective tactic.

## **2.7     *Accountability***

In instances of stop and search operations, members have a responsibility to document their action as per the daily deployment form attached. This should be submitted to the Operations Office at their respective formations and shall contain the following information:

- Date and time of the stop and search,
- Location of the stop and search,
- The grounds for the stop and search,
- Number of arrests, cautions; warnings and seizures
- The result of the stop and search,
- Names, address of persons stopped and searched,
- Names, rank, regulation numbers and stations of the officers conducting the operation.
- Any observations; difficulties, suggestions/recommendations

## **3       CONTACTS INITIATED BY THE PUBLIC**

This section contains guidelines for police actions in relation to contacts initiated by members of the public in the following circumstances:

### **3.0     *Station Visit***

When members of the public attend the station/police formation requesting police service, the police must:

- Acknowledge the individual within two minutes;



- Greet the individual formally and politely, in this manner, ***“Good day or Good night sir/ madam/ miss/ I am Constable John Black. How may I help you?”***
- Station officers and station guards must listen attentively to customers’ complaints and only ask pertinent questions.
- Where the customer asks questions of the police, it is important that accurate responses are provided. If the member is unsure of the information indicate that to the citizen and seek guidance as early as possible, for example, ***“I am unsure just now but I will try and get the information for you if you will wait.” OR “I am uncertain just now but if you were to leave a name and number I will pass on the information/ correct procedure to you.”*** Where such assurance is given, the police should follow through within twenty-four (24) hours. Such actions help with confidence building.
- Respond promptly to the citizen’s need by ascertaining the nature of service required and providing it or arranging for it to be provided;
- **NEVER** tell customers that no vehicle is available or vehicle is at the garage, instead seek assistance from adjoining stations or via Police Control while reassuring your customer;
- Show appreciation /sensitivity to customer’s concern (do not trivialize reports...);
- Document citizens’ particulars and reports and issue receipt;
- In cases where the report necessitates the police visiting a locus ,the supervisor on duty must be informed and assume responsibility for deploying police resources within reasonable time;
- Matters emanating from offences against the person (e.g. Threat, assaults, wounding) are considered emergency and must be attended to immediately;
- Matters not considered emergency must be attended to within an hour, failing this a report must be filed by the supervisor on duty at the time ,as to the factors leading to such failure;
- The police must ensure that the rights of suspects are not violated when, actions are taken against persons who may be the subject of a report to the police;
- Suspects should be allowed to secure (or make arrangements to secure) their property, properly attire themselves, inform family members or neighbours where they will be, before taking them to the station;
- Where customers attend with issues that are civil such as land and rent, your response should be; ***“Madam/ Sir/ Miss please contact a lawyer who will be better able to address this matter.”*** DO NOT RECOMMEND ANY ATTORNEY to citizens. That choice is theirs. In the event of dissatisfaction, let it not be said that it was based on the recommendation of the police.
- NEVER turn away a citizen who is inappropriately attired. ALL citizens must be treated with courtesy and respect.

### **3.1 Follow-up**

In terminating a citizen initiated contact the police should:

- Enquire if the citizen/public is satisfied with the service;
- Inform them of the next step(s) in the process of addressing the report;
- Inform them of their responsibilities in the process;
- Thank them for their report/co-operation ;
- Follow-up with a re-assuring call within seven (7) days of the report and every fourteen (14) days until the matter is resolved. All follow-up calls or meetings should be recorded on the case file.

### **3.2 Telephone Contact**

When the public initiate contact with the police through telephone calls for policing service; the following are the procedures to be followed:

- All telephone calls are to be answered within four (4) rings using the following example; **“May Pen Police Station, Constable Joseph White speaking, how may I help?”**
- Ascertain the nature of the call and the service required;
- Respond to the policing needs of the callers by :
  - Advising them
  - Arranging for the police to visit them;
  - Requesting or arranging for them to visit the station;
  - Providing the service necessary to address the needs of the caller;
- Enquire if the caller is satisfied and what else you may do for him/her;
- Thank the caller for his/her call.

### **3.3 Approaches in Public Spaces**

This section addresses procedures to be followed when the police is approached while on duty in public spaces (e.g. on motorized or foot patrol, static postings). In these instances the police must:

- Acknowledge and appreciate public requests for service;
- Make notes of particulars of individuals and nature of request;
- Not trivialize the report/request;
- Respond by offering appropriate policing service;
- Ensure that courtesy and professionalism are maintained throughout the interaction.

## **4 Night Noise/Noise Nuisance**

Noise nuisance is a concern for all citizens. Where the source of noise is in a dwelling the occupants should be made aware of the discomfort that has been caused to others.

***“Good morning Sir/madam/Miss a call was received from citizens about the loud noise coming from your dwelling.”***

Inform the citizen of his/her responsibilities.

***“You may play your stereo at a level that should not be audible to your neighbour failing which it then becomes a nuisance to others.”***

***“If the noise continues from this dwelling you will be charged under the Noise Abatement Act”***

***“There is no need to play your music as loudly as this is causing a nuisance to the people in the community”***

Do not enter the dwelling of the operator to turn off the sound.

Given a situation of Night Noise the operator should be asked certain questions.

**“Good Morning Sir/ Madam/Miss, do you have a permit to host this event”**

You may be required to get the name(s) of the host and operator of the sound system.

Where there is no permit to host the event the operator should be instructed to unplug the system **even if** it is within the time permitted by law. The system should be seized and the amplifier taped at the volume it was playing at the time of the seizure. **ONLY the rank of SGT** and above has the authority of seizure.

***“You are to unplug the system and remove all electrical wires. You do not have a permit to host this event. Your amplifier will be seized and held at the Milk River Police Station until the day of court. ”***

The name of the operator and Sound System as also the name of the host should be noted. A summons should be served on the offender.

At the end of the assignment, CONTROL should be informed of the names of the host and operator as also the sound system and the action taken.

Where the sound system operator and host are operating the system outside of the prescribed time, the offender should be warned and a summons served on him/her. The Permit would have been voided once the operators are outside the prescribed time and this constitutes a breach.

***“Sir/Madam although you were given a permit to host this event you are now without a permit as you are operating outside of the time stated.”***

***‘You will be issued with a summons to appear in the Porus Resident Magistrate’s court’***

## **5 Matters Directed by Police Control**

When contact with the public is directed via police control, members must:

- Note time of assignment from control;
- Obtain details of assignment (names of individuals requesting police service, location, nature of request);
- Note time of response/arrival at assignment;
- Upon arrival do quick risk assessment and proceed to make contact with individual/s requesting police service;
- Greet complainants/individuals politely and ask how you may help;
- Determine whether to bring resolution at the scene or move to station;
- Render the appropriate policing service;
- Enquire if the person who requested service is satisfied ,and how else you may help;
- Report your findings and actions to police control;
- Follow-up with a telephone call or visit.

## **6. Search of Property and securing of exhibit**

In the execution of a warrant to search a particular premise for a specific reason the owner/occupant should be shown the warrant and where possible a copy of the warrant should be given to the owner/occupant.

Where there is no warrant available at the time of the operation, permission should be sought from the owner/occupant for the team to enter the building/premises/compound.

**“Good morning Sir/Miss we are from the Frankfield Police Station and we have a warrant to search your premises for stolen items believed to have been taken from Molly’s Hardware on January 25, 2011. Here is a copy of the warrant.**

**You are required to be present with us during the search. Each item seized will be noted. You may be required to come to the station to produce your receipts and or to answer some questions”.**

**Or**

**Good afternoon sir/miss we are conducting an investigation where intelligence has led us to your premises, may we be given permission to conduct a search of the building in your presence?**

Where exhibits are taken from the scene of a search, then it is the responsibility of the investigating officer to note the exact location where the item was removed from and the circumstances. It is unethical for evidence to be planted at the scene of a suspected crime. The integrity of the investigations would have been compromised if the evidence obtained from the scene is tampered with. All items seized must be placed in an envelope, properly labeled and sealed in the presence of the accused.

## **7. Effecting an Arrest**

When effecting an arrest, the offender must be told of the offence for which he/ she is being charged. The offender must then be cautioned; ***“Do you wish to say anything? You are not oblige to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence against you”***

If in public thoroughfare, offender should be frisked for weapons, drugs or any other object which could harm the officer while the offender is being escorted to the police station. At the station a more thorough search must be done before offender is placed in holding area or cell.

As far as practicable, handcuffs must be used on males and violent females but try not to embarrass persons in your custody by escorting them in awkward positions, e.g. draping the waist so that prisoner has to walk on his toes or dragging prisoner on the ground in a bid to punish him.

If a prisoner escapes while being escorted and is running away from you, **DO NOT OPEN FIRE**, he is no threat to you or your colleague. This order goes for all cases where police personnel accost members of the public who run away without being a threat to them. It is much better for a suspect to escape, than for the police to open fire resulting in the death or injury of innocent members of the public.

**POLICE OFFICERS MUST ALWAYS BEAR IN MIND THAT OFFENCES ARE COMMITTED AGAINST THE STATE AND NOT AGAINST THEM AS INDIVIDUALS.**

Where individuals are brought before the court or are required to attend the court, all such individuals shall be addressed by their full name and title for e.g. **“Mr. Isaiah Thomas” or “Miss Dotlyn Chambers”**.

It is unprofessional to address any citizen by their first name unless at their request.

## 8. Carrying of Firearm in Public Places

### 8.1 Uniform Personnel

All uniform personnel who are issued with a side arm for duty must immediately carry out the necessary safety checks, load and holster the weapon. NO LIVE ROUND MUST BE CARRIED IN THE BREACH. *The use of force and human rights policy* should serve as a guide if a member has of necessity to remove the weapon from its holster. On each occasion that the weapon is removed from the holster whether it was fired or not a written report MUST be made by the person issued with the weapon and other persons on the team.

8.2 Uniform personnel issued with rifles or submachine guns must carry out the necessary safety checks and always carry weapon in a **safe position**, whether walking or travelling in motor vehicles. At no time should the weapon be pointed at persons travelling behind the police vehicle, passing to the side or just walking along the public thoroughfare.

8.3 Personnel armed with rifles or submachine guns must avoid **unnecessarily** entering places of business, government offices, schools and places of entertainment as the safety risk is higher for both police and civilians.

8.4 Detectives and other personnel from plain clothes sections, to include off duty police personnel who are permitted to keep and care firearms MUST ensure that their weapon is concealed in public places. Extended magazines must not be inserted in pistols while wearing plain clothes and members must take all the necessary steps to avoid unnecessarily exposing their weapons whether on or off duty.

## 9. MANAGEMENT ISSUES

Divisional managers and commanders of other operational formations should adopt administrative and operational strategies to enable the speedy implementation of this policy. It is the responsibility of all managers within the JCF to adequately communicate the contents of this policy to their staff. It is also envisaged that these initiatives will form part of a system of performance management that allows for: (i) rigorous analysis of the use of the JCF's authorizations for stopping and searching members of the public; (ii) analysis of the effectiveness and efficiency of these operations; and (iii) obtaining useful information for resource deployment decisions.

### 9.1 Supervision and Monitoring

While the daily supervision and monitoring of the implementation of this policy are the purview of divisional managers, it will be the responsibility of the Inspectorate of Constabulary to monitor and report on the force-wide implementation of this policy. At the Divisional level supervising officers, will review daily deployment forms and monitor members' use of stop and search to ensure that they have exercised their powers and authority fairly, ethically and in keeping with the provisions of this policy.

### 9.2 Wearing of uniform and appearance

All members of the JCF and its auxiliaries must be appropriately attired in uniform at all times whilst on duty. The uniform MUST be neat, clean and properly fitted. Image is everything!!! All items of

accoutrements should be worn in the appropriate manner. Strict adherence to F/O # 3303 dated October 14, 2010 on Uniform Policy is encouraged.

## **9.2 Briefing and Tasking**

The correct use of these related legislative powers is essential and officers should be adequately informed about current information and intelligence, and how these powers should be best used. They should also be reminded that their powers must be used fairly and proportionately in order to build public confidence and support.

## **9.3 BENEFITS OF POLICY**

This policy places responsibility on the JCF to address the negative culture that has permeated the organization for years. It allows for a positive shift in perception, it serves as a means of developing meaningful and sustainable partnerships with members of the public and to satisfy the needs of the communities in a professional manner, using the various legislative powers as valuable tools in tackling criminality and public disorder in their surroundings. In addition to increased public reassurance, increased transparency and accountability, intelligence gathered through stop and search activities can be channeled into the intelligence network via our National Intelligence Bureau and Divisional Intelligence Units for future reference as well as briefings for operations. This policy supports most areas of police public contact management, quality of service, responsiveness, safer citizenry, dialogue and cooperation; and all its contents must be adhered to; by members of the JCF, ISCF and Rural Police.

Any failure to adhere to the standards and procedures outlined herein will result in disciplinary actions being taken against those found culpable.