



PNP GUIDEBOOK

ON HUMAN RIGHTS-BASED POLICING

A Publication of the
 Philippine National Police Human Rights Affairs Office
 through the support of the Hanns Seidel Foundation / Germany





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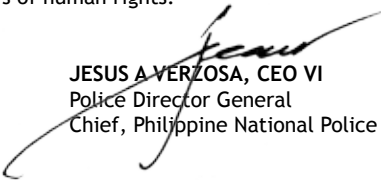


MESSAGE

In many countries around the world, police agencies face enormous challenges in countering crime, disorder, and terrorism. Deterring threats to peace and order demand all-out campaigns that combine tested strategies and methods of investigation, intelligence, police-community relations, and police support in the conduct of internal security operations.

In the fight against criminality and terrorist threats, there are times and situations when police personnel are left with no other recourse than to use force, as authorized by law. As such, being prepared to use calibrated responses to address public disturbance is also a clear necessity. However, no matter the situation or nature of the police mission, one imperative remains unchanged: the need to respect and protect human rights. The publication of the PNP Guidebook on Human Rights-Based Policing is a timely and relevant initiative. The information and guidelines contained in this guidebook would help educate and enhance the competencies of police personnel while mainstreaming rights-based policing principles and practices. Through this publication, our aim is to learn how to consciously apply human rights principles and practices in law enforcement, and foster a more rights-based culture in our organization.

Therefore, let us continue efforts to elevate the professional competencies of our personnel, particularly in the application of human rights-based approaches in policing. Together, let us continue working to make the men and women of the Philippine National Police more capable, effective, and credible protectors of human rights.


JESUS A. VERZOSA, CEO VI
Police Director General
Chief, Philippine National Police



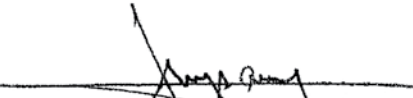
MESSAGE

The promotion of human rights, as a key result area of the ongoing Integrated Transformation Program, is one of the most challenging yet fulfilling aspects of police reform. We believe that mainstreaming human rights-based approaches in law enforcement is the very embodiment of the PNP Motto, “To Serve and Protect”.

More than just being enforcers of the law, we in the PNP are duty-bound to respect, protect, and fulfill the rights of citizens. By doing so, we are able to give life to both the letter and spirit of our national laws, statutes, and international conventions related to the protection of human rights.

While the PNP Human Rights Development Program is still in its early stages of implementation, modest accomplishments had already been made in terms of human rights education and training, community-based dialogues, policy reviews, inspection of custodial facilities, including other initiatives related to human rights development in the PNP.

Indeed, the publication of this Guidebook is another significant contribution towards attaining our goal of establishing genuine, lasting reforms in the PNP, specifically by strengthening the capacities of police personnel to promote and protect the rights of our people.



RAUL M. BACALZO
Police Director for Investigation
& Detection Management
and Executive Director,
PNP Program Management Office



**Hanns
Seidel
Foundation**

MESSAGE



Working on a common goal to promote democratic governance, the rule of law and respect for human rights, we are pleased to support this publication titled “PNP Guidebook on Human Rights-Based Policing”, a joint project undertaking of the Philippine National Police (PNP) Human Rights Affairs Office (HRAO) and the Hanns Seidel Foundation/Germany (HSF). This forms part of the development of a whole package of information, education and communication materials aimed to assist the PNP in carrying out its mandate to serve and protect the people through capability building, institutional policy development and multi-sectoral cooperation and partnerships, among others.

This guidebook serves to enhance the knowledge and understanding of the PNP personnel on human rights-based policing, especially the frontline units in performing their duties as law enforcers, consistent with international human rights standards. It also serves as a handy reference for the police men and women on the ground who are in close contact with the people as it provides specific guidelines on the nuances of police work that respect and protect basic human rights in compliance with the International Humanitarian Law.

In the short period that we have been working with PNP HRAO, which is still a young office, towards the promotion and protection of human rights in partnership with other sectors including the local communities, the results have been positive and we look forward to sustaining our joint efforts in the future in support of the PNP Integrated Transformation Program.

We wish the PNP and HRAO all the best in the future!

PAUL G. SCHÄFER
Resident Representative
Hanns Seidel Foundation/Germany



FOREWORD

The PNP Guidebook on Human Rights-Based Policing is a supplement to the official Police Operational Procedures Handbook and various PNP training manuals. Our objectives in developing this material are two-fold: To provide police personnel with a basic reference on rights-based policing; and to offer practical suggestions on how to mainstream international standards of human rights for law enforcement in our police stations.

In Part I, the reader will find a brief definition of Human Rights including references and documents pertaining to the PNP mandate to promote and protect human rights. Part II is about the definition and characteristics of Human Rights-Based Policing. Part III explains each of the 10 International Human Rights Standards for Law Enforcement that must be adopted by the PNP. In Part IV, you will find additional guidelines in the conduct of police interventions as well as questions for deeper study that may be used for individual review or group discussions on human rights-based policing.

Similar to the PNP publication entitled, Know Your Rights: A Citizen's Primer on Law Enforcement, this is also a living document. It will be updated periodically to ensure that its contents remain relevant and responsive to the mission of the PNP and to the human rights situation in our country.

The publication of the PNP Guidebook on Human Rights-Based Policing is a project under the PNP Human Rights Development Program (LOI Pamana) and a humble contribution to on-going police reforms under the comprehensive PNP Integrated Transformation Program.

With the support and guidance of the PNP leadership, the PNP Human Rights Affairs Office will continue to research and develop materials that would help enhance the knowledge and capacities of our police personnel to promote and protect human rights.

FRANKLIN JESUS B. BUCAYU
Police Senior Superintendent
Chief, PNP Human Rights Affairs Office

USER'S NOTE

This publication is the first of a series of materials to be distributed as a guide for police personnel on human rights-based policing. Reasonable efforts have been made to ensure the accuracy, reliability, and relevance of its contents at the time of its publication.

Previously issued PNP policies, guidelines, and established operational procedures take precedence over the contents of this material.

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PART I

WHAT ARE HUMAN RIGHTS?

The subject of “Human Rights” is one of the most pressing issues faced by the Philippine National Police today. Alleged human rights violations by erring police personnel had made discussions about human rights a source of discomfort within police circles. Some had even mistakenly dismissed human rights as a mere propaganda tool used by enemies of the State to denounce the police and military.

ALL OF US HAVE RIGHTS... REGARDLESS OF NATIONALITY, PLACE OF RESIDENCE, SEX, NATIONAL OR ETHNIC ORIGIN, SKIN COLOR, RELIGION, LANGUAGE, ECONOMIC SITUATION, OR ANY OTHER STATUS.

If understood in the proper context, the promotion and protection of human rights is at the very core of policing. The enforcement of laws and the maintenance of peace and order are, first and foremost, about protecting the rights of citizens. For example, police patrol the streets to deter criminals from committing robbery or theft. These crimes violate another person’s right to property ownership. Or whenever a police checkpoint is set up, it is essentially about promoting the community’s right to have a safer place to work or live in --- and not just about establishing a security cordon.

Still, many in the PNP are asking: “What exactly are human rights?”

Definition of Human Rights

Human Rights refer to the “basic rights and freedoms that all human beings have.”

Rights are inherent to all human beings, regardless of nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. (United Nations High Commissioner on Human Rights)

According to the Universal Declaration of Human Rights (UDHR) proclaimed by the United Nations General Assembly in December 10, 1948:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

At the international level, human rights are often defined, expressed, or guaranteed by law in the form of treaties, conventions, customary international law, general principles, and other legal instruments recognized by almost all States, specifically the 192 sovereign countries that belong to the United Nations. International human rights law also obliges Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. These obligations are intended to prevent abuse of authority by agents of government.

It is important to note that respect for human rights remains inviolable over the performance of police duties and functions unless it is proven that the exercise of certain rights run counter to the requirements of morality, law and public order, and the general welfare of the people. Moreover, no one needs to give you these rights and no one is supposed to take them away or deprive you of these rights. Everywhere you go, your rights must be respected even as you respect the rights of others.

30 Universal Human Rights

Written below are the 30 Human Rights that all persons have. These rights must be respected at all times, anywhere in the world (thus, they are universal):

1. All human beings are born free and equal in dignity and rights.
2. Everyone is entitled to rights and freedoms without distinction of any kind, such as race, color, sex, language, religion, political affiliation or opinion, national or social origin, property, birth or any other status.
3. Everyone has the right to life, liberty and security of person.
4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
6. Everyone has the right to recognition everywhere as a person before the law.
7. All are equal before the law and are entitled without any discrimination to equal protection of the law.
8. Everyone has the right to an effective remedy by the competent national court for acts violating the fundamental rights granted him by the constitution or by law.

9. No one shall be subjected to arbitrary arrest, detention or exile.
10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial court, in the determination of his rights and obligations and of any criminal charge against him.
11. Everyone charged with a penal offense has the right to be presumed innocent until proved guilty.
12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon one's honor and reputation.
13. Everyone has the right to freedom of movement and residence within the borders of each State.
14. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
15. Everyone has the right to a nationality.
16. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to have a family.
17. Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.
18. Everyone has the right to freedom of thought, conscience and religion.

19. Everyone has the right to freedom of opinion and expression.
20. Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.
21. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The will of the people shall be the basis of the authority of government.
22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
23. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

26. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.
27. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
28. Everyone is entitled to a social and international order.
29. Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
30. No state, group or person must engage in any activity or perform any act aimed at the destruction of any of the universally recognized rights and freedoms.

Why must the PNP promote and protect human rights?

The PNP must promote and protect human rights because this task lies at the very core of maintaining peace and order, ensuring public safety, and upholding the rule of law in the country. It can be said that Human Rights Protection is the First Business of Policing.

According to the 1997 Human Rights and Law Enforcement Training Manual published by the United Nations High Commissioner on Human Rights, cases of human rights abuses and ill-treatment:

- adversely affect public trust and confidence towards the police;
- leads to isolation of the police from the community and civil unrest;
- hampers effective prosecution of criminals;
- let those who are guilty remain free while making the innocent unjustly suffer;
- delays or denies justice to be given to victims of the crime and their families;
- subjects the police and other government agencies to local and international criticism and possible sanctions; and
- makes the law enforcer a law breaker.

Constitutional and Legal Bases of Human Rights Protection

The promotion and protection of human rights are also found in our constitutional and legal framework, as shown below:

- The Government exists to maintain peace and order, and protect life, liberty and property, as well as promote the general welfare of the people (1987 Philippine Constitution Article 2, Section 4-5).

- The State is responsible for promoting social justice and recognizes the value of human dignity and respect for human rights (1987 Philippine Constitution Article 2, Sections 10-11).
- The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development. (1987 Philippine Constitution Article 2, Section 22).
- The State recognizes, promotes, and protects the rights of all citizens as defined in the Bill of Rights. (1987 Philippine Constitution Article 3, Section 1-22).
- Congress shall give highest priority to the enactment of measures that protect and enhance the rights of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. (1987 Philippine Constitution Article 13, Section 1).
- The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. (1987 Philippine Constitution Article 15, Section 3).

Other parts of the 1987 Philippine Constitution and laws such as R.A. 7438 (Rights of Persons Arrested, Detained or Under Custodial Investigation and Duties of the Arresting, Detaining and Investigating officers), R.A. 9262 (Anti-Violence Against Women & Children), and R.A. 9344 (Juvenile Justice and Welfare Act) exist to promote and protect the rights of persons in all sectors of Philippine society.

The Republic of the Philippines is also signatory to various international human rights agreements, treaties, and conventions including the following:

- U.N. Universal Declaration on Human Rights of 1948 (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- Optional Protocol to the Covenant on Civil and Political Rights (CCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- U.N. Convention on the Condition of the Wounded and Sick in Armed Conflict (the First Geneva Convention)
- Convention Against Homicide (CAH)
- Convention Against Torture (CAT)
- Convention on Elimination of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)

It is also important to note that the United Nations prescribes the following eight (8) articles of the U.N. Code of Conduct for Law Enforcement Officials:

1. Always perform duties under the law
2. Respect and safeguard human rights
3. Use force only when strictly necessary
4. Respect confidentiality
5. Never inflict any act of torture or ill-treatment
6. Safeguard the health of all those in custody
7. Never commit any act of corruption
8. Respect the law and this Code

PNP Doctrine, Policies, and Issuances on Human Rights

Human rights are emphasized in the following PNP doctrine, code of conduct, and policies:

- The PNP Ethical Doctrine states that “all members of the Philippine National Police... shall serve with utmost responsibility, integrity, morality, loyalty, and efficiency with due respect to human rights and dignity as hallmarks of a democratic society” (PNP Ethical Doctrine Manual, Chapter I, Section 2, DHRDD 1995 Edition).
- The PNP Code of Professional Conduct and Ethical Standards expressly cites respect for human rights as a high standard that must be maintained during the performance of police duties (Chapter III, para 2.9)
- Letter of Instructions 55/07 (LOI Pamana) states that “members of the Philippine National Police shall embrace the highest principles of the Universal Declaration of Human Rights. It also emphasizes that respect for human rights and dignity shall apply to everyone including all members of the police service, regardless of education, gender, religion, political beliefs and all other types of status.
- PNP Core Values seek to instill in all PNP personnel a godly (Makadiyos) and humane (Makatao) thoughts and behavior in both their official and private life. Being godly and humane entails having a genuine understanding and respect for human rights.

Given the social, doctrinal, constitutional/legal, and moral rationale behind the police duty and obligation to promote and protect human rights --- it is, therefore, imperative for the PNP to review and adopt new policies, systems and procedures that would better protect the rights of citizens and other stakeholders in Philippine society.

PART II**WHAT IS HUMAN RIGHTS-BASED POLICING?**

Human Rights-Based Policing (HRBP) is the comprehensive, systematic, and institutional compliance with international human rights standards and practices in the conduct of police or law enforcement functions. It is also an approach to policing that defines the relationship between individual citizens and various groups or sectors of society as claim holders whose rights have to be respected and protected by the police; and the Police as duty holders that have obligations to respect, protect and fulfill human rights. HRBP also aims to empower claimholders to claim their rights, while strengthening the capacities of duty-holders to meet their duties and obligations as human rights protectors.

The PNP has three levels of human rights obligations: to respect, protect and fulfill human rights.

1. To respect human rights means refraining from interfering with the enjoyment of people's rights.
2. To protect human rights means to implement laws that provide equal protection to all persons from human rights violations by state authorities or by non-state actors.
3. To fulfill human rights refers to the act of establishing institutions and implementing systems, mechanisms or procedures that enable people to claim and enjoy their rights.

Mainstreaming human rights-based approaches in police work is done by incorporating human rights principles and practices into police doctrines, strategies, and plans. These principles and practices are also applied to all police systems,

procedures, methods, and tactics. To be truly effective, even police equipment, supplies, and facilities are reviewed and upgraded to enable a police organization to meet human rights standards for law enforcement.

**HUMAN RIGHTS-BASED POLICING...
APPLYING
INTERNATIONAL
HUMAN RIGHTS
STANDARDS AND
PRACTICES IN
LAW ENFORCEMENT.**

Human Rights-Based Policing is considered to be institutionalized when human rights principles and practices are taught and applied at all levels, in both operational and administrative functions of the police organization. Once human rights-based policing is institutionalized, a police organization enhances its effectiveness and credibility in networking with other government and non-government agencies to address various human rights issues and concerns.

While the historical context, socio-cultural background, economic realities, and crime situation have an impact on how a police organization plans and performs its functions --- there are internationally recognized human rights standards for law enforcement that must be met by all police agencies including the PNP.

As a reform initiative, Human Rights-Based Policing is a strategic approach for reorienting the police organization from the traditional policing models or theories based purely on social control or repression to a new paradigm anchored on genuine respect for human rights and dignity, transparency, accountability, rule of law, and people's active participation in democratic governance.

Characteristics of Human Rights-Based Policing

Human Rights-Based Policing has several characteristics

which are briefly explained below:

1. Strict Observance of Police Policies and Procedures

Human Rights-Based Policing entails strict observance of police policies and operational procedures. Most, if not all violations of human rights occur when police officers do not follow established policies and procedures. Shortcuts, omissions, or blatant disregard for procedures are unacceptable behavior that violate our national laws, PNP rules and regulations, and generally accepted socio-cultural norms.

When police officers follow and apply proper procedures, they uphold human rights while doing all that is possible to ensure that the subsequent case to be filed in court against a suspect would prosper, in the higher interest of justice.

For example, when a police officer informs an arrested person about his or her Miranda Rights, that police officer is following established procedure in making arrests, whether it is done with or without a warrant. If the arrested person was not informed of his or her rights, it could later on be used as a defense and a means to charge the arresting officer with a violation. By not following procedure, a police officer runs the risk of being charged administratively while opening an opportunity for the arrested person to be released from detention due to a technicality.

Some policies in the PNP were also issued to uphold certain rights. For example, the ban of the presentation of suspects

**FROM SOCIAL
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TO A
NEW PARADIGM
GROUNDED IN
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AND
DEMOCRATIC
GOVERNANCE.**

before the media is intended to protect their rights to dignity and presumption of innocence until proven guilty.

Indeed, one of the most effective ways to promote and protect human rights is by following PNP policies and procedures.

2. Adherence to International Human Rights Standards for Law Enforcement

Human Rights-Based Policing is about adhering to international standards of human rights in law enforcement. There are at least ten (10) basic international human rights standards for law enforcement that all police organizations around the world must strive to attain. By adhering to international standards, the PNP is able to comply with a uniform set of principles and practices that is expected from all police officers by the international community. These 10 standards are discussed in Part III of this guidebook.

Of course, there are differences between Philippine laws and those of other states. The crime situation in the country is also peculiar and some international standards may not be immediately attainable in the Philippines. However, knowledge and recognition of international standards paves the way for setting benchmarks for the gradual improvement of the organizational philosophy, doctrines, physical infrastructure, systems, training and education, operational procedures, values, and practices in the PNP.

3. Professional Competence and Courteous Service

Human Rights-Based Policing is demonstrated through professional competence and courtesy. In order to prevent human rights violations, the police must only use calibrated force to subdue suspects. This can only be taught through

realistic simulation of incidents involving both armed and unarmed suspects; as well as compliant and resisting persons. They must understand that force is only used when normal persuasion fails and when it is absolutely necessary to overcome a threat to public safety.

**WHEN THE POLICE
FOLLOWS PROPER
OPERATIONAL
PROCEDURES,
THEY UPHOLD &
PROTECT
HUMAN RIGHTS.**

The police arrest and restrain persons or suspects based on the basis of “probable cause” while judges adjudicate and punish on the burden of “beyond a reasonable doubt” which is a higher legal standard. However, it is clear that the police must use commensurate degrees of force in order to effectively enforce the law and ensure public safety.

Upholding human rights is very similar to the Golden Rule which says that we must treat others in the way we want others to treat us. When we render respect and courtesy to citizens, there is a greater tendency for them to return that respect and courtesy.

In the Philippines, citizens are generally compliant to instructions of uniformed agents of government such as PNP personnel. However, that compliance must not only be based on fear brought about by the threat or actual use of force by police officers. The ideal compliance of citizens to their police should be based on genuine respect for the police badge and uniform as symbols of proper legal authority.

Another important factor to consider is that majority of citizens only establish contact with police officers after they had already been victimized by criminals or when they need urgent police assistance. Just like the cliché, the “first impression” that a citizen gets from a police officer usually lasts

--- whether that impression is positive or negative. Therefore, the goal of every police officer during citizen contact is to provide a professional, fast, efficient, and courteous response to a legitimate citizen request for police service or assistance.

4. Respect for Rule of Law and Civilian Supremacy

Human Rights-Based Policing is anchored on the rule of law and recognition of civilian supremacy. From the term law enforcement, it is understood that there can be no enforcement apart from the law. Any act of enforcement (that is, the use of police powers or any manner

of application of force) apart from the law may be considered criminal, or at the very least, an abuse of authority. Respect for rule of law and civilian supremacy is best exemplified when the police practices accountability for all its actions or, as the case may be, inaction on matters related to the protection of people's legal rights.

**RESPECTING
HUMAN RIGHTS IS
LIKE THE GOLDEN
RULE...
IT IS ABOUT
TREATING OTHERS
IN THE WAY THAT
WE WANT TO BE
TREATED.**

Therefore, all police officers must always remember Article II, Section 1 of the 1987 Philippine Constitution which states that "...sovereignty resides in the people and all government authority emanates from them."

5. Pro-Democracy and Pro-Citizen

Human Rights-Based Policing is democratic and citizen-centered. Democratic values are best demonstrated by the police when it seeks greater participation by the community in maintaining peace and order. The police organization must always remain responsive and relevant to the needs of the

community --- which is actually the PNP's main clientele. Through dialogues and consultations with stakeholders, the police are able to learn about the issues and concerns that must be addressed at the community level. In most, if not all situations, full cooperation between the police and the community is required in order to solve peace and order problems.

PART III**10 BASIC INTERNATIONAL HUMAN RIGHTS
STANDARDS FOR LAW ENFORCEMENT****STANDARD 1: EQUAL PROTECTION**

Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence and other threats. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons, and members of minority groups.

Guidelines / Suggested Action Items:

- a. All police personnel must carry and use Miranda Warning Cards that contain English and Filipino versions. If possible, produce an additional Miranda Warning Card using the vernacular or most common language/dialect in your area of jurisdiction. This can be replicated in posters on the Rights of Persons Arrested, Detained or Under Investigation (R.A. 7438). Helping people know and understand their rights is one of the best ways to improve their access to justice and equal protection of the law.
- b. Police service must be non-selective. Provide the same quality of service to all people regardless of their age, sex, economic and political status, religion, ethnic background, and any other status.
- c. Train police personnel in communication and empathy skills especially geared towards addressing concerns of women, children, the elderly, and other vulnerable sectors. This type of training may be

obtained in cooperation with the Department of Social Welfare and Development (DSWD) and the National Council on Indigenous Peoples (NCIP). The police station may also explore partnerships with the call center industry which can provide expert trainers on communication and empathy skills.

STANDARD 2: RESPECTFUL TREATMENT

Treat all citizens and victims of crime with compassion and respect, with utmost consideration for their need for safety and privacy.

It must be remembered that under the law, all arrested persons and detainees are still considered innocent and have the right to due process. Only the court can determine their guilt or innocence. Even when they are already convicted by the court, they still have the right to be treated humanely, with full respect and dignity.

Guidelines / Suggested Action Items:

- a. If possible, allocate a well-secured room inside the police station where the detainee can privately speak with his/her lawyers and family.
- b. Ensure that posters or information materials on the Rights of Persons Arrested, Detained or Under Investigation are prominently displayed inside the investigation room or desk where booking or investigation of suspects is done.
- c. Explore possible joint projects with the local government unit, NGOs, and other local/foreign donor organizations specifically on improving detention facilities or lock-up cells in your police

station. If possible, avoid overcrowding of lock-up cells which poses health and safety risks to police personnel, detainees, and their visitors.

- d. Designate a liaison officer who shall be responsible for coordinating with the Office of the Prosecutor and the Court for the speedy release of commitment orders. Delays in the release of commitment orders inadvertently cause overcrowding in police custodial cells. Overcrowding poses unnecessary security and health concerns at the police station.
- e. Police officers should address citizens as “Sir” or “Ma’am” during all cases of citizen contact. However, police officers must use a more commanding yet professional language to obtain compliance or control over persons who are uncooperative or disorderly.
- f. Respect the need for confidentiality especially among minors and female victims of crime.
- g. Never parade suspects before the media. They remain innocent until proven guilty by the courts of law. Police officers are responsible for safeguarding the dignity, health and safety of suspects and persons under investigation or custody.

STANDARD 3: USE OF FORCE

Do not use force except when strictly necessary and to the minimum extent required under the circumstances.

Guidelines / Suggested Action Items:

- a. Re-orient police personnel about the Use of Force

Doctrine or Use of Force continuum with emphasis on the use of lethal force only as a last resort.

- b. Re-train police personnel in proper arrest procedures with emphasis on non-lethal tactics, weapons retention techniques, and officer safety measures.
- c. Re-orient police personnel assigned to crowd control units about human rights, crowd psychology, maximum tolerance, and use of calibrated force especially during the dispersal phase of Civil Disturbance Management (CDM) operations.
- d. Police personnel involved in shootouts and discharge of firearms must submit an after-operations report. Assessments must be conducted to determine the validity of the use of force during a police operation.
- e. Request the assistance of the PNP Health Service, Department of Health (DOH), or a psychiatrist in the conduct of periodic neuro-psychiatric examinations, stress management, and counseling services for personnel involved in shootouts or discharge of firearms.

STANDARD 4: POLICING NON-VIOLENT ASSEMBLIES

Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.

Guidelines / Suggested Action Items:

- a. If possible, arrange for a meeting with protest leaders/organizers prior to the actual day of protest demonstrations. An open dialogue would help the police establish “ground rules” and communication lines with protest leaders/organizers which are necessary to prevent miscommunication and possible outbreak of violence.
- b. Whenever appropriate, deploy properly trained and equipped female CDM personnel as front liners. Previous experience showed that there is less agitation on the part of protesters and lower incidence of violence when female CDM personnel are made as front liners.
- c. Advise crowd control elements (CDM personnel) that in situations requiring the use of batons or truncheons, they should only target fleshy parts of the body such as the arms, torso, legs, and thighs. Hitting protesters with the baton or truncheon on the head, face, neck, shoulder blades, elbows, fingers, groin, knees, and ankles must be avoided since strikes to these parts may cause serious to permanent injuries, or even death. Further, protesters that would be arrested must be properly restrained / handcuffed using scientific control methods; and thereafter, brought safely to the police station for processing. Arrested protesters must not be kicked, punched, or dragged by the hair or feet.
- d. When fire trucks are deployed as part of the crowd control formation, ensure that appropriate fire hoses are used to avoid excessive water pressure that may cause serious to permanent injury.

STANDARD 5: USE OF LETHAL FORCE

Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.

Guidelines / Suggested Action Items:

- a. If possible, conduct regular firearms proficiency training and testing for all police personnel. Proficiency is needed to enable police personnel to use their firearms with accuracy, specifically if the goal is only to immobilize an armed person or suspect. In today's police paradigm which considers the protection of human lives as the primary operational objective, the death of a person (whether that person is a criminal, suspect, victim, hostage or innocent bystander) resulting out of a police intervention is generally considered an operational failure.
- b. Conduct re-training of police personnel in the use of non-lethal force and tactics in effecting arrests. Specifically, provide re-training in individual / group arresting methods and weapons retention techniques.
- c. Orient police personnel on principles of stress and anger management. Police work, by nature, is very stressful. For that reason, all PNP personnel need to undergo periodic neuro-psychiatric testing and counseling which are vital tools in maintaining the emotional and mental health of police officers. Counseling and/or stress debriefing is very important especially for personnel who were engaged in armed encounters or violent incidents.

STANDARD 6: ARRESTING PERSONS ON LEGAL GROUNDS

Only arrest persons if there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.

Guidelines / Suggested Action Items:

- a. All police personnel must carry and use Miranda Warning Cards in informing persons arrested, detained or under investigation about their rights under the law.
- b. Take extra care to ensure the safety of the arrested person/s during transport from the crime scene to the police station.
- c. Personal properties of the detained/arrested person must be properly inventoried, documented, and kept in a secure location inside the police station or designated storage area. Said properties must be properly turned-over to the detained/arrested person upon his or her release; given to family members or relatives of the arrested person with his/her consent; or to the appropriate authorities in cases when the said person is committed to another detention facility.

STANDARD 7: DETAINEES' RIGHTS

Ensure that all detainees, immediately after their arrest, have access to their family and lawyer. They must also be given immediate medical assistance whenever necessary.

Guidelines / Suggested Action Items:

- a. Maintain a manually written and/or computerized Database of Detainees or Persons Under Police Custody which includes the complete name of the detainee, address, age, nature of offense, date arrested and released, date of preliminary investigation or inquest, name and contact details of his/her lawyer, and other pertinent details. Take note of detainees with special medical needs.
- b. When necessary, coordinate with the local chapter of the Integrated Bar of the Philippines (IBP) and/or NGOs that provide free legal assistance to assist detainees who cannot afford to hire a lawyer; or those who cannot be immediately attended to by the Public Attorney's Office (PAO). Partnerships with the local IBP chapter and NGOs involved in paralegal work may be explored as a means to provide free legal assistance to detained persons, and possibly, even to PNP personnel.
- c. Ensure that duty personnel have contact details of nearby hospitals and clinics in case persons arrested, detained and those under investigation require emergency medical care.

STANDARD 8: HUMANE TREATMENT OF DETAINEES

All detainees must be treated humanely. Under any circumstances, do not inflict, instigate, nor tolerate any act of torture or ill-treatment, and refuse to obey any order to do so.

Guidelines / Suggested Action Items:

- a. If resources and circumstances would allow, physical improvements may be undertaken to ensure that detention facilities are well-ventilated and well-lighted. If possible, the cells should be fitted with benches and toilet facilities. The maintenance of separate male and female custodial facilities is mandatory.
- b. If possible, install audio-video recording equipment in investigation rooms. The recording of custodial investigations will provide the police station commander with several advantages including:
 - Capability to record custodial investigations in support to case-build up and prosecution;
 - Documentation of investigation procedures as a tool for training and performance evaluation;
 - Recording of proof about the proper, fair, and legal conduct of police investigation in defense to possible harassment suits.

STANDARD 9: REFUSAL TO OBEY UNJUST ORDERS

Do not carry out, order, or cover-up extra-legal killings or enforced disappearance, and refuse to obey any order to do so.

Guidelines / Suggested Action Items:

- a. Ensure that all police operations include pre-deployment briefing and post-operation assessment /

debriefing. Such briefings must include the provision of general guidelines and specific instructions to police personnel to ensure mission accomplishment without prejudice to the observance of human rights. The underlying goal behind the guidelines and instructions is to prevent violations of police policies and operational procedures.

- b. When in doubt about a specific order, seek clarification and guidance from the direct superior or from higher headquarters. In some cases, it may be advisable to request for written instructions or orders to ensure that specific missions or police interventions are legal and duly authorized.

STANDARD 10: REPORTING VIOLATIONS

Report all violations of these standards to your senior officer and to the nearest Prosecutor's Office. Do everything within your ability and authority to ensure steps are taken to investigate violations of these standards.

Guidelines / Suggested Action Items:

- a. Maintain copies of mission orders, memoranda, notes, and other official documents related to police operations involving your participation. These documents will be useful in the preparation of your factual report of alleged violations of human rights; and in the preparation of your reply or defense in case you are the subject of complaint for alleged violations.
- b. Follow prescribed procedures for reporting violations of police policies and procedures (from immediate superior to higher office).

PART IV**ADDITIONAL GUIDELINES FOR SELECTED POLICE INTERVENTIONS**

All police personnel are required to study and apply the instructions and guidelines contained in the PNP Handbook on Police Operational Procedures (POP). Written below are supplemental or complementary guidelines and action items to enhance the protection of human rights during the conduct of police interventions.

1. FOOT AND MOBILE PATROLS

Foot and mobile patrols are among the most effective anti-crime operations available to the PNP. Patrols significantly deter crimes due to the active presence of uniformed police officers. To remain effective in the conduct of police patrols, all PNP personnel must follow these guidelines:

- a. Wear proper police uniform and equipment:
 - Complete PNP General Office Attire (GOA) Uniform or prescribed uniform of the day
 - Nameplate and Badge
 - Leather Pistol Belt, Handcuffs, and Service Firearm
 - Whistle
 - Baton/Trunccheon
 - Early Warning Device
 - PNP Tickler / Notebook and Pen
 - Flashlight and First Aid Kit (if available)
 - Handheld Radio (if available)
 - Authorized jacket or raincoat in case of inclement weather

- b. Mobile patrols should always entail the use of properly marked PNP vehicles. Megaphones should be kept inside the patrol cars, ready for use during traffic management or traffic stops, driver and vehicle inspections, emergency response, crowd control, etc.
- c. Always be respectful or courteous when speaking to citizens. Use tact and non-threatening language when conducting a spot inquiry or when questioning persons. Use a conversational language and avoid an interrogation-type of questioning. Remember that a citizen's impression on individual police officers has an impact on public perception towards the entire PNP.

Suggested Script:

“Magandang umaga/gabi po. Ako po si (ranggo at apelyido). Ano po ang pangalan nila? Maari po bang makita ang inyong I.D.?”

“Good morning/evening. I am (rank and surname). May I ask for your name, please? May I also see your I.D.?”

- d. Police officers cannot force any person to present an I.D. card and other documents. However, you are allowed to ask their name. When requesting a suspicious person or any individual for identification, never handle the wallet or bag in which the I.D. cards or documents are kept. Let that individual voluntarily hand over his/her identification card or documents.
- e. When an individual asks for a reason or explanation why he/she was stopped for questioning, briefly

explain that police patrols are normal procedures to prevent crime and ensure public safety.

Suggested Script:

“Normal police procedure po ang pagpa-patrol. Ginagawa po natin ito para magbantay laban sa krimen at para sa kaligtasan ng publiko. ”

“Patrols are part of normal police procedures to prevent crime and ensure public safety.”

f. Always thank the citizen before letting him/her go.

Suggested Script:

“Thank you Sir / Ma’am, we appreciate your cooperation.”

or

“Thank you for bearing with the slight inconvenience. Have a safe trip.”

“Salamat po sa inyong kooperasyon.”

o kaya

“Salamat po at pasensya na po sa kaunting abala. Ingat po kayo sa biyahe.”

IN THE CONDUCT OF POLICE PATROLS, ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE CITIZEN’S RIGHT TO DIGNITY, PRIVACY, AND FREEDOM OF MOVEMENT.

Questions for Deeper Study:

1. What are the common operational lapses or reports of human rights violations during the conduct of

police patrols?

2. What specific citizen's rights must be protected during police patrols?
3. During a patrol, what signs should you look for when evaluating whether a certain person poses a threat to you and to the public?
4. When conducting mobile patrols, what situations require police intervention?

2. PROTOCOLS IN CITIZEN CONTACT

As the old saying goes, "First impressions last." Police-citizen contacts are not only the means for you to provide police service to people. It is also an opportunity to create a positive impression on the citizen about the entire police organization. In all situations (when engaged in patrols, checkpoints, investigation, traffic stop, etc.) that require police officers to speak to people, always follow these guidelines:

- a. Always maintain courtesy when speaking to people. When an individual becomes uncooperative or exhibits resisting speech or behavior, continue to use polite yet firm language. Maintain eye contact and try to calm down a nervous or hysterical person.
- b. Avoid shouting. Only use clear, firm instructions to make a person or group more cooperative or compliant. If necessary, use a megaphone especially when addressing a group or large crowd.
- c. Exhibit professional behavior. Never use foul language or invectives even when an individual or group is unruly, uncooperative, or resisting.

- d. Never un-holster or touch your service firearm when speaking to an unarmed and cooperative individual.
- e. In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could possibly be a weapon such as a firearm, knife, blunt instrument or any other item that can be used to inflict harm.
- f. In conducting a pat-down search, as much as possible, only female police officers should be allowed to frisk a female adult or minor.
- g. During the conduct of a pat-down, a full-custody search is only allowed when a police officer discovers that a person has possession of illegal weapons, illegal drugs or narcotics, and other prohibited items. The police officer must fully inform the arrested person about his/her “Miranda Rights”.
- h. When an individual or group is uncooperative or resisting, apply the principles on the use of force. Immediately de-escalate situations when people are showing anger or disorderly behavior. See the Use of Force matrix included as an annex.

NOTE: Use of Force Continuum is a standard that provides law enforcement officials with guidelines on what level or degree of legal force may be used against a resisting person or group in a given situation.

DURING CITIZEN CONTACTS, ALL POLICE PERSONNEL MUST EXHIBIT PROFESSIONALISM, COURTESY, AND RESPECT FOR THE RIGHTS AND DIGNITY OF ALL PERSONS.

QUESTIONS FOR DEEPER STUDY:

1. What words, acts, or behavior should be avoided by police officers when speaking with citizens?
2. In practical terms, how can police officers exhibit professionalism during citizen contacts?
3. How can a police officer effectively handle an agitated or angry citizen?
4. What are the positive effects or impact to the individual police officer and to the PNP as a whole when police personnel treat citizens with respect and courtesy?
5. When speaking with citizens, why should police officers avoid touching their service firearm? In what cases or situation are police officers allowed to touch, un-holster, or draw their service firearm?

3. POLICE CHECKPOINT

Checkpoints are important in maintaining public safety and deterring criminality in the streets. However, such checkpoints must not inconvenience nor intimidate citizens but, instead, should provide them a real sense of safety and security. To remain legitimate and authorized, all PNP checkpoints must be:

- a. Staffed by uniformed police personnel in complete uniform, including name plates and (if available) I.D. cards. The checkpoint must be led by a Police Commissioned Officer who is at least of Inspector rank. In Metro Manila and other major cities,

enforcement officers manning the checkpoints should not be wearing battle dress uniforms or black fatigues in lieu of the PNP GOA unless the conduct of checkpoint is a result of a hot pursuit operation.

Civilian volunteers (barangay officials, NGO members, etc.) who will participate in the checkpoint operations must be properly accredited by the PNP and must have undergone proper orientation prior to deployment. The civilian volunteers must also wear their organizational uniform and identification cards during the checkpoint operations. Said volunteers are not authorized to bear firearms and must only act as observers at the checkpoint. In serious national emergency situations, the participation of civilian volunteers is not allowed.

- b. Established as part of ongoing police operations. Only official PNP marked vehicles shall be used in establishing mobile checkpoints.
- c. Always use courteous language when speaking to motorists, passengers, and drivers of public utility vehicles. The conduct of checkpoints including searches, seizures, and arrests shall be done with civility and with due respect to innocent passers-by, commuters, or bystanders.

Suggested Script:

“Magandang umaga/gabi po. Police checkpoint lang po ito, Pasensya na po sa kaunting abala. Maraming salamat po.”

“Good morning/evening. This is a police checkpoint. Please bear with the slight inconvenience. Thank you, Sir / Ma’am.”

- d. Observe the Plain View Doctrine during checkpoint operations. Never force motorists to open their vehicle's trunk or compartments. Never force motorists, drivers, and passengers to present I.D. cards.
- e. The use of warning shots is strictly forbidden to avoid unnecessary and accidental deaths, injuries, and damage to property. Megaphones or police sirens shall be used instead during the pursuit. In the event that the occupants of the vehicle open fire on the personnel manning the checkpoint, reasonable force to overcome the suspects' aggression may be employed.
- f. Searches made at checkpoints shall be limited to visual search and neither the vehicle nor the occupants shall be subjected to physical search or require the passengers to alight from the vehicle. An extensive search may be allowed only if the officers conducting the search have probable cause to believe that they would find evidence pertaining to the commission of a crime in the vehicle to be searched and there is no sufficient time to secure a valid warrant upon which the passengers shall be required to alight from the vehicle to effect the search.
- g. Persons stopped during a checkpoint are not required and must not be forced to answer any questions posed during spot checks or accosting. Failure to respond to an officer's inquiries is not, in and of itself, a sufficient ground to make an arrest. A person's failure or refusal to respond to questions made by the police officer, however, may provide sufficient justification for additional observation and investigation.

- h. The team leader must properly orient the Search Team and Security Team that will participate in the checkpoint operations.
- i. Both the police and civilian components of the checkpoint operations must submit their respective after-operations report to their unit/organization.

IN THE CONDUCT OF POLICE CHECKPOINTS, ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE CITIZEN'S RIGHT TO DIGNITY, PRIVACY, AND FREEDOM OF MOVEMENT.

QUESTIONS FOR DEEPER STUDY:

- 1. What are the common operational lapses or reports of human rights violations during the conduct of police checkpoints?
- 2. What specific citizen's rights must be protected during the conduct of police checkpoints?
- 3. When are police personnel allowed to request the driver and/or passengers to alight the vehicle for further searches, pat-down, or frisking?

4. SEARCH AND SEIZURE

Search and seizure operations are very critical in the conduct of investigation, evidence-gathering, and in preempting possible criminal activities or threats to public safety. However, maximum care should be observed in search and seizures to avoid human rights violations and other offenses that might hamper a police operation or case investigation. Review the following points to ensure that search and seizures are done properly within legal parameters:

- a. A search and seizure operation is allowed and legal when it is covered by a valid search warrant issued by the court. Normally, a search warrant should be used only during day time. Otherwise, the search warrant must specifically indicate that it can be used day or night.
- b. The search warrant must show or indicate: the signature of a judge; specific alleged violation or crime; exact address or location of the area to be searched; and exact items to be seized.
- c. The search warrant is only valid for ten (10) days from the date it was issued.
- d. Police officers must be in proper complete uniform (including their name plate and/or I.D. card) during the search operation.
- e. Police officers must identify themselves and show the Search Warrant to the owner, custodian or occupant of the house, building, or property to be searched. When the owner or custodian refuses to cooperate or denies entry, the police officers (search party) can forcibly enter the property.
- f. The owner, custodian, or occupants of the property to be searched must be allowed to accompany the police officers during the entire search operation.
- g. If the owners, custodian, or occupants are not present, there must be at least two (2) independent witnesses of legal age who work in or reside near the property to be searched.
- h. Illegal items or contraband may also be seized by

police officers even if these are not covered by the search warrant as long as the said items are in plain view. Police officers or members of the search party are required to present an official receipt for all items taken or seized.

- i. After arresting a person (for example, during a traffic stop or checkpoint operation), police officers can frisk the arrested person and conduct search and seizure of illegal items, materials that can be used as evidence, and deadly weapons, or any other object that pose a threat to the police officer and to the public.

ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE CITIZEN'S RIGHT TO BE SECURE IN THEIR PERSONS, HOUSES OR PROPERTY, PAPERS, AND EFFECTS AGAINST UNREASONABLE OR ILLEGAL SEARCHES AND SEIZURES.

QUESTIONS FOR DEEPER STUDY:

1. What are the common errors and/or complaints against police personnel involved in search and seizure operations?
2. What specific citizen's rights must be protected during the conduct of police search and seizure operations?
3. What procedures must be followed in the handling of seized items or objects?

5. ARRESTS WITH WARRANT

When making arrests with a warrant, always follow these guidelines:

- a. Always identify yourself as a police officer. Provide your name, position/designation, and place of assignment or unit to the person to be arrested, his family or relatives, or other persons present during the time of arrest.
- b. Present the warrant of arrest to the subject person before or after the arrest is made.
- c. If requested, allow the arrested person to be accompanied by a family member, relative, or friend from the place of arrest to the police station or headquarters where the said arrested person would be processed and detained.
- d. As much as possible, members of the arresting team should be in complete uniform. During covert operations, the arresting team must properly identify themselves during the conduct of arrest; and it is recommended that a marked PNP vehicle be used to transport the arrested person(s) from the place of arrest to the police station/headquarters.

6. ARRESTS WITHOUT WARRANT

An arrest without warrant is authorized and legal:

- a. When a person has committed, is actually committing, or attempting to commit an offense or crime in the presence of a police officer.
- b. When an offense or crime has just been committed and the police officer has personal knowledge of facts indicating that the person to be arrested had committed the said offense or crime.

- c. When the person to be arrested is an escaped detainee or prisoner.
- d. When the person arrested without a warrant is immediately brought to the nearest police station or jail, and subjected to inquest proceedings at the soonest possible time in keeping with the provisions of Section 7, Rule 112 of the Rules of Criminal Procedure.

An arrest without warrant is considered unauthorized and illegal if the warrantless arrest is made:

- a. Due to mere suspicion or belief; and
- b. Unsupported by facts, credible information, or circumstances necessary to establish probable cause.

ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE CITIZEN'S RIGHT TO DUE PROCESS, PRESUMPTION OF INNOCENCE UNTIL PROVEN GUILTY BY THE COURT, AND EQUAL PROTECTION OF THE LAW.

QUESTIONS FOR DEEPER STUDY:

- 1. What are the common errors and/or complaints against police personnel involved in the serving of warrants of arrest?
- 2. What specific citizen's rights must be protected during the conduct of arrest procedures?
- 3. What type or level of force should be used by police officers against an unarmed but violently resisting suspect?

7. CUSTODIAL INVESTIGATION

During custodial investigation, police officers must abide by the provisions of Republic Act 7438, or the law that prescribed the Rights of Persons Arrested, Detained, or Under Custodial Investigation. It is important to remember and apply the following guidelines on custodial investigation:

- a. Police officers must observe the principle of due investigative process; and presume the person being investigated as innocent until proven guilty by the court.
- b. Investigations must be sensitive and adaptable to special needs or requirements of women, children, minors, the elderly, members of indigenous groups, and persons with disabilities.
- c. Put up PNP Posters on the Rights of Persons Arrested, Detained, or Under Investigation (based on R.A. 7438) in a prominent or highly visible area inside the investigation room. As a best practice, advise the person/s under investigation to read the poster before the conduct of questioning or custodial investigation.

ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE CITIZEN'S RIGHT TO COUNSEL ESPECIALLY DURING THE CONDUCT OF POLICE INVESTIGATION.

QUESTIONS FOR DEEPER STUDY:

1. What are the common errors and/or complaints against police personnel involved in custodial investigation?

2. What should police investigators do when a person under custodial investigation does not have a lawyer or cannot afford to hire a lawyer? What can be done to protect a person's right to counsel when private counsel or a PAO lawyer is not available?
3. Why should police officers be aware, sensitive, and capable of meeting special needs of women, children, minors, and other vulnerable groups?

8. DETENTION

The following guidelines are provided to ensure that the rights of detained persons are respected and protected by police personnel:

- a. Police personnel are responsible for the health, safety, and hygiene of all persons detained or under police custody.
- b. Proper monitoring of the status and disposition of detained persons, especially those who are awaiting transfer to jails or those who are supposed to be released is vital to the efficient and effective detention management. It is also relevant to the prevention of overcrowding in custodial facilities, which is a serious health and security concern.
- c. If possible, seek modifications in police custodial facilities to allow detained persons to have privacy when speaking with his/her family and lawyer. Such modifications also need to consider the need for sufficient space for detained persons to rest and sleep.
- d. Police station commanders or the Chief of the

Custodial Facility must prescribe fixed times or schedules for eating, sleeping, and receiving visitors. This is necessary to maintain security inside the station as well as promote healthy and humane conditions in the custodial facility.

ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE DETAINED PERSON'S RIGHT TO SAFE AND HUMANE CONDITIONS WHILE UNDER POLICE CUSTODY.

QUESTIONS FOR DEEPER STUDY:

1. What are the common complaints about custodial facilities and jails?
2. What can police station commanders do to address overcrowding in police custodial facilities?
3. What type or level of force should be used by police officers against an unarmed but violently resisting suspect?

9. CROWD CONTROL / CDM OPERATIONS

Any loss of emotional control, unprofessional conduct, and excessive use of force by members of PNP crowd control (CDM) units is highly counter-productive and causes negative perception towards the police organization. To prevent possible abuse of authority and human rights violations, police personnel should consider the following guidelines:

- a. Always use prescribed CDM protective gear and equipment to avoid physical injury should the situation escalate.

- b. During the violent dispersal stage, only hit the resisting person(s) on fleshy or thick portions of the arms, torso, thighs, and legs. Avoid hitting the head, face, neck, collar bones, elbows, knees, spinal column, feet, ankles, and other very sensitive body parts. Baton strikes to these parts may cause long-term or permanent damage.
- c. Always use proper control and handcuffing techniques. Never drag protestors by the hair or leg. Use two-man or four-man carry techniques to control and transport resisting protestors from the protest area to the mobile patrol car or police vehicle.
- d. Police officers must use the Miranda Warning cards to inform arrested protestors of their rights.
- e. Police officers must take extra care in the conduct of arrests or in the use of non-lethal weapons since minors and innocent civilians might be affected during dispersal or any other necessary police action.

ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE PEOPLE'S RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY.

QUESTIONS FOR DEEPER STUDY:

- 1. What are the negative effects of excessive use of force in dispersing protestors especially when there is media covering the rally?
- 2. Are ill-equipped crowd control (CDM) personnel more prone to loss of emotional control and excessive use of force? Yes or No? Why?
- 3. What should police personnel do when there are

minors and vulnerable persons (ex. elderly and persons with disabilities) in the group of protesters and there is a command to disperse the crowd?

10. DECLARING A CRIME SCENE OR CRITICAL INCIDENT AREA

Police officers must be aware of the protocols in media coverage, principles of press freedom, and the public's right to information --- and balance these with the need to perform law enforcement duties.

Declaring an area off-limits for being a crime scene or a critical incident area is vital in preserving evidence and maintaining public safety. To avoid possible conflicts with media personalities covering a crime scene or a major incident, take note of the following guidelines:

- a. Inform all civilians, media practitioners, and other unauthorized persons that a certain location is being declared a crime scene, off-limits zone, or critical incident area. Calmly but firmly instruct them to immediately vacate the said area.
- b. Establish a police line to cordon-off the crime scene or critical incident area.
- c. The police ground commander or designated police officer must immediately coordinate with the News Desk Editors or main offices of the media personalities who are present in the area. Request the news desk editor or concerned media officer to advise their media staff to leave or stay outside the crime scene or cordoned-off area.
- d. Unauthorized persons who refuse to leave the declared crime scene or critical incident area may

be arrested for obstruction of justice. However, the arrest must only be made after the said person is given enough time to comply with police instructions to leave the area. Should the conduct of an arrest become necessary, the arrested person must be immediately informed of his/her rights.

- e. Set-up a media briefing area several meters away from the crime scene or critical incident area. This measure is necessary to maintain public safety and to preserve the integrity of the crime scene or critical incident area.

ALL PNP PERSONNEL MUST PROMOTE AND PROTECT THE PEOPLE'S RIGHT TO INFORMATION, AND FREEDOM OF THE PRESS.

QUESTIONS FOR DEEPER STUDY:

1. How can police officers effectively preserve a crime scene or cordon-off a critical incident area without curtailing press freedom or violating media's right to gather news information?
2. What steps can be undertaken by the police ground commander when media personalities and other unauthorized persons refuse to leave a crime scene or critical incident area despite an earlier request or instruction?
3. When does obstruction of justice take place in these situations?

ANNEX A

POLICE STATION CHECKLIST ON HUMAN RIGHTS-BASED POLICING (as maintained by the Human Rights Desk)

1. **Number and profile of personnel with:**
 - Basic and advanced training in human rights
 - Human rights modules in mandatory and special courses
 - Additional human rights seminars, workshops, and training conducted by CHR
 - Additional human rights seminars, workshop, training conducted by NGOs and foreign organizations
2. **Number of custodial detention facilities / lock-up cells inspected.**
 - Are there separate facilities for men, women, and children?
 - Is there a regularly updated Database on Detainees including their complete name, address, age, sex, nature of crime or offense, status of case or investigation, date of inquest, release or transfer to jail, contact details of lawyer or family, etc.?
 - Are the custodial detention facilities / lock-up cells clean, safe, and secure? Are detainees confined in facilities that pose no threat to their health and safety?
2. **Number and profile of complaints of alleged human rights violations such as:**
 - Excessive Use of Force (EF)
 - Illegal Arrest (IA)
 - Illegal Detention (ID)
 - Extralegal Killings (ELK) or summary executions
 - Enforced Disappearance (ED)
 - Other human rights violations
4. **Number and status of alleged cases of human rights violations investigated or handled by the police station.**
5. **Display of posters and information materials on Rights of Persons Arrested, Detained or Under Investigation (R.A. 7438) at the police station and other PNP offices.**
 - Display the posters inside the investigation room, near custodial detention facilities, and other prominent locations inside the police station.
6. **Activation of human rights desk and designation of human rights desk officers (HRDOs) at the police station level including:**
 - Preparation of Human Rights Desk Workflow and directory of other PNP units and government agencies involved in human rights protection.
 - Human Rights Promotion/Protection Action Plan (police station-level)
7. **Coordination with Barangay Human Rights Action Officer (BHRAO) on joint human rights plans and activities; protective services to victims of human rights violations; and other mission-essential tasks related to human rights promotion and protection at the community level.**

ANNEX B

HUMAN RIGHTS DESK BASIC OPERATIONAL PROCEDURES

Receiving / Taking Action on Complaints of Alleged Human Rights Violations:

1. Politely greet the complainant or any person that approaches the Human Rights Desk. State your rank and full name, then ask the complainant or person about his specific need or purpose for approaching your desk.
2. Through initial interview, evaluate if the complaint is about an alleged human rights violation or a typical complaint that is supposed to be handled by other desks such as the Investigation Desk, Women & Children's Protection Desk (WCPD), etc.
3. Assess if the complaint is about alleged enforced disappearance (ED), extra-legal killing (ELK), torture (TOR), illegal arrest (IA), or excessive use of force by a police officer and/or law enforcer (EF).
4. If the complaint is related to human rights violations cited in No. 2, get a written statement from the complainant about the incident. Get full details of the incident, complete name and contact details of the complainant, and other pertinent information.
5. Inform the complainant that he/she will receive an update on actions taken by the Human Rights Desk / Police Station within three (3) days. Further, inform the complainant that the update on actions taken may be sent via phone call, text message, email, or as a last resort, via post mail. Also provide the complainant with your official telephone/fax numbers, e-mail address, and other contact details.
6. Thank the complainant for reporting the incident / alleged human rights violation. Express reassurance that the Human Rights Desk would closely monitor the actions that will be taken by the appropriate police units or government agencies that will handle the complaint or report of alleged human rights violation.

ANNEX C

USE OF FORCE CONTINUUM

SITUATION OR TYPE OF THREAT POSED BY OFFENDER/ SUSPECT	USE OF FORCE CONTINUUM	AUTHORIZED FORCE LEVEL	POLICE OFFICER LANGUAGE AND DEFENSIVE POSTURE
COOPERATIVE Person/group is UNARMED and cooperative and does not pose a threat to the police officer or to public safety.	PHYSICAL PRESENCE	VERBAL COMMANDS Use of lethal and non-lethal force NOT authorized.	Use polite language. Assume normal ready stance. Waist and leg with holstered firearm should be positioned away from the person, group or suspect you are speaking to. Maintain eye contact. Keep your hands on the side or loosely clasped in front of your belt buckle.
RESISTANT (PASSIVE) Person/group is UNARMED, uncooperative, shouting, angry, or using foul language but does not pose an imminent threat to the police officer or to public safety.	PHYSICAL PRESENCE	VERBAL COMMANDS Use of lethal and non-lethal force NOT authorized.	Use polite but firm language. Use directives or instructions to make the person/group more cooperative or compliant. Normal ready stance. Waist and leg with holstered firearm should be positioned away from the person,

			group or suspect you are speaking to. Maintain eye contact and increase peripheral awareness. Place your hands in front of your belt buckle, with the tips of your fingers lightly touching --- ready to draw a non-lethal weapon, if necessary. Use firm language to give instructions or directives, making your voice moderately loud but not at “shouting” level.
RESISTANT (SEMI-ACTIVE) Person/group is UNARMED but actively resisting verbally; and <u>may</u> already pose a minor threat to the police officer and to public safety.	SOFT HANDS	CONTROL TECHNIQUES Use of non-lethal force is authorized, including joint manipulations and other body control techniques.	Use firm language with a moderately loud voice. Use directives or instructions to make the person/group more cooperative or compliant. When cooperation or compliance is not attained using verbal directives, cautiously approach the person/group and apply control techniques using only light force. Maintain eye contact and increase peripheral

			awareness. Do NOT draw nor use firearms and other lethal weapons. DO NOT use the baton/truncheon. Police officer should continue to issue firm instructions or directives while restraining or controlling a resisting person/group. If necessary, call for back-up.
RESISTANT (ACTIVE) Person/group is resisting physically and/or verbally; and already poses a more serious threat to the police officer and to public safety. At this stage, the person/group is resisting but does not directly physically attack the police officer or any civilian in the area.	HARD HANDS	CONTROL & COMPLIANCE TECHNIQUES Use of non-lethal weapons is authorized, including joint manipulations and other body control techniques. Do NOT draw nor use firearms and other lethal weapons. If necessary, use the baton or truncheon with calibrated force. Only hit the resisting person(s) on fleshy or thick portions of the arms, torso, thighs, and legs.	Use firm language in a loud voice to command the person/group to cooperate and stop resisting. If necessary, call for back-up.

		Avoid hitting the head, face, neck, collar bones, elbows, knees, spinal column, feet, ankles, and other very sensitive body parts. Strikes to these parts may cause long-term or permanent damage. Police officer should continue to issue firm instructions or directives while restraining or controlling a resisting person/group.	
ASSAULTIVE (POSSIBLE BODILY HARM) Person/group is UNARMED but resisting physically and/or verbally; and already poses a more serious threat to the police officer and to public safety. At this stage, the UNARMED person/group is resisting and has physically attacked or has threatened to attack the police	HARD HANDS, POLICE BATON & OTHER NON-LETHAL FORCE	DEFENSIVE TACTICS Use of non-lethal weapons is authorized, including joint manipulations, body control techniques, and baton/truncheon. Do NOT draw nor use firearms and other lethal weapons. The use of joint manipulations and body control techniques must not result in long-term injury or	Use firm language in a loud voice to command the person/group to stop resisting. While approaching the person/group, the police officer may draw his/her baton and assume a ready striking stance. If the situation escalates and the person/group increases its level of verbal and/or physical resistance, the police officer should approach caution with his/her

officer or any member of the public.		permanent physical damage. If necessary, use the baton or truncheon with calibrated force. Only hit the resisting person(s) on fleshy or thick portions of the arms, torso, thighs, and legs. DO NOT hit the head, face, neck, collar bones, elbows, knees, groin, spinal column, feet, ankles, and other very sensitive body parts. Only use striking techniques (punches, kicks, knee and elbow strikes, head butts, etc.) against an unarmed but resisting subject as a last resort. Police officer should continue to issue firm instructions or directives while restraining or controlling a resisting person/group.	hand positioned and ready to draw the service firearm. Immediately call for back up.
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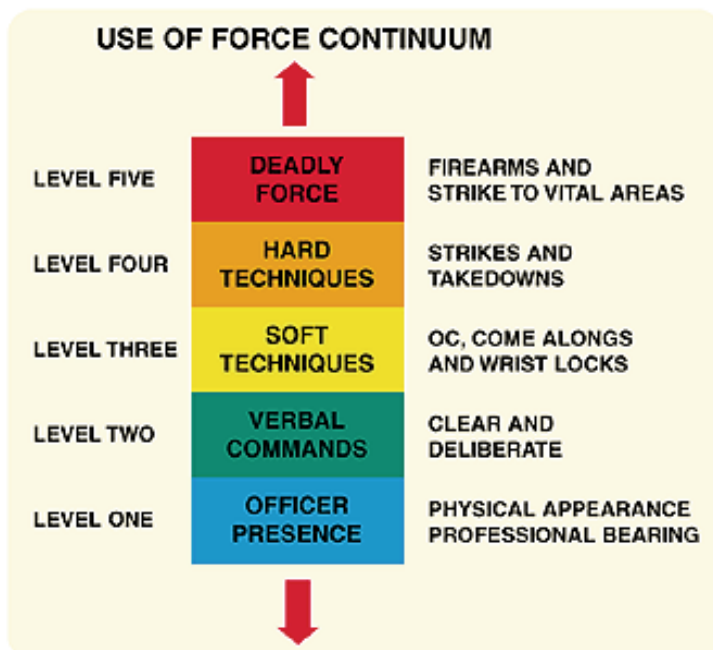
ASSAULTIVE (BODILY HARM)	THREAT TO USE DEADLY FORCE	COMMENSURATE FORCE	
Person/group is ARMED and resisting physically and/or verbally; and already poses a serious threat to the police officer and to public safety. At this stage, the person/group has only made threats and has not yet attacked the police officer and/or any member of the public. The person/group is only armed with blunt, edged or propelled weapons incl. baseball bats or wooden clubs, knives, bolos, swords, bow & arrows, slingshots, blow darts, brass knuckles, rocks, etc.		Use of non-lethal weapons and firearms is authorized.	The police officer must warn the person/group about resorting to violence. The police officer must direct them to lay down their weapons and stop resisting. The police officer may assume a combat ready position with his/her hand over the service firearm; or draw the firearm and point the muzzle to the ground. When necessary, take cover or use additional protective measures against a possible attack. Immediately call for back-up.

ASSAULTIVE (SERIOUS BODILY HARM / DEATH)	USE OF DEADLY FORCE	DEADLY FORCE	
Person/group is ARMED and has attacked or is attacking the police officer and/or the any member of the public using lethal weapons. Person/group is armed with factory manufactured and/or improvised small arms, light to heavy weapons, and explosives.		Use of lethal weapons is necessary and authorized.	After exhausting all means to make the person, group or suspects to peacefully surrender, the police officer is authorized use calibrated lethal force to suppress the threat. Deploy Special Weapons and Tactics (SWAT) unit if necessary. When attacked, the police officer is authorized to immediately engage and suppress the threat using his/her service firearm. When armed resistance subsides, the police officer must cautiously approach the suspects using tactical movements. Wounded persons/suspects must be given first aid and/or brought immediately to the nearest hospital.

ANNEX C

USE OF FORCE CONTINUUM

(alternate / illustrated version)



NOTE: The pro-baton or truncheon is currently the sole non-lethal weapon used by PNP personnel. The use of OC / pepper sprays, tasers, and other non-lethal weapons is not yet officially prescribed.

REFERENCES

The following sources and references were used in the development of this Primer on Rights-Based Policing:

- 1987 Philippine Constitution
- Rules of Criminal Procedures
- Republic Act 7438 - An Act Defining Certain Rights of Persons Arrested, Detained, or Under Custodial Investigation as well as Duties of the Arresting, Detaining, and Investigating Officers, and Providing Penalties for Violations Hereof
- Official PNP Handbook on Police Operational Procedures
- Human Rights and Law Enforcement - A Trainer's Guide on Human Rights for the Police published by the Office of the United Nations High Commissioner on Human Rights (OUNHCR)
- United Nations (UN) Basic Principles in the Use of Force and Firearms
- United Nations (UN) Code of Conduct for Law Enforcement Officials



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