



# RULES OF ENGAGEMENT

VBSS AND GANGWAY / ACCESS CONTROL POINT

## PART A.

# IMPORTANT BACKGROUND CONCEPTS

## PURPOSE OF THIS HANDBOOK

- This Handbook is designed to assist you in developing and using ROE for your VBSS and gangway / access control point missions.

## WHAT ARE RULES OF ENGAGEMENT?

- Rules of engagement are orders issued to you by your national designated authority. ROE set out the permissions and limitations that apply to your conduct of VBSS and gangway / access point control missions and tasks.
- Additionally, ROE also set out any use of force and command authorisation requirements that operate in relation to your VBSS and gangway / access point control missions and tasks.

## USE OF FORCE CONSIDERATIONS

- A key purpose of ROE is to set out rules that reflect the permissions and limitations attaching to your use of force in a range of situations that might arise during VBSS and gangway / access point control missions and tasks.

### 1. Fundamental rule in relation to use of force

- There is one fundamental principle governing all use of force by maritime law enforcement agents - that use of force is only permissible when it is reasonable and necessary in the circumstances. It is important to note that the use of any force against another person can be considered to be an assault. It is only when force is necessary and reasonable that its use may become defensible.
- For example, when acting in self-defence, a person is generally justified in using deadly force if that person has a reasonable belief that deadly force is the only means available to prevent their own death or serious bodily harm. The person using force in self-defence must believe, at the time of the incident, that lesser means of force were either unavailable or were (or would have been) ineffective in stopping the attack

### 2. Levels of force

- There are two levels of force relevant to these ROE:
  - a. Non-deadly force
  - b. Deadly force.

- **Non-deadly force** is force not intended to or likely to cause death or serious injury. In situations where a person lacks a reasonable belief that a threat poses an imminent danger of death or serious bodily harm to that person or others, then the use of force in self-defence is generally limited to non-deadly force.
- **Deadly force** is force intended to or likely to cause death or serious injury, regardless of whether death or serious injury results. The use of deadly force in self-defence is only available in situations where the person has a reasonable belief that a threat poses an imminent danger of death or serious bodily harm to that person or others.

### 3. Purposes for which force might be used

- There are three purposes for which force can be used that are relevant to these ROE:
  - a. Self-defence, which covers defence of:
    - i. Yourself, and /or
    - ii. Others
  - b. Defence of property
  - c. To carry out your law enforcement mission.

#### 3.1 Use force in self-defence or in immediate defence of others

- The right to use force in self-defence or in immediate defence of others arises when
  - Your use of force
  - Is reasonable and necessary
  - In the circumstances of
    - an attack or
    - imminent attack
    - upon you
    - or others you have a right or obligation to protect from such harm
    - in order to stop or deter that attack or imminent attack.
- However, the level of force you are allowed to use in a self-defence and immediate defence of others will depend upon the situation. In all cases, you should only use the minimum force that is both necessary and reasonable in that situation.
- Determining when use of deadly force might be reasonable and necessary generally depends on the situation. This involves you assessing each situation in terms of factors such as:
  - a. The level of threat – deadly force is generally only permitted when life is in immediate danger
  - b. The nature of the threat – if the threat is likely to cause you minor injury (for example, the attacker has only their fists, and does not have a weapon), then using deadly force to halt or deter that threat will be excessive and will leave you liable to legal consequences
  - c. The proximity of the threat – if the threat is not imminent and you have time to try to avoid or deter it by non-deadly means then you must do so
- You can also take measures, if time and circumstances permit, which can help you to determine the intent of the threatening person. Such measures could include monitoring the threatening party's response to:
  - Display of presence
  - Verbal query
  - Verbal warning and/or radio warning
  - Visual warnings

- Noise warnings
- The establishment of physical barriers
- Changing your position or posture to determine if the threat is continuing to maintain a hostile profile, approach or posture
- Warning shots (if permitted)

- If you use deadly force in self-defence when it is not reasonable and necessary to do so, you may be subject to legal consequences (such as prosecution for an unlawful killing). That is, if it was unreasonable and unnecessary to have used deadly force in that situation because non-deadly force would have sufficed, then you may be held criminally liable for the death you have caused. Factors that are considered in making such assessments after the event include:

a. Your intention – whether you meant to use that level of force, which then resulted in the death or serious injury that has occurred.

b. Likelihood of consequence – even if you did not intend for death or serious injury to occur, in those circumstances, there was nevertheless a substantial risk that death would be the outcome of the level and type of force that was used.

### 3.2 Use of force in defence of property

- In general, you must not use deadly force to defend property alone where there is no immediate threat to life. For example, if you see someone trying to break the window of a parked car, then while this is an immediate threat to property it is not an immediate threat to life. Consequently, you can only use non-deadly force to defend that property.
- However, while you are trying to stop the person damaging the car, if that person then turns on you or someone else (with the club they are using to break the car window), then this becomes a situation of your own self-defence or the defence of those other people from an immediate threat. It is no longer a situation of defence of property alone.
- There may be rare situations where a piece of property is so critical that its destruction might place life in immediate danger. An example might be a situation where a stand-off has developed between your team and the armed crew of the suspect vessel you have boarded. An armed crew member on the suspect vessel is trying to destroy the outboard engine of the RHIB you are using for the boarding. This RHIB is your only means of extraction, and you fear that if it is disabled, the suspect vessel crew will immediately attack and kill your team. In this case, use of force to halt the attempt to destroy the RHIB motor has become a use of force to halt an immediate threat to life.

### 3.3 Use of force to carry out your law enforcement mission

- As maritime law enforcement agents of your country, you will be authorised to use force, in certain circumstances, to carry out your law enforcement role and achieve your law enforcement mission. Such purposes can include:
  - Stopping and boarding a suspect vessel
  - Stopping and searching people at access control points
  - Searching a vessel or vehicle, and cargo and people on board the vessel or in the vehicle
  - Restraining or detaining people on board the vessel or in the vehicle
  - Seizing cargo or other items found (e.g. as evidence)
  - Destroying certain items found in a vehicle, or on board or deployed from a vessel (e.g. nets which cannot be recovered for some reason)
  - Detaining a vehicle or vessel
  - Controlling a vessel so as to steam or sail it to a port for further investigation.

- For example, you may be authorised during a VBSS operation to break open the locked hatch on a compartment in order to search that compartment. In this situation, the reason you are using force has nothing to do with self-defence or deterring any threat; the reason you are using force is to achieve your authorised law enforcement mission of conducting that search for illegal items.
- Similarly, if the master of the vessel tries to prevent you from breaking open the hatch, you may need to temporarily restrain him so that you can continue with your search. In this case, you might need to use force to temporarily restrain the master - but you are not doing so because he is presenting any threat to you or others; you are using force for a law enforcement mission accomplishment purpose.
- Consequently, because there is no immediate threat to life in such situations, use of force for law enforcement purposes is always limited to non-deadly force. The source of authority for your use of force for such law enforcement mission accomplishment purposes will be your country's relevant policing powers laws, not the law relating to self-defence. That is, for maritime law enforcement purposes, unless self-defence situations apply, the use of force is generally limited to non-deadly force.



## References:

- San Remo Handbook on Rules of Engagement (International Institute for humanitarian Law, San Remo, 2009) - <http://iihl.org/wp-content/uploads/2017/11/ROE-HANDBOOK-ENGLISH.pdf>
- Handbook on the Use of Force for Private Security Companies (Oceans Beyond Piracy, 2015) [http://oceansbeyondpiracy.org/sites/default/files/attachments/Private\\_Security\\_Force\\_Handbook.pdf](http://oceansbeyondpiracy.org/sites/default/files/attachments/Private_Security_Force_Handbook.pdf)
- Maritime Crime: A Manual for Criminal Justice Practitioners 2nd Edition (UNODC GMCP, Vienna / Colombo, 2019) [https://www.unodc.org/documents/Maritime\\_crime/19-02087\\_Maritime\\_Crime\\_Manual\\_Second\\_Edition\\_ebook.pdf](https://www.unodc.org/documents/Maritime_crime/19-02087_Maritime_Crime_Manual_Second_Edition_ebook.pdf)

<b>Rule set this Handbook</b>	<b>Equivalent rule set San Remo Rules of Engagement Handbook</b>	<b>Comments</b>
1.1 Defence of self and others	Series 10 Use of force in individual self-defence; Series 12 Use of force for the protection of others	10A N/A; 10D-E incorporated in Rule Set 1.2; 12A N/A; 12D unnecessary due to into Rule set 2.1
1.2 Defence of property	Series 40 Use of force to protect property	Excludes lethal force rules N/A to maritime law enforcement focus of this Handbook
2.1 Use of force to accomplish your law enforcement mission / access point control mission	Series 20 Use of force for mission accomplishment; Series 110 Use of force in assistance to civil authorities, including law enforcement	Excludes lethal force for mission accomplishment as focus of this Handbook on maritime law enforcement and routine access point control
2.2 Carrying weapons	Series 70 Authority to carry weapons	
3.2 Direct fire	Series 24 Disabling fire	Term used in this Handbook is 'direct fire'; this Handbook more detailed as to use of direct fire to halt a delinquent vessel for maritime law enforcement purposes
4.1 Use of force to get on board the vessel	Series 90 Maritime law enforcement; Series 93 Boardings	Non-maritime law enforcement purposes (dealing with non-innocent passage, maritime security) excluded as beyond VBSS and access point control focus of this handbook; simplified re: references to compliant and non-compliant boardings
5.1 Searching a vessel or vehicle	Series 42 Inspection, seizure, and destruction of property	N/A rules excluded (eg force to secure release of property held by adversary)
5.2 Searching people	Series 25 Search and detention of people	Simplified by not splitting out separate rules for search, disarm, apprehend fleeing person

5.3 Temporarily restraining people	Series 25 Search and detention of people	Post search temporary detention split out into separate Rule set to reflect sequencing tasks in VBSS and access point control missions
6.1 Seizing and taking things	Series 42 Inspection, seizure, and destruction of property; Series 90 Maritime law enforcement	Exclusion of rules N/A to VBSS and access point control focus of this Handbook (eg Contiguous Zone enforcement, hot pursuit)
6.2 Seizing vessels	Series 42 Inspection, seizure, and destruction of property; Series 90 Maritime law enforcement	As above
6.3 Detaining people	Series 111 Detention and arrest of persons	Exclusion of unnecessary rules and generalisation into single task
7.1 Additional task specific rules	123-129 Spare	Tailored rule drafting option

# RULE MENU

## SERIES 1 SELF-DEFENCE

### 1 Defence of self and others

#### RULE 111

Where necessary, you can use only non-deadly force to defend yourself or others of your team.

#### RULE 112

Where necessary, you can use up to and including deadly force to defend yourself, others of your team, and others in your vicinity [including the crew of suspect vessels], but only if your life is threatened.

Note: When your or their life is not threatened, you can only use non-deadly force in self-defence.

### 2 Defence of property

#### RULE 121

You are not permitted to use any force to defend property.

#### RULE 122

Where necessary, you can use only non-deadly force to defend property where there is no threat to life.

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#### RULE 123

Where necessary, you can use up to and including deadly force to defend property if the destruction of or damage to that property will immediately endanger life.



# SERIES 2 GENERAL RULES FOR LAW ENFORCEMENT / ACCESS POINT CONTROL MISSION ACCOMPLISHMENT

1 Use of force to accomplish your law enforcement mission / your access point control mission

## RULE 211

You are not permitted to use force to accomplish your law enforcement mission / access point control mission [select appropriate situation].

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

## RULE 212

Where necessary, you can use only non-deadly force to accomplish your law enforcement task / access point control mission [select appropriate situation].

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

## RULE 213

Where necessary, you can use up to and including deadly force to accomplish your law enforcement task / accomplish your access point control mission [select appropriate situation].

Note: This rule does not relate to your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

# SERIES 3 DIRECT FIRE

Definition: Direct fire is fire aimed directly at or into a suspect vessel with the intention of making the vessel stop, either by demonstrating escalation of force or by disabling the vessel.

Limitation: Direct fire must be aimed only at places where there are no people and in a way that will not cause the vessel to sink and will not endanger the life of those in the vessel – for example, by aiming at the radar mast, or at the front of the bow/anchor, or at the rudder or rudderpost.

Note: Direct fire is only to be authorised after all other means of trying to make the vessel stop – such as warning shots and radio or loudhailer warnings – have failed.

## RULE 321

You are not permitted to use direct fire.

## RULE 322

You are permitted to use direct fire only when authorised by the Commanding Officer.

## RULE 323

You are permitted to use direct fire only when authorised by the designated authority.

## RULE 324

You are permitted to use direct fire.

## SERIES 4 BOARDING A SUSPECT VESSEL

### 1 Use of force to get on board the vessel

Note: This rule relates to use of force to get onto a vessel during VBSS – for example, by breaking down barriers placed at the guardrails to hinder boarding from your RHIB. It does not relate to use of force for search once you are on board – that is covered by series 5 rule set 1 below.

#### RULE 411

You are not permitted to use force to get on board a suspect vessel.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

#### RULE 412

You are permitted to use only non-deadly force to get on board a suspect vessel.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.



# SERIES 5 SEARCH AND INSPECTION

## 1 Searching a vessel or vehicle

Note: This rule can be adjusted to fit the VBSS or access point control mission by using the correct [insert] for the situation – such as 'vessel' for VBSS, or 'vehicle' for access point control.

### RULE 511

You are not permitted to use force when you are searching a [vessel / vehicle].

### RULE 512

When necessary, you are permitted to use only non-deadly force when you are searching a [vessel / vehicle].

## 2 Searching people

Note 1: This rule can be used for either the VBSS or access point control missions.

Note 2: Any search of people must be undertaken in accordance with applicable codes of conduct or other policy on the conduct of searches, including in relation to gender and privacy concerns when searching people.

### RULE 521

You are not permitted to use force when you are searching a person.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

### RULE 522

When necessary, you are permitted to use only non-deadly force when you are searching a person.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.





### 3 Temporarily restraining people

#### **RULE 531**

You are not permitted to temporarily restrain any person.

#### **RULE 532**

You are permitted to use only non-deadly force to temporarily restrain a person who is a safety or security threat.

#### **RULE 533**

You are permitted to use only non-deadly force to temporarily restrain a person who is interfering with your search.

#### **RULE 534**

You are permitted to use only non-deadly force to temporarily restrain a person who [specify particular circumstances].

#### **RULE 535**

You are permitted to use only non-deadly force to temporarily restrain a person who is interfering with your search.

# SERIES 6 DEALING WITH SEIZED OBJECTS AND PEOPLE

## 1 Seizing and taking things

Note1: 'Things' includes objects, documents, records, catch, equipment, weapons, and other items as may be necessary and /or permitted to size in a particular situation.

Note2: This rule can be adjusted to fit the VBSS or access point control mission by using the correct [insert] for the situation – such as suspect vessel and crew for VBSS, and suspect person for access point control.

### RULE 611

You are not permitted to seize or take anything from a [suspect vessel and people on the suspect vessel / suspect person].

### RULE 612

You are permitted to seize or take things from the [suspect vessel and people on the suspect vessel / suspect person] only when authorised to do so by the on-scene commander.

### RULE 613

You are permitted to seize and take things from the [suspect vessel and people on the suspect vessel / suspect person] only when necessary for safety, security, or evidence purposes.

### RULE 614

You are permitted to seize and take things from the [suspect vessel and people on the suspect vessel / suspect person] only when [insert reason / situation].

### RULE 615

You are permitted to seize and take [type – eg dangerous] things from the [suspect vessel and people on the suspect vessel / suspect person].



2. Seizing vessels

**RULE 621**

You are not permitted to seize or arrest any vessel.

**RULE 622**

You are permitted to seize or arrest a vessel only when authorised by the Commanding Officer.

**RULE 623**

You are permitted to seize or arrest a vessel only when authorised by the designated authority.

3 Detaining people

**RULE 631**

You are not permitted to detain or arrest any person.

Note: This does not limit your authority, if granted

**RULE 632**

You are permitted to detain or arrest people only when authorised by the Commanding Officer.

Note: This does not limit your authority, if granted in ROE, to temporarily restrain a person for an approved purpose or in accordance with authorisation you have been given.

**RULE 633**

You are permitted to detain or arrest people only when authorised by the designated authority.

Note: This does not limit your authority, if granted in ROE, to temporarily restrain a person for an approved purpose or in accordance with authorisation you have been given.

**SERIES 7 ADDITIONAL RULES**

This series is to provide spare rule numbers that can be used for drafting special rules that need to be written for a particular task or situation not covered by the other rule options above.

1 Additional task specific rules

**RULE 711**

[Write the rule you need]

**RULE 712**

[Write the rule you need]

**RULE 713**

[Write the rule you need]



## PART C.

# EXAMPLE ROE SETS

## EXAMPLE 1: VBSS ROE

### ROE for VBSS

1. Authority: This ROE is authorised by [designated authority eg Commander Coast Guard].
2. Scope of application: This ROE applies to the conduct of VBSS by units and personnel of the [nation] Coast Guard / Marine Police / Navy.
3. Temporal application: This ROE remains in force from [commencement date] until cancelled or superseded.
4. Amendment: Any request to amend or alter this ROE must be addressed to the [designated authority]. No amendment to this ROE can take effect unless specifically authorised by the [designated authority]
5. The following Rules are in force:

### RULE 112

Where necessary, you can use up to and including deadly force to defend yourself, others of your team, and others in your vicinity including the crew of suspect vessels, but only if your life is threatened.

Note: When your or their life is not threatened, you can only use non-deadly force in self-defence.

### RULE 122

You can use only non-deadly force to defend property where there is no threat to life.

### RULE 123

You can use up to and including deadly force to defend property if the destruction of or damage to that property will immediately endanger life.

### RULE 211

Where necessary, you can use only non-deadly force to accomplish your law enforcement mission.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

### RULE 223

You are permitted to carry weapons when you board a suspect vessel.

### RULE 312

You are permitted to use warning shots only when authorised by the Commanding Officer.

### RULE 323

You are permitted to use direct fire only when authorised by the designated authority.

### RULE 412

You are permitted to use only non-deadly force to get on board a suspect vessel.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

## **RULE 512**

When necessary, you are permitted to use only non-deadly force when you are searching a vessel.

## **RULE 522**

When necessary, you are permitted to use only non-deadly force when you are searching a person.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

## **RULE 532**

You are permitted to use only non-deadly force to temporarily restrain a person who is a safety or security threat.

## **RULE 533**

You are permitted to use only non-deadly force to temporarily restrain a person who is interfering with your search.

## **RULE 613**

You are permitted to seize and take things from the suspect vessel only when necessary for safety, security, or evidence purposes.

## **RULE 623**

You are permitted to seize or arrest a vessel only when authorised by the designated authority.

## **RULE 633**

You are permitted to detain or arrest people only when authorised by the designated authority.

Note: This does not limit your authority granted by Rules 532 and 533 to temporarily restrain a person for safety and security purposes.

## **EXAMPLE 2: ACCESS CONTROL POINT SENTRY ROE**

### **ROE for access point / gangway control**

1. Authority: This ROE is authorised by [designated authority eg Commander Coast Guard].
2. Scope of application: This ROE applies to the conduct of access point and gangway control by personnel of the [nation] Coast Guard / Marine Police / Navy.
3. Temporal application: This ROE remains in force from [commencement date] until cancelled or superseded.
4. Amendment: Any request to amend or alter this ROE must be addressed to the [designated authority]. No amendment to this ROE can take effect unless specifically authorised by the [designated authority]
5. The following Rules are in force:

## **RULE 112**

Where necessary, you can use up to and including deadly force to defend yourself, others of your team, and others in your vicinity, but only if your life is threatened.

Note: When your or their life is not threatened, you can only use non-deadly force in self-defence.



## **RULE 122**

You can use only non-deadly force to defend property where there is no threat to life.

## **RULE 123**

You can use up to and including deadly force to defend property if the destruction of or damage to that property will immediately endanger life.

## **RULE 211**

Where necessary, you can use only non-deadly force to accomplish your access point control mission.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

## **RULE 223**

You are permitted to carry weapons when you are on sentry duty at an access control point.

## **RULE 512**

When necessary, you are permitted to use only non-deadly force when you are searching a vehicle.

## **RULE 522**

When necessary, you are permitted to use only non-deadly force when you are searching a person.

Note: This rule does not limit your right to use force in self-defence or immediate defence of others. Refer to the self-defence rules.

## **RULE 532**

You are permitted to use only non-deadly force to temporarily restrain a person who is a safety or security threat.

## **RULE 615**

You are permitted to seize and take dangerous things from any suspect person.

## **RULE 633**

You are permitted to detain or arrest people only when authorised by the designated authority.

Note: This does not limit your authority granted by Rule 532 to temporarily restrain a person for safety and security purposes.

## PART D.

# EXAMPLE ROE CARDS FOR SAILORS AND SENTRIES

## SELF-DEFENCE CARD

### (ON REVERSE OF BOTH VBSS AND ACCESS POINT CONTROL CARDS)

#### USE OF FORCE IN SELF-DEFENCE

1. If you use force you must only use the minimum force necessary, and only for as long as necessary, to achieve your aim.

2. A warning is to be given before opening fire in self-defence, if time and circumstances permit. You should warn by shouting:

"STOP OR I WILL FIRE".

3. You can use deadly force in self-defence ONLY when:

- It is reasonable and necessary in the circumstances
- To defend yourself or others in your proximity
- From immediate threat of death

4. In all other circumstances of self-defence you can use only non-deadly force.

5. If the destruction of critical property in your proximity will create an immediate threat to your life or the lives of others, use of deadly force to prevent that destruction may be permitted so long as it is reasonable and necessary in the circumstances.

6. If you have to open fire, you must:

- Fire only aimed shots AND
- Use no more force than is necessary to neutralise the threat AND
- Take all reasonable precautions not to injure anyone other than your target.

## SENTRY CARD

#### USE OF FORCE IN SELF-DEFENCE

1. As a sentry you may use force only for:

- Self-defence of yourself and others in your proximity (see reverse of this card)
- Defence of property
- To carry out your access control point sentry duty

2. IN ALL CIRCUMSTANCES, if you use force, you must only use the minimum force necessary, and only for as long as necessary, to achieve the aim.

## USE OF FORCE TO DEFEND PROPERTY

3. You may, if it is reasonable and necessary in the circumstances, use only non-deadly force to defend property alone when there is no threat to life.

## USE OF FORCE TO ACHIEVE YOUR SENTRY MISSION

4. In the following circumstances you can use only non-deadly force to achieve your sentry mission:

- To search a suspect person or vehicle
- To seize dangerous things from a suspect person or vehicle
- To restrain a person who is threatening safety or security
- To detain or arrest a person, when you have been authorised to do so

## VBSS CARD

### USE OF FORCE DURING VBSS OPERATIONS

1. During a VBSS operation you may use force only for:

- Self-defence of yourself and others in your proximity (see reverse of this card)
- Defence of property
- To carry out the VBSS operation

2. IN ALL CIRCUMSTANCES, if you use force, you must only use the minimum force necessary, and only for as long as necessary, to achieve the aim.

### USE OF FORCE TO DEFEND PROPERTY

3. You may, if it is reasonable and necessary in the circumstances, use only non-deadly force to defend property alone when there is no threat to life.

### USE OF FORCE DURING THE VBSS OPERATION

4. In the following circumstances you can use only non-deadly force during your VBSS operation:

- To break down obstructions that are interfering with your ability to get on board the suspect vessel
- To search the suspect vessel, including to break open a hold or container in the vessel
- To search a person in the suspect vessel
- To seize evidence and dangerous things from the suspect vessel
- To seize evidence or dangerous things from a person in the suspect vessel
- To restrain a person who is interfering with your search
- To restrain a person who is threatening safety or security
- To detain or arrest a person, if you have been authorised to do so
- To otherwise control the suspect vessel, if you have been authorised to do so

# ADDITIONAL PLANNING AND TRAINING MATERIAL FOR COMMANDERS

## 1. TRAINING SCENARIOS

### Situation: Base access point sentry

A sentry is providing access control at the entry to the base.

A person without an access pass attempts to get through the barrier gate. The sentry warns him to stop, but the person advances, shaking his fist and yelling that he is going to hurt the sentry if he doesn't let him through.

The person is ten metres from the sentry and is moving towards him in a threatening manner.

The sentry is armed with a rubber baton, pepper spray, and a side arm. Without providing any warning the sentry shoots the man in the chest. The man dies.

### Assessment:

The force used was excessive because:

- a. There is no indication that the person was armed
- b. The threat posed did not warrant the use of deadly force at that stage
- c. The defender did not follow escalation of force procedures in a situation where less harmful responses were reasonably available prior to resorting to deadly force.

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### Scenario: Gangway sentry

An intruder is approaching the gangway sentry.

The sentry warns the intruder to stop, but the intruder advances on the sentry with a raised machete.

When the intruder is five metres away, he lunges towards the sentry.

The sentry is armed with a rubber baton and a sidearm. The sentry draws his sidearm and shoots the intruder in the chest. The intruder dies.

## Assessment:

In this case, the resort to deadly force (rather than the baton) could be considered reasonable in the circumstances. Factors that will be relevant will included:

- The immediacy of the threat – the defender has only seconds to respond.
- The nature of the threat – the attacker is wielding a long machete which if it strikes the defender will likely cause serious bodily harm or death.
- The reasonableness of the response - a response that is likely to cause serious bodily harm or death to the attacker may be justified in the circumstances because of the immediacy and nature of the threat.
- No readily available less harmful alternative responses – using the baton against a long machete may not be sufficient to halt the threat.

## 2. DEVELOPING A MATRIX TO ASSIST IN RULE SELECTION

1. As a commander responsible for requesting, authorising, or implementing ROE, it is important to:

- a. Analyse your mission and tasks,
- b. Take stock of who will be involved, and how these missions and tasks will be undertaken, and
- c. Assess any relevant legal and other constraints.

2. From these 'inputs' it is then possible to work out:

- a. What sort of rules you will need in order to be able to achieve your mission and tasks,
- b. The required scope of those rules (such as whether they involve use of force), and
- c. Whether the rules need to have any specific approval levels or triggers built into them.

3. One way to do this is to develop a matrix that sets out the inputs you will need to take account of, so that you can then establish what the rules will need to cover.

4. There is no one single way to undertake this planning process. The key is to go through a deliberate planning and mission analysis process so that you can be sure that you ask for the ROE you will need.

5. Below are some examples of how one approach to planning – developing a matrix - can be used to help work out what you need to include or think about when working out what ROE you need for a mission.

The three matrixes below deal with:

- a. Working out the scope of self-defence rules you might require,
- b. Establishing what ROE you might need for a VBSS mission, and
- c. Working out how gangway and access control point ROE and self-defence ROE might need to

Matrix 1: Self-defence

Self defence	Task	Act	Authority	Scope of Rule
1. Self	Halt or deter threat of harm	Respond with force, if necessary, to prevent (further) harm	<p>Your national legal authority / permissions</p> <p>Any relevant limitations that must be taken into account</p>	<p>Deadly force available in situations of threat to life</p> <p>Non-deadly force available in all situations</p> <p>In all cases, must be reasonable and necessary</p>
2. Team members			<p>As above</p> <p>Consider any limits on third person defence</p>	
3. Others, including crew of suspect vessel			<p>As above</p> <p>Consider any limits on third person defence</p> <p>Consider situation of intervention where crew members attacking each other</p>	
4. Property	Halt or deter threat of damage	Respond with force, if necessary, to prevent (further) damage As above	As above	<p>Non-deadly force only</p> <p>Consider deadly force in situation where damage to / destruction of critical property (eg boarding RHIB, ammunition store) will immediately place life in danger</p>

## Matrix 2: VBSS

<b>Mission</b>	<b>Task</b>	<b>Act</b>	<b>Authority</b>	<b>Scope of Rule</b>
Conduct VBSS	Halt or deter threat of harm	Warning shots  Direct or disabling fire	Your national legal authority / permissions  Any relevant limitations that must be taken into account  Any special definitions or factors that need to be taken into account  Who can authorise this act?	Warning shots – CO approval  Direct fire – designated authority approval
	Board suspect vessel	Carry weapons  Use non-deadly force to get on board		Conduct boarding in permissive situation – CO  Conduct boarding in opposed situation – designated authority
	Search vessel	Search  Non-deadly force to gain access		Differentiate from self-defence situations  Use mission accomplishment restraint rule  Authorisation level required – already given / CO / designated authority above CO

	Restrain people	Secure people in an area  Use restraints		
	Seize evidence	Seizure  Removal from suspect vessel  Dispose / destroy material		
	Seize vessel	Control / direct vessel  Control / direct crew		





### Matrix 3: Access Point Control

<b>Mission</b>	<b>Task</b>	<b>Act</b>	<b>Authority</b>	<b>Scope of Rule</b>
Gangway security and access control	Give warning to approaching person / vehicle / vessel	Display weapons  Escalate warning  Use warning shot	Your national legal authority / permissions  Any relevant limitations that must be taken into account	Non-deadly force for escalation of warnings  Non-deadly force for warning shots
	Continues to approach but non-life threatening	Halt or neutralise threat  Restrain after halting / neutralising	Any special definitions or factors that need to be taken into account  Who can authorise this act?	Revert to self-defence of self and others rules – non-deadly force only  Use mission accomplishment restraint rule
	Continues to approach but deadly threat			Revert to self-defence of self and others rules – up to and including deadly force, where necessary  Use mission accomplishment restraint rule if necessary



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