

PRACTICAL GUIDE FOR INTERACTION BETWEEN POLICE OFFICERS AND CIVILIANS DURING THE PERIOD OF THE OLYMPIC GAMES

HELLENIC REPUBLIC

MINISTRY OF PUBLIC ORDER

GREEK OMBUDSMAN

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PREFACE BY THE MINISTER OF PUBLIC ORDER

THE FORTHCOMING Olympic Games of 2004, in Athens and other cities of the country, accomplish a great national goal for us. The success of the games will provide Greece with even more glory, honor, and prestige. Thus, the perfect organization of the games is something that concerns all of us.

FOR THE GREEK POLICE, the successful and safe conduct of the games is a major challenge, which will test, on a previously unprecedented scale, the professionalism and the readiness of its staff, the effectiveness of its new methods, the sufficiency of its accumulated experience and know-how, and all other measures which explain its recent series of successes and the increased trust civilians show it.

THE TIME PERIOD OF THE OLYMPIC GAMES is also a first-rate opportunity to bolster and strengthen this trust. Good relations between the police and the public can be maintained only within a climate of mutual respect and trust. This presupposes the protection of individual and collective rights by the police, and interaction with civilians that demonstrate accountability, seriousness, and sensitivity.

THIS GUIDE is an attempt to describe, in a rough outline, practical guidelines for interactions between the police officer and the civilian, and in this instance, the visitor to the Olympic Games. It focuses on the most critical aspects of possible interactions of civilians and visitors with the Greek Police during the period of the Olympic Games: the requests of civilians or visitors of the games for information, advice, or help from the police officers; arrests and detentions of civilians and/or visitors to the Olympic Games; and the general policing of crowds.

THE TEXT OF THIS GUIDE resulted from the friendly collaboration of the Greek Ombudsman with ELAS (the Greek Police), in the context of the wider effort by the Ministry of Public Order to highlight and establish standards of practical and good behavior for the Greek police officers. It is not an attempt to advise police officers about

the way they should perform their duties. Rather, it is an attempt to provide a useful tool for every police officer officially involved in security for this international athletic event, so that he/she understands better his/her obligations while interacting with civilians, which obligations derive from applicable Greek and international laws. That is why this practical guide draws its material from the presidential decrees which provide the pertinent framework for ELAS (the Greek Police), the European Code of Police Ethics by the Council of Europe, the International Human Rights Standards for Law Enforcement which the United Nations has adopted, the reports of the Greek Ombudsman, as well as from internationally recognized good practices used by foreign police forces.

GIVEN THIS OPPORTUNITY, I would like to thank the Ombudsman of the Hellenic Republic not only for his response to our invitation for collaboration, but also for his initiative in creating this publication. I would also like to thank the Altus Global Alliance of The Hague, the Police Assessment Resource Center of Los Angeles, and the Center for Studies on Public Security and Citizenship of Rio de Janeiro, for the advice they gave in the preparation of this guide, combining the national regulations which govern the actions of ELAS (the Greek Police), with available international material.

GEORGE VOULGARAKIS

I REQUESTS FROM INDIVIDUALS FOR ASSISTANCE OR INFORMATION

For members of the public—both residents of Greece and visitors—police officers are among the most visible and accessible representatives of the state, particularly when they are patrolling their jurisdictions in their uniforms and in marked vehicles. Because of this visibility and accessibility, civilians often turn to the police to help them solve a variety of problems, including many that are unrelated to the central law enforcement mission of preserving public safety and order. Civilians often ask police for information, directions, and other types of assistance.

These requests are a sign of trust by civilians in the Hellenic Police, and the police must preserve that trust, not betray it. The manner in which officers respond to those requests plays a large role in determining how civilians perceive not only the police, but also their employer, the state. It is the duty of the Hellenic Police to respond to all requests with courtesy and to do so while avoiding biases toward members of any social groups. For a foreign visitor, a request to a police officer for information may well be the visitor's most important interaction with a government official. That interaction will shape the visitor's views of Greece and its people. Police officers who interact with the public with courtesy and professionalism generate positive feelings about police and the state.

To best serve the public in responding to requests for information or assistance, the police officer should follow these guidelines:

- The police officer should understand that helping civilians with their requests for information and assistance is a major part of an officer's job and should welcome such requests.
- The police officer should be knowledgeable about the area the officer is assigned to and commonly used government and private-sector services, including how and where to access those services.
- If the officer is unable to answer a question or provide the requested assistance, the officer should advise where the information or help can be found, rather than merely turning the person away.
- If the person is in need of emergency medical assistance, the officer should summon assistance without delay and remain with the person until it arrives.
- If the person becomes rude, disrespectful of the police, or verbally abusive, the police officer must nonetheless remain calm and professional, continuing to treat the civilian with courtesy, respect, and patience. Officers who meet verbal hostility with insults or verbal hostility of their own risk escalating the encounter and drawing more civilians into the argument.
- If the police officer is asked questions or called for help by a civilian who speaks a language the officer does not speak, the officer should immediately contact the Language Services Center listed in the Security Manual of the Security Directorate for the Olympic Games, to obtain the assistance of an interpreter.

The following authorities support these principles and guidelines:

**Presidential Decree 141/91, Article 74
Officers on Patrol**

8. The officer on patrol remains within the boundaries of the officer's sector ... except ... if the officer ... is called for help by ... by a civilian.

15. The officer on patrol ... has ... the following duties:

d. The officer helps, consistent with Service capabilities, every individual who ... is in need of help.

f. Provides information requested of the officer in a prompt, courteous, and brief manner
....

Code of Ethics for the Hellenic Police (*Draft*)

Article 3

Serving Citizens

1. The protection of citizens' rights and ensuring speedy, unimpeded, and smooth service for them, as well as improvement of the relationships between the police and citizens, is a primary duty of the police officer.

3. Approaching citizens' needs with social sensitivity and flexibility, avoiding ceremonialism, exhibiting initiative, and undertaking practical measures, so that injustices are prevented and citizens are efficiently served, as well as creating relationships based on mutual trust, cooperation, and social consent, are the officer's daily concern.

Article 4

Protection of Social Groups

1. The police officer demonstrates special care for the protection of children, women, the elderly, individuals with special needs, and members of minority groups, and provides every possible assistance and protection to persons in need.

2. Avoiding biases about the color, sex, national origin, ideology, religion, sexual orientation, family status, and financial and social position of the person, is a fundamental requirement of the officer's behavior.

3. Treats minors with sensitivity, understanding, and humanity

II

STOPPING, SEARCHING, AND ARRESTING CIVILIANS

Stopping, searching, and arresting people is an infringement on their rights to liberty and the security of their persons, rights which are protected by the Constitution and international human rights standards. Other than routine identity checks, such infringements may occur only if the police have *serious suspicion* that the person stopped, searched, or arrested has violated the law.

Serious suspicion must be based upon objectively reasonable facts about the behavior of the person being stopped, searched, or arrested. An officer who has serious suspicion that a person is involved in crime should follow the following guidelines:

- The officer should be able to describe the specific behaviors and other facts which justified the intrusion. Behavior is crucial. An officer cannot lawfully stop, search, or arrest based on a whim; a guess; the mere fact that a person is in a high crime area; characteristics of the person, such as color, gender, national origin, ideology, religion, sexual orientation, family status, financial

or social position, or status as a foreigner; expression of opinion; bad attitude; or lack of willingness to cooperate with a police request that does not have the force of law.

- The officer should document the facts giving rise to the officer's serious suspicion in detail in a police report on the day of the stop, search, or arrest.

Verification of Identity

The police may not take into custody for verification of identity a person who produces a valid police identification card or passport unless the person's behavior gives the police serious suspicion of a violation of the law. The possibility that a person could be a fugitive is not sufficient to detain a person for verification of identity without the existence of sufficient facts to constitute serious suspicion that the person is a fugitive. As is true whenever the authorities seek to deprive someone of liberty, the police have the burden of proving the basis for the restriction. Thus, the civilian does not have to prove the absence of such a basis.

In verifying a person's identity, the police should follow these guidelines:

- The police should ask politely to see a person's identification. If the person produces valid identification, the police must allow the person to go on their way.
- If a person cannot produce valid identification, the police may take the person to the police station, but only for the narrow purpose of verifying identity. Both the scope of the inquiries at the police station and the length of detention should be the minimum necessary to accomplish the verification.

Stops

Stops involve short periods of detention during which a person is compelled to remain on the street or in a location as directed by the police. As a deprivation of liberty, the police may stop an individual only upon serious suspicion of criminal behavior. In stopping a person, a police officer should follow these guidelines:

- The police officer must have a good-faith, objectively reasonable belief that the person stopped has violated the law.
- The officer must later file a report that describes the facts which led the officer to conclude that serious suspicion of criminal behavior existed.
- Unless the officer subsequently develops facts that justify an arrest, the officer should complete the stop in the shortest time and with the least compulsion possible.
- The officer should question the stopped person only as to information that is absolutely necessary. The officer should not seek personal information.

- The officer may not photograph or fingerprint the stopped person.
- During the period of detention, the officer should permit the stopped person to communicate in person or by phone with relatives or other persons of their choosing.

Searches

Searches of a person, nonresidential private premises, vehicle, or object may take place only upon the showing of serious suspicion of criminal behavior. In conducting a search, the police should follow these guidelines:

- Unless waiting for a supervisor would make the search impossible, a supervisor must conduct the search.
- Unless impossible, two witnesses should observe the search.
- A female officer, or other woman selected by the police, must conduct a search of a woman.
- The member of the Service conducting the search should minimize the intrusion caused by the search. For instance, searches which require the detained person to lie face down or remain in another uncomfortable or humiliating position should be employed sparingly and only when justified by specified reasons related to the safety of officers and/or the public.
- The police should explain to the individual searched, or the owner of the property or premises searched, the reason and legal basis for the search.
- The police officer must abide by these guidelines even in the case of very serious crimes, such as when vehicles are searched in drug trafficking felonies, or when undercover activities are conducted against drug trafficking. In all cases the investigating officer must always make sure that the competent prosecutor is immediately informed.

Arrests

The police may make an arrest only on serious suspicion of a violation of the law based upon objective facts showing that the person to be arrested violated the law. As stated in the Draft Code of Ethics for the Hellenic Police, officers must be “certain” that a violation of law occurred and must make arrests only when “necessary.” Otherwise, the arrest constitutes an illegal detention. In making an arrest, the police should follow these guidelines:

- The police should inform the person being detained of the factual basis for the arrest. Providing such notice not only conforms with human rights standards but also lessens the chance of resistance by the arrestee due to a failure to provide him with desired information.

- An officer must promptly explain to the person arrested the rights guaranteed to those who are arrested. The officer must also provide the arrested person with a written statement of those rights.
- The police must treat the arrested person with respect and humanity, and should accommodate reasonable personal needs that do not jeopardize officer safety or violate Service protocols.
- The police may handcuff or use other restraints only when specific facts demonstrate that the arrested person may use violence or escape, if left unrestrained.
- An officer may never use excessive force or otherwise abuse a person under arrest.
- The officer should permit the arrested person to communicate in person or by phone with relatives or other persons of their choosing.
- The officer should process the arrest in the shortest time possible.

Foreigners

In stopping, searching, or arresting those who do not speak and understand Greek, the police should use these guidelines:

- Regardless of the difficulties in doing so, the police must provide all required oral and written communications in a language that the detained person understands.
- In providing information about the detention and the detained person's rights in a language understood by the detained person, the police may use an officer who speaks a language the detained person speaks, an interpreter, a consular official, or anyone else available, in person or over the telephone.

Noncitizens of Greece are protected by an international treaty commonly known as the Vienna Convention. The failure to inform arrested or detained foreigners of these rights may jeopardize a subsequent prosecution or conviction. To comply with the Vienna Convention, the police officer should follow these guidelines:

- The officer must promptly inform the arrested or detained person of the rights (i) to request that the police inform the consular authorities of the person's home country of the arrest or other detention; and (ii) to communicate directly with the consular officials of the person's home country.
- The police must allow consular officials of a foreigner's home country to communicate with the foreign national, to visit, to correspond, and to arrange

for legal representation—subject to the right of the foreign national to prohibit such contacts by consular officials.

- The police must ensure that every stationhouse has a list of all the foreign consulates in Greece, including their addresses and telephone numbers.

A noncitizen of Greece may seek asylum, in accordance with international human rights conventions, based upon a well-founded fear of persecution or torture in the person's home country. To comply with those provisions of international law, the police should follow these guidelines:

- The officer should immediately accompany a foreigner who indicates a desire to seek asylum, or a fear of persecution or torture if returned to the noncitizen's home country, to the nearest Alien Division of the local police department.
- When a noncitizen indicates a possible asylum claim, the officer should not notify officials of the home country without an explicit request, corroborated in writing, by the foreigner to do so. Notification of the home country without an explicit request from the noncitizen could jeopardize the liberty or safety of the detained foreigner or of family and associates still present in the home country.

Minors

Because of their age and greater vulnerability, minors are entitled to special protection and special treatment by the police. This special protection is guaranteed by international commitments that the country has assumed. Special law provisions, and especially the United Nations' Convention for Children's Rights (Law 2101/92), require special treatment by the police of minor victimizers and victims, according to the following guidelines.

Definitions and General Principles

- A minor is any person who, according to his/her own declaration, is not yet 18 years old.
- An unaccompanied minor is one who resides outside of his/her home country, and away from any of his/her parents or legal guardians. In interacting with a minor who is suspected of criminal activities, the police authorities are required to look after his/her well-being and to prevent any harm to him/her, as is appropriate in the circumstances of the specific case.
- Police officers involved in cases of minors should be specially trained and deemed suitable for this role. In districts where Sub-directorate offices or Departments for the Protection of Minors operate, these agencies shall be responsible for the detention and taking into custody of any minor, and shall

provide support to the other police services during the investigation of cases involving minors who are victimizers or victims.

- The police officer, as a representative of the State, should explain and ensure that the minor understands that the mission of the police officer is to protect his/her rights, even when the minor has broken the law.
- Minors shall have the right to express their opinions, and shall be given the opportunity to express their opinions, either personally or through a representative, in any administrative or judicial procedure that concerns them.
- The minor's right to privacy shall be respected throughout the stages of any procedures concerning him/her, in order to prevent possible harm due to any inappropriate publicity or stigmatization. Only his/her initials are permitted to be released, so long as the initials will not lead to his or her being identified.
- Police officers who accompany a minor shall wear civilian clothes, especially when the minor is about to be transferred to a special institution.

Arrest and taking into custody of minors

- During the arrest process, the minor has all the rights that adults have, in addition to the ones provided by law to minors.
- The police officer has to confirm whether the arrested person is a minor. In a case where this is questionable, the arrested person shall be deemed a minor until proof to the contrary has been provided.
- The police may handcuff or use other restraints on minors only when specific facts demonstrate that the minor may use violence or escape, if left unrestrained.
- A minor's parents must be notified when a minor is arrested, detained, taken into custody, transferred, is ill, injured, or dies. The minor has the right to request telephone communication with his/her parents or guardians at any stage of the process. If the minor requests the police not to communicate with his/her parents, the final decision on the subject shall be made by the pertinent District Attorney for Minors.
- In the case of unaccompanied foreign minors, the police shall communicate with the local consular authorities, unless the minor expresses his/her objection due to possible persecution in his/her country of origin. An unaccompanied minor has the right to international protection and the right to request asylum.

- When a minor is taken to a police station, he/she shall be informed for his/her right to telephone communication with an attorney of his/her choice, or to request legal help pursuant to the applicable procedures (Law 3226/2004).
- When a minor is arrested for a violation not deemed indicative of antisocial behaviors, and his/her legal guardians have been located, the superintendents or chiefs of the Hellenic Police Services, instead of pressing charges, shall provide the minor with recommendations and advice and point out to their relatives the need for better supervision.
- If the police receive information indicating that a minor could be a victim of exploitation, trafficking, pornography, prostitution, or sexual abuse, the police officer shall take measures for the minor's protection. The police officer may take the minor into custody at the local police station for this purpose, so that an appropriate District Attorney may pursue the necessary protective measures.

Preliminary examination of a minor

- The preliminary examination by the police of a minor who is a victimizer or a victim shall be conducted, preferably, by a person of the same gender, in a language understandable by the minor, and shall be limited to the absolutely necessary identification information, place of residence, and place of origin of the minor and his/her family, as well as to the circumstances relating to the actions for which he/she was arrested or taken into custody took place. The preliminary examination shall not be extended to more detailed information of social research, or to exhaustive questions regarding living conditions or other issues that the minor faces, which will be investigated after an order by the District Attorney during a detailed interview by specialists.
- Records concerning minor offenders are kept strictly confidential. Access is limited to persons directly involved in the case in question.

Detention and custody of a minor

- Restrictions on the freedoms of a minor shall always use the least restrictive means and should be imposed only for the minimum amount of time necessary.
- In the police station, minors are detained in specially designed rooms, separated from adults. During their detention, they are to be provided with care, protection, and any personal help (social, educational, psychological, and medical) required by their ages, gender, and personalities. The police should cooperate with public social services or authorized non-public services, so as to assist the minor and protect his/her rights.

The following authorities support these principles and guidelines:

Presidential Decree 141/91, Article 74

Officers on Patrol

15. The officer on patrol ... has ... the following duties:

- a. ... [I]n the event that a crime occurs, the officer shall arrest and take to the police station or applicable court any offender
- i. Shall take persons who lack identification ... and about whom there are suspicions of criminal behavior ... to the police station for questioning. Persons who have been taken to the police station should not be detained for a time period that is longer than absolutely necessary
- o. Places children and intoxicated persons who wander about, in protective custody, until they are delivered to their relatives, who shall be notified by the officer.

Presidential Decree 141/91, Article 96

Police Searches

3. Searches that are conducted to prevent crime and are not part of a preliminary investigation should take place under the following conditions:

- b. Searches of persons, vehicles, and moveable objects in private locations that are not ... residences, may take place when there is serious indication of criminal behavior, or an urgent need.
- d. [Such] searches ... shall be performed by a Hellenic Police supervisor, in the presence of two witnesses As an exception, the search may be performed by an officer, when a supervisor is not present and the search cannot be postponed until the supervisor's arrival, without risking its cancellation.
- e. A physical search of a woman shall be performed by a female police officer and, if one is not available, by another female chosen by the police.

4. During the search, the police officers need to make sure that, to the extent ... possible, the person searched, or the owner of the location which is subject to search, is not mistreated or unnecessarily inconvenienced.

Presidential Decree 141/91, Article 97

Protection of Minors

1. The Hellenic Police take extra care for the protection of minors The Hellenic Police:

i. See that minors who are arrested are transported to special detention facilities, and that during their transportation they are not handcuffed, unless they are dangerous or suspected of escape.

m. ... [S]hould treat the minors with courtesy and in a friendly manner, and should avoid any action that could traumatize them or cause an unfavorable experience

2. The superintendents or chiefs of the Services of the Hellenic Police, in cases of mere violations by minors, which are not deemed indicative of antisocial behaviors, should, instead of pressing charges, provide the minors with recommendations and advice and point out to their relatives the need for better supervision.

Treatment and Rights of Individuals Detained by Police Authorities

Headquarters of the Hellenic Police, Administrative Section, Legal Department, Circular No. 4803/22/44/4-7-2003

2. It is emphasized that the restriction of an individual's personal freedoms due to their detention by the police, is not an end in itself, but is only a necessary means to accomplish criminal and administrative procedures. Thus, while detained, all individuals should be treated with absolute respect, and should be able to exercise, in an unobstructed way, their rights which guarantee their defense against the institutionalized mechanisms of the State.

3. Within this framework, it is necessary that the staff of the Hellenic Police observe the following requirements, with the goal being ... the guarantee of humane, impartial, and lawful treatment of detainees by police authorities.

a. The exercise of any form of violence, and of any abusive or humiliating treatment of any detainee, is forbidden. The processing of the criminal and administrative procedures has to be completed within the shortest possible time period, so that the restriction of the detainees' personal freedoms meets the spirit, as well as the letter, of time conditions for lawful detention.

b. The detainee, during his initial processing at the police department, has to be fully informed of the reason for his detention, as well as about the rights he is allowed to exercise during its duration. For this purpose, the bulletin about their rights that has been approved by the district attorney has to be furnished to them, in the language they understand, and these rights have to be explained to them in a clear manner. ... Special care should be taken to fully inform foreign detainees who are requesting asylum.

c. ... As far as foreign detainees who do not sufficiently understand the Greek language, the right of an interpreter is especially important, so they are informed how to effectively exercise their rights and about the accusations against them, and so that they get an understanding of the process. Also, help by the consular authorities of their

country contributes to the complete exercise of their rights, since any doubts the detainees may have due to ignorance or doubt about the legal processes, are mitigated.

d. Detainees are entitled to communicate by telephone or in person with relatives or other individuals of their choosing. The police are obliged to facilitate communication by phone by the detainees, so that they can inform their relatives, if they wish to, of the place of their detention and the reason for it. ... It is emphasized that the right of communication includes, for detainees who are foreigners, the obligation to inform the consular authorities of their countries, the facilitation of their communication with the consular authorities, and the obligation of the police to allow visits by the consular officers with the detainees, provided that the detainees do not object to that.

Legal Conditions for Arrests and Police Investigations

The Greek Ombudsman, Protocol Numbers 16024.02.2.4, 20580.02.2.4 June 2003

C1. The Legitimacy of Taking One into Custody “for Verification”:

Taking one into custody, as a measure of restricting their personal freedoms, is legitimate only if the essential and procedural conditions that the law provides are met, otherwise it constitutes an illegal detention

... [T]he display of a police identification card should release the investigated party from the possibility of being taken into custody for additional identification verification, since being taken into custody is permitted only if the person’s behavior (and not only the place, the time, or the circumstances) creates suspicions.

... [T]he administration, and not the citizen, carries the burden of proof for furnishing information which can establish a restriction of personal rights. The police are qualified to investigate if one is a fugitive, but are obliged to do so ... without ... taking one into custody The police are obliged to settle for the mere recording of identity, proven by any means, unless there are specific suspicions of the perpetration of a criminal act.

C2. Detention and Duration of Stay at the Police Department

... “*Negative behavior*” by investigated persons... cannot be deemed sufficient cause for handcuffing unless ... accompanied by violent behavior.

C3. Search of a Person or Vehicle by Force

... “[*Serious suspicion for the perpetration of crime*” ... has to, at a minimum, be based on facts concerning the specific individual under investigation (that is, the person’s behavior, the appearance of the person’s car, etc.) in a manner which is fundamentally individualized, instead of being based on facts concerning the time or the place in general. If the ... higher crime rate in a specific public place were sufficient, without anything more, ... all searches of persons, vehicles, or luggage would be legitimate.

... Suspicions are created only by that behavior which, according to common experience or the special experiences and know how of the police officers, could be ... connected to the commission of punishable acts. ... "*Negative behavior*" in general of the individuals under investigation ... cannot be deemed as constituting, by itself, a punishable act. The same applies, to a higher degree, in the case in which the investigated individual expressed opinions about the legitimacy of the police actions: The mere expression of any opinion, regardless of whether it is legally correct or incorrect, cannot be deemed to constitute, by itself, a crime or a suspicious act. ... If police officers are certain of the legitimacy of an impending search, they may conduct it by force ..., but they cannot deem a reluctance to cooperate as sufficient to establish "*serious suspicion*" sufficient to legitimize the search by itself. Finally, the same applies to ... sexual preferences of civilians (in combination with their being frequently observed at some public places) ..., as long as they are not accompanied by the commission of crimes

When searching a person, placing the investigated civilian in a face-down position or any other painful position by force ... should be reserved ... for extreme cases ... and officers should evaluate ... factors such as the person's age or health

C4. Obtaining ... the Investigated Parties' Information

The questions asked of persons brought to the police station, as part of the identification process, have to be limited to information that is absolutely necessary. Personal information, such as political views or family status, is not appropriate in this process. The criminal photograph and fingerprinting are allowed only when there is a specific suspicion of commission of a crime

The European Code of Police Ethics

Adopted by the Committee of Ministers of the Council of Europe 19 September 2001

37. The police may use force only when strictly necessary and only to the extent required to obtain a legitimate objective.

Commentary: There must, accordingly, be a proper balance between the using of force and the situation in which the force is used. In practical terms, this means, for example, that no physical force should be used at all, unless strictly necessary, that weapons should not be used, unless less strictly necessary, and, if lethal weapons are deemed necessary, they should not be used more than what is considered strictly necessary; shoot to warn before shoot to wound and do not wound more than is strictly necessary, etc.

53. The police shall provide interpretation/translation where necessary throughout the police investigation.

55. The police shall ... inform promptly persons deprived of their liberty of the reasons for the deprivation of their liberty and of any charge against them, and shall also without delay inform persons deprived of their liberty of the procedure applicable to their case.

57. Persons deprived of their liberty by the police shall have the right to have the deprivation of their liberty notified to a third party of their choice, to have access to legal assistance and to have a medical examination by a doctor, whenever possible, of their choice.

Commentary: [These] three fundamental safeguards against the ill-treatment of detained persons ... should apply as from the very outset of deprivation of liberty, regardless of how it may be described under the legal system concerned (apprehension, arrest, etc).

International Human Rights Standards for Law Enforcement

United Nations High Commissioner for Human Rights, 1996

Children shall be treated in a manner which promotes their sense of dignity and worth; which facilitates their reintegration into society; which reflects the best interests of the child; and which takes into account the needs of a person of that age.

The use of physical restraints and force on children are to be exceptional, and only employed when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time.

Code of Ethics for the Hellenic Police (*Draft*)

Article 4

Protection of Social Groups

2. Avoiding biases about the color, sex, national origin, ideology, religion, sexual orientation, family status, and financial and social position of the individual, is a fundamental requirement of the officer's behavior.

Article 5

Behavior Toward Violators of the Law and Detainees

1. The police officer, after being certain that a violation of the law has occurred, acts with sound judgment, self-control, and courtesy. The officer explains to the violator in a clear and straightforward manner, avoiding arguments and exaggerations, the violation that took place, and the violator's rights.

2. Pursuant to the provisions of the Constitution and the laws, arrests a person only when necessary. In such cases, the officer acts prudently and with consistency, exercises flawless conduct, and avoids any action that could diminish the honor, reputation, and integrity of the arrested individual.

III POLICING CROWDS

In controlling crowds the police must carefully distinguish between the lawful exercise of the right to assemble peacefully, on the one hand, and unlawful activity that endangers public safety and property, on the other. The Hellenic Police are required by the Constitution and international human rights standards to protect the right of people to assemble peacefully and also to prevent others from interfering with that right. If the assembly is for a political purpose, to support a point of view, or to protest, the police are required to facilitate those expressions of opinion even if the opinions expressed are repugnant to officers or most of the citizenry. On the other hand, neither the rights to assemble nor to expression protects violence, damage to property, or civil disorder. In each instance, understanding the nature of the activities and the intentions of the people in the crowd is crucial to determining the police response.

If the crowd is clearly engaged in unlawful activity, the police have a responsibility to minimize such unlawful activity, and to protect the safety of the public, including, to the extent possible, those in the crowd. They also have a responsibility to protect property. Experience in policing civil disturbances shows that the following practices are effective in containing disorder while protecting human rights:

- The first officer on the scene of a civil disturbance should observe the crowd from a safe distance, and should notify and stay in communications contact with the officer's supervisors. If approaching the crowd would not pose an undue risk, the officer should instruct the crowd to disperse.
- A supervisor should respond to the scene as rapidly as possible. If the disturbance is minor and law enforcement resources are adequate, the police should promptly instruct the crowd to disperse. If more police resources are needed, the supervisor should communicate what additional resources are needed.
- If the crowd is not immediately dispersed, the supervisor should attempt to deploy the officers available to establish a perimeter to contain the disturbance and to prevent others from entering the area. To the extent possible, innocent civilians should be evacuated from the area of the disturbance.
- If a simple instruction does not succeed in dispersing the crowd, the police should seek to establish communications with leaders of the crowd with a view to getting the leaders to agree to disperse.
- If such communication fails to get the crowd to disperse, the police should clearly communicate to members of the crowd that their assembly is illegal, that the crowd is legally required to disperse, that police action will be necessary if the people do not disperse, and that anyone who engages in

violence or destruction of property will be arrested. In communicating such a warning, the police should use sufficient amplification, such as a megaphone or other public address system, to ensure that members of the crowd hear that the gathering is illegal and that the police will take action to disperse the crowd. It is essential that the police provide a route out of the area that is both visible to the crowd and communicated as part of the warning. If there are foreigners in the crowd, the police directions and warning should be communicated in as many languages as possible.

- Use of tear gas should remain the last resort of the police force previous to the use of weapons. The principles of necessity, adequacy, and proportionality have to be always maintained when tear gas is used. The police officer must balance the interests of public security, on the one hand, with the principle of individual responsibility for breaches of the law by the demonstrating citizens, on the other.
- Videotaping of all police action during civil disturbances is highly desirable to create a record of what actually happened, to create evidence for prosecutions, to protect against false claims of use of excessive force, and to deter the use of excessive force.
- Arrests should first be made of leaders and, if necessary, members of the crowd, if there is adequate evidence that each person arrested has violated the law.
- If force is justified, only the minimum necessary to accomplish arrests and protect others and property should be employed. Use of force that causes bodily harm is indicated in cases such as: self-defense or defense of others; prevention of violent felonies; arrest of armed perpetrators, especially when noncompliant; protection of public installations containing dangerous items; prevention of armed efforts to liberate detainees; and prevention of the disarming of an officer. Deadly force should be used only if there is an immediate threat of death or serious physical injury, especially in hostage-taking cases. Even when some persons in a crowd are armed, deadly force is always prohibited when uninvolved or unarmed persons could be put at risk, or when minors or persons who are simply noncompliant are targeted.
- It is important that even justified force be used with restraint because the perception of brutality can enrage a crowd, thereby worsening a situation. Officers must always keep in mind that illegal use of force is punishable under the law, and that no justification can be based on an order which violates the Constitution or clearly contradicts the law.

- Officers should refrain from getting into verbal arguments with members of the crowd. Officers should not use words that are likely to inflame emotions.

The following authorities support these principles and guidelines:

The European Code of Police Ethics

Adopted by the Committee of Ministers of the Council of Europe 19 September 2001

43. The police, in carrying out their activities, shall always bear in mind everyone's fundamental rights, such as freedom of thought, conscience, religion, expression, peaceful assembly, [and] movement

Commentary: The police play a major part in safeguarding these rights—without which democracy becomes an empty notion without any basis in reality—either directly, through safeguarding democratic arrangements, or indirectly, through their general responsibility for upholding the rule of law.

International Human Rights Standards for Law Enforcement

United Nations High Commissioner for Human Rights, 1996

No unnecessary limitations on the rights of free speech, assembly, association, or movement shall be imposed.

Police Code of Ethics for the Hellenic Police (*Draft*)

Article 7

Behavior While Taking Measures for the Enforcement of Order

The police officer, when taking steps for the enforcement of order, demonstrates self-control and composure ... and ... avoiding confrontational behavior, the officer gets those who lose self-control to act in an orderly manner.

Law 3169/2003 Use of Firearms by Police Officers

Article 1 Terminology

d. The definition of “use of a firearm” is the activation of a firearm for its designed purpose and the firing of a gunshot. Depending on its target, gunshots are classified according to the following continuum: (1) deterrent gunshot, when the purpose is not to hit a target; (2) gunshot at objects, when inanimate objects are targeted; (3) immobilization, when non-vital areas of the human body, especially the lower limbs, are

targeted; and (4) elimination gunshot, when a person is targeted and possible death is contemplated.

Article 3 Use of Firearms and Governing Principles Thereof

2. The police officer may use a firearm, if this is necessary for performance of the police officer's duty, and if the following conditions are met: a. All means less severe than gunfire are exhausted, unless those means are not available or operational in the event in question. "Less severe means" usually constitute advice, a command, use of barriers, physical force, a nightstick, chemicals approved for such use or other special means, a warning of the use of a firearm, and a threat of the use of a firearm. b. The police officer has stated the officer's authority and has given a clear and understandable warning of the imminent use of a firearm, giving sufficient time for a response, unless to do so would be futile under the specific circumstances or would heighten the risk of death or bodily harm. c. The use of a firearm does not constitute excessive force when compared to the type of harm threatened and the seriousness of the threat.

3. When the conditions of the above paragraph are met, a less severe use of a firearm is required, unless to do so would be futile under the specific circumstances or would heighten the risk of death or bodily harm. A "less severe use of a firearm" is described in the continuum for the use of a firearm in subparagraph d of article 1 as a gunshot with the least serious target.

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