

Content

Title :	Regulations Governing the Use of Weapons in Prisons and Detention Centers CH
Announced Date :	2020.07.15
Legislative :	1.Promulgated on July 15, 2020

- Article 1 These Regulations are established in accordance with Paragraph 3, Article 25 of the Prison Act and Paragraph 3, Article 20 of the Detention Act.
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- Article 2 The terms used in these Regulations are defined as follows:
 1. Authority: Referring to prison or detention center under the Agency of Corrections of Ministry of Justice, including any branch or female unit set up by the prison, and any branch or female unit set up by the detention center
 2. Inmate: Referring to a prisoner or a detained defendant.
 3. Senior Official: Referring to the head of an Authority under Subparagraph 1 and person authorized thereby.
 4. Officer: Referring to the relevant staff processing guard and security activities of an Authority under Subparagraph 1.
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- Article 3 A “weapon” referred to in these Regulations means baton, knife, firearm or other weapon under Paragraph 1, Article 25 of the Prison Act and Paragraph 1, Article 20 of the Detention Act that are approved by the Ministry of Justice.
 The types and specifications of the weapons under the preceding paragraph are determined by the Ministry of Justice as in Appendix.
Attachments :
 Appendix : Types and Specifications of Weapons in Prisons and Detention Centers.pdf
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- Article 4 An Officer shall only use weapons in accordance with these Regulations if there is an event under Paragraphs 1 and 2, Article 25 of the Prison Act or Paragraphs 1 and 2, Article 20 of the Detention Act, without any abuse.
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- Article 5 When an Officer uses a weapon against an Inmate, the following principles shall apply:
 1. The use of weapon shall be helpful with the achievement of the purpose.
 2. If the purpose can be achieved through multiple means, the use of weapons creates the least damage to the Inmate’ s interest.
 3. The damage caused by the use of weapon shall not be incommensurate with the benefit of the purpose to be achieved.
 In the judgment under the preceding paragraph, the Officer shall carefully consider the level of gravity and urgency of the matter and the level of harm by the weapon based on reasonable understanding at the time of use of the weapon.
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- Article 6 The Officer shall give prior warning before use of weapon, unless there is an emergency.
 When the reason for use of weapon ceases to exist, the use shall stop immediately.
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- Article 7 Any Officer using a weapon shall exercise care to avoid harming fatal parts of the person, unless there is an emergency. Due care shall also be exercised to avoid harm to others.
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- Article 8 If required, an Officer may use two or more weapons at the same time.
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Article 9	Any Officer using a weapon must show identifiable emblem or badge, unless there is an emergency or major special situation.
Article 10	<p>An Officer shall report to the Senior Official immediately if there is any of the following events following the use of a weapon:</p> <ol style="list-style-type: none"> 1. A weapon is used against the counterparty or causes physical harm. 2. A weapon is used to order that an Inmate stops an act or follows instructions. <p>After an Officer uses a weapon, if the counterparty has any discomfort or injury, the Authority shall make immediate arrangements for physician's diagnosis or guarded visit to a medical institution.</p> <p>In the event of Paragraph 1, the Officer shall complete a Weapon Use Report within 3 days and report to the Senior Official, except if only a police baton is used in situation specified in Subparagraph 2, Paragraph 1.</p>
Article 11	<p>If the use of weapon by an Officer causes death or serious injury, the authority shall immediately report to the supervisory authority.</p> <p>The Weapon Use Report under Paragraph 3 of the preceding article shall be submitted to the supervisory authority every month.</p>
Article 12	Authorities shall assign specific locations for the storage of weapons and shall assign specific personnel responsible for the maintenance thereof, the control of the quantities and the collection and return thereof, and record shall be maintained.
Article 13	The supervisory authority shall establish guidelines for the use and management of weapons and shall provide the Officers with relevant education and training.
Article 14	If the Authority requires the support of persons other than the officer under Subparagraph 4, Article 2 on emergency basis due to major special situations, it may use weapons listed in the Appendix with the approval and under the direction and supervision of the Senior Official and shall comply with the provisions of these Regulations.
Article 15	In relation to the types of weapons, the timing and manner of use and other compliance matters in correctional institutions under the Agency of Correction, Ministry of Justice other than Prisons and Detention Centers, these Regulations may apply mutatis mutandis.
Article 16	These Regulations shall take effect as of July 15, 2020.