

# **The Use of Police Weapons Act**

As promulgated on Jun 26, 2002

## **Article 1**

The police weapons used by personnel to enforce police duties consist of police batons, police swords, police firearms or other instruments approved. Police personnel using police weapons pursuant to the Act shall wear police uniforms or present police badges or police certificates which can be used as identifications, unless under emergency conditions.

The type and specification of the police weapons referred in Paragraph 1 shall be concluded by the Executive Yuan.

## Article 2

Police personnel may use police batons for instruction if they encounter any of the following situations when enforcing police duties:

1. Instructing the traffic;
2. Evacuate the public; and
3. Guarding against accidents

## Article 3

Police personnel may use police batons for deterrence if they encounter any of the following situations when enforcing police duties:

1. Giving assistance in investigating crimes or in executing the duty with force, e.g. reconnaissance, detainment, custody or arrest;
2. Under intimidation during the enforcement of police duties pursuant to laws and regulations; and
3. Any situation referred as in Paragraph 1 of Article 4 hereof, and it is regarded as a proper measure to use batons for deterrence

## Article 4

Police personnel may use police swords or police firearms for deterrence if they encounter any of the following situations when enforcing police duties:

1. Preventing extraordinary accidents and maintaining social security;
2. Any disturbance which will cause danger to social security;
3. Any offender's resisting arrest or fleeing, or other person(s) giving aid to such offender in resisting arrest or fleeing;
4. Land, buildings, objects, automobiles, vessels, aircrafts guarded by police personnel, or other people's life, body, freedom, property being under hazards or intimidation;
5. Police personnel's life, body, freedom and equipment being under violence or intimidation, or any fact identifying them as under hazardous conditions;
6. Any person in possession of weapons for criminal purpose rejecting to throw away such weapons after police personnel's warning; and
7. Any situation as referred in Paragraph 1, 2 of the preceding article hereof, and police personnel failing to stop such situation unless using police swords or police firearms.

Other weapons approved can be jointly used to the preceding situations where necessary.

#### Article 5

When enforcing police duties as executing a ban or an interrogation, police personnel may order the counterparty to stop or raise hands, where necessary, and may check whether he/she is in possession of weapons for criminal purpose. Police personnel may use police weapons pursuant to the Act if they are resisted and they are perceived to be under assault.

#### Article 6

Police personnel may reasonably use police weapons, based on emergency needs, which should not exceed beyond the imperative level.

#### Article 7

Police personnel shall stop using police weapons in case that the reason, whereby police personnel are allowed to use police weapons, disappears.

#### Article 8

Police personnel using police weapons shall pay attention not to cause injury to others

#### Article 9

Police personnel using police weapons shall pay attention not to cause mortal injury to offender(s).

#### Article 10

Police personnel shall immediately report the event to their chief after using police weapons, unless otherwise using police batons.

#### Article 11

In case that police personnel using police weapons pursuant to the Act and leading the third party's injury, death, or loss of property, the government of the level concerned shall be liable for the medical charge, consolation pension, compensation, or funeral expenses.

In case that police personnel using police weapons in violation of the Act and leading the third party's injury, death, or loss of property, the government of the level concerned shall be liable for the medical charge, consolation pension, compensation, or funeral expenses. Provided that police personnel cause the preceding hurt willfully, the government of the level concerned may make a claim for compensation to the police personnel.

The criteria for the medical charge, consolation pension, compensation, or funeral expenses referred in the first two paragraphs shall be concluded by the Ministry of Interior.

#### Article 12

Police personnel using police weapons pursuant to the Act is a legal behavior.

#### Article 13

The Act shall be applied to other judiciary police and the military police when they are enforcing judiciary, military duties or garrison police duties approved by the Ministry of Interior.

The measures governing the use of police weapons for garrison police will be enacted by the Ministry of Interior.

#### Article 14

Police weapons shall not be made by order, sold or held unless otherwise under the approval of the Ministry of Interior or other police organizations authorized by the MOI, and shall be confiscated if the forgoing provision is violated, except as required by law.

The measures governing the police weapons type, specification, permission conditions, application, investigation, cancel, revocation, abrogation or other provisions, with respect to the preceding approval of the police weapons made by order, sold or held, shall be enacted by the Ministry of Interior.

#### Article 15

The Act will come into force upon promulgation.