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CITIZEN CORNER

A QUARTERLY CIRCULAR BY POLICE CIVILIAN OVERSIGHT AUTHORITY

'Use of Force: The Citizen's Perspective'

When Can Citizens Use Force?

The law establishes that reasonable force may be lawfully used by citizens in the following circumstances:

- In self-defence;
- To protect others who are facing an immediate threat to their safety; &
- To protect one's property

A person who is attacked, or who honestly believes his/her life to be in danger, or that he/she is in danger of serious bodily injury, may use the amount of force that he/she believes is necessary to prevent or resist the attack.

Excessive Use of Force

No more force should be used than is necessary to protect yourself, other citizens, or your property. In simple terms, the force used must not be excessive. If using such force leads to the injury or death of the attacker, the person who uses force to defend themselves should not be found

guilty of a criminal offence. Unnecessary or excessive force destroys the defence of lawful self-defence.

It is NOT lawful to use force in response to a spoken threat or insult. Force also cannot be reasonably used for the purpose of revenge, for example, after an attack or danger flowing from an attack has ended.



Use of Force: Citizen's Perspective

Use of Force and Citizen Arrests

While citizens can arrest someone committing a major criminal offence (felony), the leadership of the JCF (Jamaica Constabulary Force) advises citizens against taking matters into their own hands.

While sometimes born from a desire for protection or justice, citizens taking matters into their own hands can lead to legal action being taken against them, potential injuries to innocent people, and increased social disorder.

The safest thing to do is to observe, take notes, and inform the relevant members of the JCF of someone who has been suspected of committing a major offence. Citizens must also remember not to:

- Arrest a person who is armed with any weapon;
- Arrest anyone if you cannot defend yourself from an attack;
- Restraine a suspect if you are not strong enough to do so; &
- Attack or kill a person suspected of committing a major crime

For further information feel free to contact us via the sources below.

CONTACT US: **Address** - 5A West Ave, Kingston Gardens - **Tel:** 876-754-7993; 876-754-7289 and 876-754-8901 - **Website:** www.pcoa.gov.jm - **Follow us on** Facebook.com/pcoagov - **Instagram.com/**@policecivilianoversight - **Threads** - Police Civilian Oversight Authority **You Tube** /Police Civilian Oversight Authority - **WhatsApp Channel** - Police Civilian Oversight Authority - **Email:** info@pcoa.gov.jm