Introduction

The information regarding law enforcement in Israel that follows has been obtained through the *Questionnaire on the Code of Conduct for Law Enforcement Officials including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, administered by the Crime Prevention and Criminal Justice Division of the United Nations Office at Vienna. This questionnaire is pursuant to Economic and Social Council resolution 1993/34, adopted on the recommendation of the United Nations Commission on Crime Prevention and Criminal Justice.

For further reference, a glossary of terms and phrases employed in the questionnaire, as well as the full text of the Code of Conduct for Law Enforcement Officials, are available online through the United Nations Crime and Justice Information Network at the following Internet address: <http://www.ifs.univie.ac.at/uncjin/stndnrms/ccl/>.

Qualification, training, and counseling

All law enforcement officials[1] are selected by proper screening procedures;[2] this practice is applied always and is mandatory.

Screening procedures include the following:[3]

competitive examinations of applicants	[X]
interviews with applicants	[X]
security checking of applicants	[X]
other: medical examinations; M.M.P.I. tests	[X]

Screening procedures also focus on the following qualifications of applicants:[4]

moral qualifications	[X]
psychological qualifications	[X]
physical qualifications	[X]

All law enforcement officials receive continuous and thorough professional training in order to ensure the following:[5]

effective exercise of their functions	[X]
lawful use of force and firearms	[X]
that psychological impacts of police actions are properly taken into consideration by law enforcement officials	[X]
effective use of stress counseling in situations where force and firearms are used	[X]

In the training of law enforcement officials, special attention is given to the following:[6]

issues of police ethics	[X]
issues of human rights	[X]
alternatives to the use of force and firearms	[X]
the peaceful settlement of conflicts	[X]
the understanding of crowd behavior	[X]
methods of persuasion, negotiation, and mediation	[X]

Continuous and thorough professional training lasts, for all law enforcement officials, at least for thirty-one to fifty hours per year.[7] Training which is provided to all police forces includes special practice on[8], and there are specially trained law enforcement units dealing with measures to combat and who are trained in[9], the following:

Training in _____	Given to all police forces	Given to specially trained units
organized crime	[ ]	[X]
drug-related crime	[X]	[X]
money laundering	[ ]	[ ]
environmental crime	[ ]	[X]
terrorism	[X]	[X]
domestic violence	[X]	[ ]
urban crime	[X]	[ ]
juvenile delinquency	[X]	[X]
child abuse	[X]	[X]
crowd violence (specially trained units only)		[ ]
undercover techniques	[ ]	[X]
passenger examination	[ ]	[ ]
cargo examination	[ ]	[ ]
detection equipment	[ ]	[X]
surveillance	[ ]	[X]
arrest techniques	[X]	[ ]
target practices	[X]	[X]
perpetuation of evidence	[X]	[X]
dispersal of assemblies (all police forces only)	[X]	
report writing (all police forces only)	[X]	
record keeping (all police forces only)	[X]	
interviewing and interrogation techniques	[X]	[X]
use of informants	[ ]	[X]

Law enforcement officials are tested in the use of force in accordance with appropriate proficiency standards;[10] this practice is applied always and is mandatory. Also, law enforcement officials who are requested to carry firearms are authorized to do so only when having completed special training on their use;[11] this practice is applied always and is mandatory.

Reporting and review procedures

Law enforcement officials who used *force* are required to report the incident to their superiors on every occasion.[12] Furthermore, law enforcement officials who used *firearms* are required to report the incident to their superiors on every occasion.[13] Such a report must be sent to a law enforcement official's superior within one to ten days.

A law enforcement official is, to a certain extent, held legally responsible for the unlawful use of force and firearms.[14] A law enforcement officer is held legally responsible for not having submitted an adequate report on the use of firearms to his or her superior; this practice is applied always and is mandatory, with specified exceptions. A superior officer is, to a certain extent, held legally responsible, if he/she gives unlawful orders to use force and/or firearms.[15] A superior officer is, in some specific situations, held responsible, if he/she knows or should have known that law enforcement officials under his/her command are resorting, or have resorted, to the unlawful use of force and firearms and did not take all measures in his/her power to prevent, suppress or report such use.[16]

In appropriate circumstances, independent administrative or prosecutorial authorities are in a position to exercise jurisdiction on reported incidents;[17] this practice is applied exceptionally and is mandatory in certain specified cases. In cases where injury or death is caused by a law enforcement official who used force or firearms in the performance of his or her duty, independent administrative or prosecutorial authorities receive detailed reports on that incident;[18] this practice is applied always and is mandatory. For persons affected by the use of force and firearms or their legal representatives, there is, to a certain extent, access to an independent process, including a judicial process.[19] If a law enforcement official in compliance with the Code of Conduct for Law Enforcement Officials including the basic principles on the use of force and firearms refuses to carry out an order to use force and firearms, he/she must face the following:[20]

he/she has to face criminal sanctions	[ ]
he/she has to face disciplinary sanctions	[ ]
he/she has to face no sanctions at all	[X]

Additional comments

Recently there has been legislation that has established a Department of Investigation of Law Enforcement Officials ("Makhash") for inquiring into suspected violations of regulations dealing with the use of force. The above mentioned department is independent and belongs to the Ministry of Justice. "Makhash" has authority to decide whether a complaint against a law enforcement official is justified or not, and if it reaches the former conclusion, it also may instruct the State Prosecution to either indict the official in a civil court (when the circumstances are considered serious) or in a disciplinary court (when circumstances are otherwise).

Confidentiality of information

When law enforcement officials are in possession of information relating to private lives of individuals or which is potentially harmful to the interests, and especially the reputation, of others, they should exercise great care in safeguarding and using this information;[21] this practice is applied always and is mandatory. A law enforcement official is, to a certain extent, held legally responsible if he or she discloses information other than in the performance of duty or to serve the needs of justice.[22]

Additional comments

The Protection of Privacy Law, 5741[X]981 forbids the disclosure of information from any recognized automated data processing center pertaining to any person unless such action is in accordance with the law. Violation of this act entails criminal and/or disciplinary action against the infringer, including members of law enforcement agencies. In addition, the Punitive Law 5737[X]977 contains general provisions concerning the criminality of misuse of information gained by civil servants in the fulfillment of their duties.

Action against torture

It is unlawful for law enforcement officials to inflict, instigate or tolerate any act of torture[23] and other cruel, inhumane or degrading treatment or punishment.[24] In order to obtain information or confession, law enforcement officials are in special cases permitted to use interviewing and interrogation techniques which may cause physical or mental pain or suffering to persons under the following circumstances:

when ordered to do so by a superior law enforcement official or other government official	[ ]
when there is a threat to national security	[X]
when there is a public emergency	[X]
when dealing with particular forms of crime	[ ]
no, law enforcement officials are not permitted to use such techniques	[ ]

All acts of torture or maltreatment by law enforcement officials are investigated in an impartial and thorough manner, even when their has been no formal complaint;[25] this practice is applied always and is mandatory.

Cases against law enforcement officials charged with crimes connected with infliction, instigation or toleration of any act of torture or inhumane or degrading treatment are heard by the following:[26]

regular domestic criminal courts	[X]
special military or police courts	[ ]
internal disciplinary police tribunals	[ ]
some other court or tribunal authority	[ ]

Law enforcement officials who have been found guilty by the court or tribunal of inflicting, instigating or tolerating any act of torture are subject to the following sentences or disciplinary punishment:[27]

fine	[X]
censure	[X]
reduction of rank	[X]
reduction of remuneration	[X]
transfer from law enforcement agency	[X]
suspension	[X]
termination of employment	[X]
some other system of punishment:	[X]

A law enforcement official who is suspected of having committed an act of torture may temporarily be:[28]

suspended from office with continued payment	[X]
suspended from office without continued payment	[X]
transferred to another law enforcement agency	[X]
assigned other responsibilities within the same law enforcement agency	[X]

A law enforcement official who committed an act of torture is punished under national criminal law.[29]

Law enforcement officials have a duty to report any case of suspected torture to the following:[30]

the direct supervisor	[X]
the superior at a higher grade to the direct superior	[ ]
a specialized agency	[ ]
a specialized agency without reporting to any superior	[ ]

An investigating procedure or institution has been established to investigate any act of torture by a law enforcement official. This procedure or institution is independent of any agency to which such a law enforcement official may belong.[31] A formal and prescribed procedure is, to a certain extent, established which must be followed when a law enforcement official is subject to disciplinary proceedings.[32] This formal and prescribed procedure sets out the following:[33]

the provisions on the process of investigation	[X]
the rights and duties of the investigator	[X]
the process of forwarding all information necessary	[X]
the executing procedures of investigator's orders	[X]
the procedure to supervise the investigation	[X]
the supervision of investigator	[X]
the rights of officials being investigated	[X]

Law enforcement officials may not invoke the following circumstances as a justification of torture and other cruel, inhumane, or degrading treatment or punishment:[34]

a superior order	[X]
a state of war	[ ]
a threat of war	[ ]
a threat of national security	[ ]
internal political instability	[X]
other public emergency	[ ]

Additional comments

The Landau Commission for the Inquiry into the Investigative Techniques of the General Security Services (1987) totally denied any circumstances which could justify the use of torture and other cruel, inhumane or degrading treatment or punishment. However, the Commission concluded that whenever a public emergency developed, or whenever an imminent threat to national security was at hand, G.S.S. investigators would be able to use "moderate physical pressure" to gain important information from those who knowingly endanger public safety.

Medical services for persons held in custody

Medical and dental services are available for all persons held in custody;[35] this condition applies to all and is mandatory. Access to a qualified medical officer is available every day;[36] this practice is applied always and is mandatory. Ill or injured persons held in custody who require medical treatment are transferred to specialized institutions or to civil hospitals;[37] this practice is applied always and is mandatory. Law enforcement officials must obtain and comply with the advice of qualified medical personnel when that medical personnel recommends providing the person in custody with appropriate medical treatment;[38] this practice is applied always and is mandatory.

Additional comments

The annual turnover of detainees in the Israeli police detention centers is 9[ ],[ ][ ][ ]; approximately half of this sum is made up of drug addicts and others suffering from various types of sicknesses and diseases. All detainees must and do receive medical assistance from qualified police medics and/or physicians. The main problem confronting the medical personnel is obtaining the official medical history of the sick/wounded detainee, so that all actions taken must be done with extreme caution and care.

Prevention of and combating corruption

Law enforcement officials are not entitled to engage in any industrial, commercial or professional activities which are related to, or may be influenced by, their functions or duties;[39] this practice is applied always and is mandatory. Law enforcement officials have the duty to report any gift, for themselves or others, under the following circumstances:[40]

if the value of the gift exceeds a certain amount of money	[X]
if the gift is immaterial but could be bought	[X]
if a third party has promised any kind of privileges	[X]
if a third party has promised remuneration	[X]
other:	[ ]

This practice is applied always and is mandatory.

Within the administration there is, to a certain extent, a system to identify an order of priorities in which law enforcement officials have to deal with incoming cases.[41] A law enforcement official is prohibited from placing himself/herself under a pecuniary obligation of any kind to any person or entity in a manner which might affect his/her ability to perform his/her function and duties.[42] A law enforcement official is prohibited from being influenced by his/her own private interests when exercising his/her official function or duties.[43] There is an independent investigating procedure to examine allegations of corruption against law enforcement officials.[44]

Law enforcement officials who have committed an act of corruption are subject to the following sanctions which can be imposed by internal disciplinary mechanisms of a law enforcement agency:[45]

fine	[X]
censure	[X]
reduction of rank	[X]
reduction of remuneration	[X]
transfer from law enforcement agency	[X]
suspension	[X]
termination of employment	[X]
some other system of punishment:	[X]

Law enforcement officials who are suspected of having committed an act of corruption may temporarily be:[46]

suspended from office with continued payment	[X]
suspended from office without continued payment	[X]
transferred to another law enforcement agency	[X]
assigned other responsibilities within the same law enforcement agency	[X]

Law enforcement officials who were found guilty of an act of corruption may be punished under criminal law;[47] this practice is applied always and is mandatory. Other law enforcement officials have the duty to report any case of corruption or suspected case of corruption by law enforcement officials to the following:[48]

the direct supervisor	[X]
the superior at a higher grade to the direct superior	[X]
a specialized agency	[X]
a specialized agency without reporting to any superior	[X]

An investigative procedure or institution is established to investigate any act of corruption by law enforcement officials.[49] A formal and prescribed procedure is established which must be followed when a law enforcement official is subject to a disciplinary procedure.[50] This formal and prescribed procedure sets out the following:[51]

the provisions on the process of investigation	[X]
the rights and duties of the investigator	[X]
the process of forwarding all information necessary	[X]
the executing procedures of investigator's orders	[X]
the procedure to supervise the investigation	[X]
the supervision of investigator	[X]
the rights of officials being investigated	[X]

Use of firearms

Law enforcement officials are not allowed to use firearms against persons, unless the use of these weapons is justified by self-defense, defense of others against the imminent threat of death, or to prevent the perpetration of a particularly serious crime, or to arrest;[52] this practice is applied always and is mandatory. Firearms may be used against persons to prevent serious injury of persons also if there is no grave threat to life;[53] this practice is applied usually and is at the discretion of the law enforcement official's supervisors. Firearms may be used against persons to protect state property;[54] this practice is applied exceptionally and is mandatory, with specified exceptions. Firearms may be used against persons to protect other interests of the state;[55] this practice is applied never and is mandatory. Firearms may be used against persons to protect private property of individuals;[56] this practice is applied exceptionally and is mandatory, with specified exceptions. Firearms may be used against persons to disperse assemblies which are:[57]

lawful and peaceful	[ ]
unlawful but non-violent	[ ]
violent	[X]

This practice is applied exceptionally and is at the discretion of the law enforcement official's supervisors. Firearms may be used against persons to prevent crime other than that listed above; this practice is applied never and is mandatory.

Intentional use of firearms by law enforcement officials is allowed when strictly unavoidable in order to protect life;[58] this practice is applied always and is mandatory. Use of firearms is allowed:

under circumstances prescribed by law	[X]
under circumstances prescribed by other legal directives	[X]
when authorized by a superior law enforcement official	[ ]
when ordered by a superior law enforcement official	[ ]
when the individual law enforcement official considers it necessary to do so	[ ]

Before using firearms against persons, law enforcement officials are requested to identify themselves as law enforcement officials;[59] this practice is applied always and is mandatory. Before using firearms against persons, law enforcement officials are requested to give a clear warning of their intent to use firearms;[60] this practice is applied always and is mandatory. Before using firearms against persons, law enforcement officials are requested to wait between the warning and the use of firearms to give the offender sufficient time to observe the warning;[61] this practice is applied always and is mandatory.

The domestic law and/or other regulations on the use of firearms by law enforcement officials include guidelines that[62]

specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted	[X]
ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm	[X]
prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk	[X]
regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them	[X]
provide for warning to be given, if appropriate, when firearms are to be discharged	[X]
provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty	[X]

Law enforcement officials, in their relations with persons in custody or detention, may use force or firearms under the following conditions:[63]

Condition	May use *force*	May use *firearms*
when strictly necessary for the maintenance of security and order within the institution	[X]	[ ]
for self-defense	[X]	[X]
in the defense of others against the immediate threat of death	[X]	[X]
in the defense of others against the immediate threat of serious injury	[X]	[X]
to prevent the escape of a person	[X]	[X]

The above uses of force and/or firearms (by law enforcement officials in their relations with persons in custody or detention) are permissible under the following circumstances:

under circumstances prescribed by law	[X]
under circumstances prescribed by other legal directives	[X]
when authorized by a superior law enforcement official	[ ]
when ordered by a superior law enforcement official	[ ]
when the individual law enforcement official considers it necessary to do so	[ ]

Additional comments

A superior's order to use firearms is generally a justification for a law enforcement official to do so, unless the circumstances are clearly against the use of such drastic measures and the order is manifestly illegal.

Use of force

Law enforcement officials may use appropriate force to disperse assemblies which are:[64]

lawful and peaceful	[ ]
unlawful but non-violent	[X]
violent	[X]

In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials:[65]

are requested to use force	[ ]
are requested to use no force even if the dispersal of the assembly would be easier when using force	[ ]
may use force only to the minimum extent necessary to disperse the assembly	[X]
may use force only if the dispersal of the assembly is less dangerous to individuals than the continuation of the assembly	[ ]

[1] In accordance with ECOSOC resolution 1989/61 of 24 May 1989, Annex, A.2, the definition of "law enforcement officials" shall be given the widest possible interpretation in order to achieve the aims and objectives set out in article 1 of the Code and its Commentary. The Commentary to Article 1 of the Code of Conduct states:

"(a) The term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services."

[2] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 18.
[3] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 18.
[4] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 18.
[5] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 18 and 21.
[6] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 20.
[7] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 19.
[8] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 19.
[9] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 19.
[10] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 19.
[11] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 19.
[12] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22.
[13] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22.
[14] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 24.
[15] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 24.
[16] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 24.
[17] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22.
[18] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22.
[19] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 23.
[20] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 25.
[21] Code of Conduct for Law Enforcement Officials, Article 4.
[22] Code of Conduct for Law Enforcement Officials, Article 4.
[23] For the purpose of this question, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or from a third person information or a confession, punishing him or her for an act he or a third person has committed or is suspected of having committed, or intimidating him or her or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such a pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent

with the Standard Minimum Principles for the Treatment of Prisoners. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment. (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1 (1) and (2); Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1).

[24] Code of Conduct for Law Enforcement Officials, Article 5.

[25] Code of Conduct for Law Enforcement Officials, Article 5.

[26] Code of Conduct for Law Enforcement Officials, Article 5; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 12 and 13.

[27] Code of Conduct for Law Enforcement Officials, Article 5; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 12 and 13.

[28] Code of Conduct for Law Enforcement Officials, Article 5; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 4.

[29] Code of Conduct for Law Enforcement Officials, Article 5.

[30] Code of Conduct for Law Enforcement Officials, Article 5.

[31] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article;7Code of Conduct for Law Enforcement Officials, Article 5.

[32] Code of Conduct for Law Enforcement Officials, Article 5.

[33] Code of Conduct for Law Enforcement Officials, Article 5.

[34] Code of Conduct for Law Enforcement Officials, Article 5.

[35] Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 24; Standard Minimum Rules for the Treatment of Prisoners, rule 22 (I) and (III).

[36] Standard Minimum Rules for the Treatment of Prisoners, rule 22 (I); rule 25 (I).

[37] Standard Minimum Rules for the Treatment of Prisoners, rule 22 (II).

[38] Code of Conduct for Law Enforcement Officials, Article 6.

[39] Code of Conduct for Law Enforcement Officials, Article 7.

[40] Code of Conduct for Law Enforcement Officials, Article 7.

[41] Code of Conduct for Law Enforcement Officials, Article 7.

[42] Code of Conduct for Law Enforcement Officials, Article 7.

[43] Code of Conduct for Law Enforcement Officials, Article 7.

[44] Code of Conduct for Law Enforcement Officials, Article 7.

[45] Code of Conduct for Law Enforcement Officials, Article 7.

[46] Code of Conduct for Law Enforcement Officials, Article 7.

[47] Code of Conduct for Law Enforcement Officials, Article 7.

[48] Code of Conduct for Law Enforcement Officials, Article 7.

[49] Code of Conduct for Law Enforcement Officials, Article 7.

[50] Code of Conduct for Law Enforcement Officials, Article 7.

[51] Code of Conduct for Law Enforcement Officials, Article 7.

[52] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

[53] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

[54] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

[55] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

[56] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

[57] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 12 ff..

[58] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

[59] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 10.

[60] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 10.

[61] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 10.

[62] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 11.

[63] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 15 and 16.

[64] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 13.

[65] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 13.