



Police Intervention, Use of Force and Ethical Responsibility

The Role of Negotiation in Democratic Policing

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Police Ethics and Democratic Legitimacy

Police ethics requires law enforcement officials not only to act within the law, but also to conduct themselves in a manner consistent with democratic values. In the context of public assemblies, ethical questions become particularly visible in relation to the use of force. Even where the use of force is legally authorised, it remains subject to ethical assessment. Negotiation is therefore an important means of giving practical effect to police officers' ethical responsibilities.

Public assemblies, particularly peaceful gatherings and demonstrations, are among the most visible forms of political participation, freedom of expression and the public articulation of collective demands in modern democratic societies. The law-enforcement response should be assessed not merely as a question of maintaining public order but also as an indication of the state's relationship with democracy, the rule of law and human rights. In this context, the relationship between negotiation-based policing and police ethics is an important subject of contemporary debate.

A model of public-order policing that prioritises force and suppression tends to approach assemblies primarily as potential security threats. Such an approach may carry risks of rights violations, social polarisation and a loss of legitimacy. By contrast, models based on negotiation, dialogue and de-escalation seek to reconcile the protection of public order with the duty to facilitate the exercise of fundamental rights.

Police ethics encompasses proportionality in the use of force, impartiality, respect for human dignity and adherence to democratic values. During public assemblies, these principles are tested by the question of how public safety and fundamental rights can be protected together. The European Code of Police Ethics identifies the protection of fundamental rights among the purposes of the police and subjects the use of force to strict requirements of necessity and proportionality. [1]

The Use of Force and the Preventive Role of Negotiation

International human rights standards require law enforcement officials, as far as possible, to apply non-violent means before resorting to force. Force may be considered only where other means remain ineffective or have no prospect of achieving the intended result; even then, it must remain within the limits of necessity and proportionality. The principle of last resort therefore concerns not only when an intervention occurs, but also its nature and intensity. [2]

The limits are even stricter in relation to lethal force. Intentional lethal use of firearms may be resorted to only when strictly unavoidable in order to protect life. The use of firearms cannot be justified solely for the purpose of dispersing an assembly. [2, 3]

Negotiation-based approaches can help translate these principles into practice. Dialogue and communication can clarify misunderstandings, reduce tensions and contribute to preventing situations in which force might otherwise be used. The UN Human Rights Committee supports establishing channels of communication and dialogue before and during assemblies for these purposes. [3, para. 75]

Negotiation highlights the police officer's role not only in maintaining order but also as a public official responsible for facilitating the exercise of rights. This approach is directly connected with impartiality and proportionality, two central principles of ethical policing.

Ethical Conditions of Dialogue and Public Trust

The ethical value of dialogue does not arise merely from the fact that parties speak to one another. Communication must be genuine; information must be accurate; participants must be heard without discrimination; and officers should avoid commitments they cannot honour. Negotiation must never become a means of persuading participants to relinquish the right of peaceful assembly. The Human Rights Committee makes clear that organisers and participants must not be compelled to engage in dialogue. [3, para. 75]

The Swedish Police's institutional description of dialogue policing presents an approach grounded in mutual respect and trust and directed at protecting fundamental rights and preventing conflict. It provides a concrete illustration of dialogue's place within democratic policing, without establishing that every application achieves the same result. [4]

Within this framework, negotiation-based policing may contribute to stronger trust between the police and society; greater understanding of the reasons for police interventions and the legitimacy of decisions; and a reduction in tensions and the risk of violence.

These contributions can endure only where communication is consistent with actual intervention practices. Ethical responsibility does not disappear when dialogue ends. The reasons for intervention decisions, the reviewability of force used and effective complaint procedures are also part of that responsibility. The

European Code of Police Ethics expressly emphasises public accountability and effective external oversight of the police. [1, paras. 59–61]

Conclusion

Negotiation and police ethics cannot meaningfully be separated in the policing of public assemblies. Negotiation is among the most concrete practical expressions of ethical policing. Approaches centred on force may appear to secure order in the short term but carry risks of diminished legitimacy and increased social tension over time. Negotiation-based models, by contrast, can contribute to a more balanced, sustainable and democratic relationship between public order and fundamental rights.

Negotiation should therefore be regarded not merely as a preference associated with particular countries or periods, but as an essential component of democratic policing.

References

[1] Council of Europe, Committee of Ministers. European Code of Police Ethics, Recommendation Rec(2001)10 (19 September 2001), especially paragraphs 1, 37, 40 and 59–61.

<https://rm.coe.int/the-european-code-of-police-ethics-pdf/1680b003e0>

[2] United Nations. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), especially principles 4, 5, 9 and 14. See also ICRC, The Use of Force in Law Enforcement Operations.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>

ICRC supplementary reference for [2].

https://www.icrc.org/sites/default/files/document/file_list/the_use_of_force_in_law_enforcement_operations.pdf

[3] UN Human Rights Committee. General Comment No. 37 on Article 21 (Right of Peaceful Assembly), CCPR/C/GC/37 (2020), especially paragraphs 75 and 88.

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

[4] Swedish Police. Dialogpolisen, institutional description (accessed 13 October 2026).

<https://polisen.se/om-polisen/polisens-arbete/dialogpolisen/>