

**RCMP Use of Less Lethal Weapons: Another Device in Their
Conflict Resolution Tool Box?**

by

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the requirements for the degree of**

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**We accept this thesis as conforming
to the required standard**

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DISCLAIMER

The comments, opinions and recommendations expressed in this thesis represent the personal views of the author and are in no way intended to reflect the opinions or beliefs of the Royal Canadian Mounted Police. The author accepts sole and full responsibility for any error, omissions, or other limitations of this thesis.

BEGINNING THOUGHTS...

“The principle objective of the RCMP use of less lethal weapons, shared throughout the Force, is to save lives and minimize injuries

Anonymous Author

“Change means movement. Movement means friction. Only in the frictionless vacuum of a non-existent abstract world can movement or change occur without that abrasive friction of conflict.”

Saul Alinsky, 1971

“Be the change you wish to see in the world”

Gandhi

“To know the road ahead, ask someone coming back.”

Chinese Proverb

ABSTRACT

Less lethal weapons provide an alternative to lethal force in conflict situations. The Royal Canadian Mounted Police (RCMP) adopted the use of less lethal weapons in the early to mid 1990's and has since modified its Incident Management Intervention Model to reflect and consider these new use of force options. Nevertheless, the RCMP's use of less lethal weapons is a controversial topic, socially, ethically, legally, and philosophically.

This paper examines the use of less lethal weapons in the context of modern conflict analysis and management theory and provides an analysis that will enhance the understanding of conflict management in police related situations. By examining a series of conflict scenarios at a deeper level, this papers aims to demonstrate how an understanding of conflict theory applies to this subject and supports the use of less lethal weapons in the daily policing duties of a RCMP officer.

Additionally, the paper will reveal how conflict theory enlightens police officers' responses to situations that may require the deployment of force, from officer presence and verbal intervention through to the use of lethal force. The intent of the RCMP's use of less lethal weapons is to minimize injuries and save lives.

Table of Contents

ACKNOWLEDGEMENTS	ii
DISCLAIMER.....	IV
BEGINNING THOUGHTS.....	V
ABSTRACT.....	VI
LIST OF FIGURES	VIII
CHAPTER 1 - INTRODUCTION	1
Overview.....	1
Aim.....	3
Hypothesis.....	3
Relevance.....	4
CHAPTER 2 – RESEARCH METHODOLOGY.....	7
Overview of Methodology	7
RCMP Related Research Phase.....	7
Academic Research Phase.....	9
CHAPTER 3 - INVENTORY.....	11
Usage of less lethal weapons in the RCMP	17
CHAPTER 4 - LITERATURE REVIEW	19
Overview.....	19
Legal View	20
Real-life Examples	22
Purpose	25
Requirements	26
CHAPTER 5 – APPLICATION OF CONFLICT MANAGEMENT THEORY TO REAL-LIFE SCENARIOS.....	27
Scenario 1.....	30
Scenario 2.....	39
Scenario 3.....	43
Scenario 4.....	48
Scenario 5.....	52
CONCLUSION.....	57
RECOMMENDATIONS.....	60
REFERENCES	62
APPENDIX A - RCMP INCIDENT MANAGEMENT AND INTERVENTION MODEL.....	64
APPENDIX B - CATEGORIES OF RESISTANCE OF INDIVIDUALS.....	65
APPENDIX C - RESPONSE OPTIONS	67
APPENDIX D - REQUIREMENTS FOR LESS LETHAL WEAPONS.....	70
APPENDIX E -CONSIDERATIONS WHEN ADOPTING SPECIFIC LESS LETHAL WEAPONS.....	73

LIST OF FIGURES

Figure 1 – Maslow’s Hierarchy of Needs Model	40
Figure 2 – RCMP Incident Management / Intervention Model	Appendix A

CHAPTER 1 - INTRODUCTION

Overview

The Royal Canadian Mounted Police (RCMP), together with police officers everywhere, are agents of the criminal justice system who enforce its rules, regulations, aims, and policies in a lawful manner to keep the peace, order and good government for all of Canada's citizens. Consistent with this mandate, they are entitled, in appropriate cases, to use force. To affect such purpose, they are always armed, with sidearms, rifles, or shotguns, which are the standard armament throughout the RCMP.

The Royal Canadian Mounted Police introduced less lethal weapons into its Use of Force Continuum in the mid 1990's. With this new policy comes increased responsibility for RCMP officers. Less lethal weapons have become, in some situations, integral in filling the gap between oral warnings and the use of deadly force when faced with emergent situations where violence is present or there exists a reasonable apprehension of it. Less lethal weapons offer the police officer increased options to enhance his or her ability to control these situations without having to resort to the use of lethal force associated with firearms.

Nevertheless, the RCMP use of less lethal weapons is a controversial topic, socially, ethically, legally, and philosophically. Even the name associated with the use of “non-lethal” technologies is controversial. Researchers, the police, the military, and scientists still have not agreed globally on a generic name for such technologies. The common names used to refer to “non-lethal” technologies are: less lethal weapons, less-than-lethal weapons, non-lethal weapons, and scaleable effects weapons. Many people feel that the name “weapons” is misleading as the name has the connotation that they are not lethal, when in some instances they have had lethal consequences. Some would argue that to refer to these less lethal devices, as “weapons” is problematic. Many view the term “weapon” as inappropriate because of its criminal connotation.

The intent of the RCMP use of less lethal weapons is to minimize injuries and save lives. With the evolution of society and advancement in technological areas, it is no longer acceptable to put a police officer in a situation where lethal force is an officer’s last resort or only real option.

In my seven years field experience as an RCMP officer dealing with a broad range of conflict situations amongst various communities, and in my recent assignment to provide an analysis of the RCMP less lethal program now and for the future, I recognize that our knowledge of and related interest in less lethal weapons has broadened. While researching the issues surrounding the use of less lethal weapons, I contemplated why the RCMP has adopted the use of less

lethal weapons and also what conditions determined whether a violent or potentially violent conflict could be managed or resolved through their use, be it with constructive or destructive consequences. The RCMP started to use less lethal weapons when, in their opinion, they decided it was socially acceptable. There are issues that have not been sufficiently addressed relating to testing standards, theoretical and social analysis and human physiological and psychological effects.

Aim

In this paper, I will examine these questions at a deeper level and I will demonstrate how an understanding of conflict theory applies to this subject and supports the use of less lethal weapons in the daily policing duties of an RCMP officer. Additionally, I want to reveal how conflict theory enlightens police officers' responses to situations that may require the deployment of force, from officer presence and verbal intervention through to the use of lethal force.

Hypothesis

The RCMP has the legal duty to bring peace and safety to Canadian society through our criminal law. Police officers often are faced with dangerous situations where decisions to use force, including lethal force, must be made in crisis mode. In such situations, officers rarely have the luxury of time on their side to call for backup or adopt another strategy. Nor do they control exclusively the emerging events, which pose an imminent threat to others and to

themselves. In facing these all too frequent realities, officers have a plethora of remedies available to them, including new less lethal technologies that are being continuously developed.

Less lethal weapons are now a useful tool in dealing with volatile situations and provide, in some cases, a realistic alternative to lethal force. Can they, should they, when do they and how do police use them? I believe that through an analysis of the RCMP experience in the use of less lethal weapons and an application of theories of conflict analysis and management, the RCMP, at the management level and at the front line, will better understand the underlying reasons why less lethal weapons have been implemented as a use of force option. Equally, they will understand the risks associated with this use. As a consequence, any police officer, charged with this public duty of keeping the peace, can analyse quickly, act resolutely, and respond fairly in keeping the peace.

Relevance

This research project will help RCMP officers to better understand the social effects of the use of less lethal weapons from a theoretical and analytical point of view. By considering and applying appropriate conflict theory to case scenarios, this research will make recommendations for their continued and more effective use now and in the future. This contributes to the RCMP strategic goal of safe homes and safe communities by providing structured, co-ordinated and

multilateral best practices with respect to less lethal weapons use.

With the implementation of less lethal weapons comes an increased responsibility for the RCMP to ensure the proper and safe deployment of such devices. The importance and necessity of training and education for RCMP officers in conflict analysis, communication, listening and negotiation skills is crucial and cannot be overlooked nor discounted. It is also important for police officers to realize that less lethal weapons in themselves do not offer a solution to policing problems.

Options such as Alternate Dispute Resolution (ADR), knowing the issues in one's community, support of preventative measures, making referrals to appropriate social and health assistance partners in the community, and other similar solutions must still be included and valued in everyday policing duties. At the end of the day, the use of less lethal devices is but a part of a continuum of intervention processes. What is required is the understanding, from both a field experience viewpoint and a theoretical lens, of how to make these excruciating, difficult decisions wisely, from the many options a police officer has, at a critical point of time, in a real life conflict situation.

The current RCMP focus on the use of less lethal weapons is minimal force options designed for conflict resolution in crisis situations when other less intrusive processes, i.e., reasoning, communication, negotiating, are inappropriate or have failed. I will examine the existing protocols on this use by RCMP officers, and analyse this against field experiences and conflict analysis and management theories, to make the recommendations for best practices.

CHAPTER 2 – RESEARCH METHODOLOGY

Overview of Methodology

This project is centered on an applied, action research model. The goal is to develop a clear understanding of less lethal weapons from a global point of view by discussing their use with RCMP members in key positions involving the implementation of less lethal weapons, attending conferences, and learning differing viewpoints of various other agencies, and learning about ongoing research efforts in this area.

While this research has a conceptual foundation, its primary purpose is to enhance understanding by RCMP officers why less lethal weapons are a realistic and preferable option in some conflict situations. The secondary purpose is to enhance decision-making skills at both the policy and front line level by increasing the understanding of decision-makers in how to appropriately deal with conflict through knowledge of conflict analysis and management theories.

RCMP Related Research Phase

My personal experiences as an RCMP officer and a trained Taser operator provide me with an excellent foundation of organizational and subject matter knowledge. Coincident with this study, I had been tasked with conducting a less lethal weapons research study for the RCMP. The purpose of this work-related study was to address gaps in general comprehension and readiness for a more widespread use of less lethal weapons in the RCMP. The RCMP recognized that

there is a need for more systematic study in the acquisition, deployment and effects of less lethal weapons. This recognition was driven by increased use and emerging biophysical research capabilities in academia, as well as, the vigorous development of new less lethal weapons. In addition, the RCMP recognized that a more active research agenda for the use of less lethal weapons is necessary because future trends indicate a range of options of less lethal weapons that have not yet been considered by the RCMP.

The purpose of this RCMP “work-related” study was to:

- Provide an analysis of the current state of the use of less lethal weapons by the RCMP;
- Review the steps taken by the RCMP in adopting and implementing its approved less lethal weapons; and,
- Identify areas that need further study.

Coincidentally, the research:

- Proposed to identify the use of less lethal weapons by other agencies;
- Suggested usage of advanced less lethal weapons and technologies by the RCMP in the future;
- Proposed partnerships with identified academic and scientific experts in the less lethal technology; and,

- Reviewed standards for training, testing, and evaluating less lethal weapons.

I consulted several sources of information during the study and analysis of less lethal weapons. Conference attendance, one-on-one interviews with academic and scientific experts and operational personnel, an extensive literature review, and consultation with RCMP and military experts were my principal means for discovery.

During the course of this study, I consulted many RCMP personnel that directly and indirectly acquire, use or service less lethal weapons. I also attended meetings of operational staff and developed working relationships with academics, manufacturers and distributors, military and law enforcement agencies and research facilities.

Academic Research Phase

The experience with the RCMP research study was the “enlightening” stage for my academic research relating to this major project. The phase described above, established a solid understanding of existing RCMP policies and protocols. This inspired me to explore literature on how conflict theory applies to less lethal weapons research. Most of the research studies on less lethal weapons focus on the technical aspects and on appropriate weapon and munitions selection for law enforcement and military applications. A conceptual analysis of why less

lethal weapons are used by police agencies today is lacking and/or incomplete. I strive to know why less lethal weapons are being used and where they are appropriately deployed. So I decided to draw on my own experiences and create hypothetical, real-life based scenarios to examine and analyse these questions, by inferential reasoning through a conflict analysis and management lens.

CHAPTER 3 - INVENTORY

The following is a list of the less lethal weapons presently approved for use by the RCMP with descriptions of their function.

Chemical:

There are a number of chemical agents available that have been used as crowd control devices or as close quarter personal incapacitant sprays. The most widely used are OC and CS.

Water-based Oleoresin Capsicum (OC Spray): OC is a naturally occurring substance derived from a cultivated species of the genus capsicum of peppers (comprised of 20 species and 300 varieties). OC 's strength is measured in Scoville Heat Units (Jalapeno Pepper = 5,000 units, O.C. Spray = 500,000 to 1,000,000 units). The type of OC used by the RCMP is "First Defence" MK-3 manufactured by Def-Tek Corporation (41.7 g). This can produces a stream that contains heavy mist with a spread pattern of one foot at an eight-foot distance. Effective range for use is 10-12 ft. The formula contains: 10% active O.C., distilled water, propylene glycol and nitrogen. The RCMP has approved two other sizes as well for use during large crowd gatherings and demonstrations. They are the MK-9 (340 g) with a range of 10-12 ft and the MK-46 (46 ounces) with a range of 25-30 ft.

The spray from the OC canister allows the officer to engage the threat at a distance and will, in most situations, disable a combatant sufficiently to give the officer the opportunity to secure the subject. The physiological effects of OC Spray are:

- Eyes: Involuntary eye closure usually occurs with a burning sensation. The eyelids become inflamed and the eyes become red and tears occur.
- Skin: the skin becomes inflamed and red with an intense burning sensation.
- Respiratory System: Inflammation of mucous membranes occurs in the nose and throat with pronounced mucous excretion. Coughing and shortness of breath occur with a tightening of the chest. (Jollymore, 1993, p. 8)

These physiological effects experienced by subjects who get OC sprayed often create a sense of fear and panic. Their thought process gets interrupted and goal re-orientation often is a result. The above noted physiological effects and subsequent sense of fear and panic does not occur with all subjects who get OC sprayed. It has been my experience that OC spray causes little effect to subjects who have been using drugs or who are extremely goal oriented.

CS GAS (o-chlorobenzylidene malononitrile): In its pure form, this chemical is a white crystalline powder resembling talcum powder. It is made of solid particles, and must be transported through the air with a carrier or expelled in a fine dust. The following is a list of RCMP approved chemical agent munitions, irritants and delivery systems:

- Smoke Grenades (Saf-Smoke)
- Flameless Grenades (Triple Chamber and Expulsion Grenade)
- 37 mm (1 ½ inch) short-range Blast Cartridge

- Blast Dispersion Grenade (Blast grenade and MPG)
- Pyrotechnic Grenades (Spede-Heat, Triple Chaser and Han Ball)
- Gas Pistol (37 mm)
- Gas Gun (37 mm)
- Shotgun (Remington Model 870)
- Grenade Launching Cup (1365 & 1360)
- Launching Cartridges (1270 & 1210)
- OC/CS Fogger (Thermal aerosol generator capable of vaporizing CS & smoke)
- Distraction Device (NICO9 - flash/bang distraction device with 9 detonation) (RCMP Infoweb, 2002a)

The chemical, which has a pungent, spicy or peppery odour, irritates the nasal passage, causing mucus discharge; and reacts on the skin, causing a burning sensation. A person exposed to CS gas may feel a constrictive sensation in his/her chest, airway and throat. The subject also may display slight equilibrium problem and experience nausea or vomiting. These physiological effects also can cause confusion and disorientation in the exposed individual.

Electrical:

Electrical devices include any weapons that use the effects of electricity to incapacitate the target.

The M26 Taser device is a conducted energy weapon that has demonstrated its effectiveness in controlling individuals who are highly aggressive and violent, under the influence of a mind-altering substance, or in a mental health crisis state. The Taser differs from the “stun gun” in that the Taser has the ability to be effective from a distance, firing probes attached to fine wires, while the “stun gun”

must physically contact the subject. M26 Taser can be used in a stun gun mode as well at close range.

The M26 Taser is rated at 26 watts at 50,000 volts and it looks, feels and fires like a pistol. It has a data port through which activation of the device (time/date of firing and duration of current) is recorded and can be down loaded for later review. The range of this device is a maximum of 21 feet at 60 meters per second. It fires two probes from a disposable, single use cartridge. Its' power is generated by eight AA batteries. The subject receives 15 pulses of current per second while the Taser is activated. In May 2003, Taser International introduced its newest Taser: X26. It is smaller and slightly more effective than the original.

Simply put, the Taser is effective because it overrides the central nervous system of the human body and co-ordinated actions become difficult. The Taser directly controls the muscles causing uncontrollable contractions of the muscle tissue. This is known as electro-muscular disruption and affects both the sensory and motor nervous systems. Research has shown that Tasers:

- Do not damage the nervous tissue,
- Have no effect on cardiac pumping,
- Do not cause serious burns,
- Do not cause death,
- Do not cause the subject to urinate nor defecate, and
- Can work in a wet environment without the fear of electrocution.
(RCMP, 2002a, p. 33)

Impact:

The Drag Stabilized Bean Bag or the “sock round”:

The round contains a shot filled flexible ‘sock’ typically 40 mm in length with a 50 mm tail to aid stabilization in flight. These rounds, to be effective, must be fired directly at an individual.

The RCMP currently uses less Lethal designated 12-gauge shotguns as the delivery system with an 18" barrel and bright orange stock for deployment of this device. The RCMP approved less lethal projectile munitions are:

- Combined Tactical Systems Inc., 12 gauge, Super Sock Bean Bag.
- Defense Technology Corporation of America, 12 gauge, Drag Stabilized Bean Bag.

The psychological effects upon seeing the shotgun, hearing the gunfire and then being struck with the round, the subject may feel like he or she has been shot.

The subject may exhibit one or all of the following: anxiety, fear and/or panic.

This may affect the subject’s response time of incapacitation or distraction.

With respect to the physiological effects:

The maximum desired effect of this less lethal projectile is blunt trauma. The unintended and most undesirable outcome is penetrating trauma. An impact from the projectile, that leaves the body surface intact, but causes sufficient (non-life threatening) injury to distract, control or incapacitate the subject is the desired effect. Target area is critical to reduce injury potential. The primary target area consists of large muscle groups: lower abdominal region, buttocks, thighs and calf areas. (RCMP, 2002b, p. 46)

Less lethal projectile munitions are also known as: less lethal munitions, less lethal projectiles, speciality impact munitions, extended range impact projectiles and kinetic energy rounds.

The Extendable Defensive Baton:

This phrase is used to describe a baton that conveys a far more professional image than the words stick or club. It is an impact device, which is inconspicuous because it is compact, but extendible, yet highly effective in an operational setting. ASP manufactures the RCMP approved baton. They come in three sizes and weights:

- 16 inches open - 6 inches closed - 14 ounces
- 21 inches open - 8 inches closed - 15 ounces
- 26 inches open - 9 inches closed - 20 ounces

Additional approved batons for the tactical unit include:

- 24 inch baton
- 36 inch baton
- Extendable ASP baton

Approved batons have textured matte or foam grips and have black chrome blades and tips. "The defensive baton is not designed as a lethal weapon and is not an alternative to lethal force, nor is it an instrument of punishment" (Rose, 2002, p. 3). It is to be used in a skilful manner in order to counter or stop an aggression. The RCMP instructs officers that when baton use is deemed necessary, an appropriate level of force for the given situation can be applied,

and the area to strike an individual is the centre of mass of the arm, leg and/or torso. Areas to be avoided in striking someone include the head, face, throat, spinal cord, kidneys, and groin and in some areas of the chest as serious injuries or death may occur. Closed mode baton strikes may be effective as a last resort, closer range option.

Water Projection System:

The RCMP does not yet own any water cannons to be used in crowd control situations. The RCMP will submit a business case proposal in the near future for the acquisition of water cannons. In the past the RCMP has borrowed water projection systems (referred to as water cannons) that are normally used at airports, for use at planned, large-scale demonstrations (i.e., Summit of the Americas, Quebec City 2001). The water cannons are considered an impact “weapon” as the pressure of the water being released from the nozzle can hold back a crowd and in some cases knock subjects off their feet.

Training Requirements and Qualifications:

RCMP officers must re-qualify on the use of OC spray and batons once every three years. RCMP officers who are trained to use the Taser and the sock round gun, must re-qualify once every year.

Usage of less lethal weapons in the RCMP

General duty members, who are also referred to as patrol officers, are officers

who answer calls for service from the general public. They have the options of using OC spray, batons, Tasers, and drag stabilized beanbag rounds during their daily duties, should a given situation warrant the use of such weapons. Spike belts also used in high speed chase situations.

The Emergency Response Team (ERT) is a group of RCMP officers specially trained in the use of various procedures and weapons. The team uses CS gas in various delivery canisters, OC spray, batons, Taser, and drag stabilized beanbag rounds during high-risk interventions. ERT also uses flash bang devices and stun grenades in certain situations. ERT could be called in to intervene in the following situations:

- Apprehending or neutralizing armed, barricaded persons with or without hostages;
- Assisting in the arrest of known criminals or mentally deranged persons;
- Assisting drug investigators in potentially hazardous arrest and seizure operations; and
- The protection of dignitaries by providing high ground or cavalcade security. (RCMP Infoweb, 2002b)

Tactical units, who are referred to as riot squads as well, are a group of officers who train specifically to deal with crowd control and public order situations. The teams use CS gas in various delivery canisters, OC spray, batons, drag stabilized beanbag rounds and Tasers when required to achieve order and stability. Water cannons are used at times of public disorder and large-scale demonstrations.

CHAPTER 4 - LITERATURE REVIEW

Overview

Several studies on less lethal weapons exist. However, the majority of these studies focus on either the effectiveness of current and potential future use of less lethal weapons or considers the ethics and specific policies from a military application perspective. There are very few studies into the social dynamics and psychological effects of the use of less lethal weapons by police officers. The “how”, “who”, “what”, “when”, and “where” questions have been addressed by police research institutions and military organizations, but the “why” question has been overlooked or ignored from an academic and research perspective.

Certainly, the literature on these five questions is a foundation for this research to build on. In this paper the “why” question is paramount. By linking the theoretical foundations of conflict analysis and management with real-life hypothetical situations, the goal of this paper is to show why the use of less lethal devices is a valid option and hence a new device in the police officer’s toolkit. Consequently, the literature referenced in this paper address the social psychology aspects of conflict analysis and management.

The term “less Lethal” is broadly defined to encompass devices which, although less likely than firearms to result in a serious or fatal injury, nevertheless carry some degree of this risk as force is applied. Less lethal weapons provide the police with a new option to use constrained force commensurate with the threat

being faced in an actual conflict situation. This does not preclude the use of firearms, which, of necessity, may mean lethal force, where this is necessary to protect the public and police officers. Nevertheless, there are many situations where less lethal force is adequate to the threat. In all cases, the issues of acceptability, effectiveness and appropriateness have to be weighed in the balance. Acceptability includes legal and human rights considerations, the risk of injury or death, their effectiveness for the purpose intended, and appropriateness of response. "The RCMP rationale for less lethal force is due to advances in technology, public and officer expectation, civil and criminal liability and the RCMP 'image'". (RCMP, 2002b, p. 7)

Law enforcement and policing involve people in a wide variety of situations. These situations range from one on one confrontation with an aggressor, who could be armed with any of a number of weapons or at the other extreme, the targeting of individuals within a crowd during serious public disorder. The operational requirements of the police in terms of less lethal tactical options, the units deploying these options and the devices themselves differ considerably from one scenario to another.

Legal View

The purpose of this section is to demonstrate the duties of police officers to use force, the limitations, and the protections for their use of force. Section 25 of the Criminal Code states that:

Every one who is required or authorized by law to do anything in the administration or enforcement of the law (a) as a private person, (b) as a peace officer or public officer, (c) in aid of a peace officer or public officer, or (d) by virtue of his office, is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose. (Greenspan and Rosenberg, 1999, p. 26)

Section 26 of the Criminal code states:

Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. (Greenspan and Rosenberg, 1999, p. 27)

Section 30 of the Criminal Code deals with preventing breach of peace:

Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace. (Greenspan and Rosenberg, 1999, p. 28)

Section 32 says:

Every peace officer is justified in using or in ordering the use of as much force as the peace officer believes, in good faith and on reasonable grounds, (a) is necessary to suppress a riot; and (b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot. (Greenspan and Rosenberg, 1999, p. 29)

Section 34 of the Criminal Code relates to self-defence against an unprovoked assault:

Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself. (Greenspan and Rosenberg, 1999, p. 30)

Section 67 of the Criminal Code provides for the reading of a proclamation with respect to public order. It states:

A person who is
 (a) a justice, mayor or sheriff, or the lawful deputy of a mayor or sheriff,
 b) a warden or deputy warden of a prison, or
 c) the institutional head of a penitentiary, as those expressions are defined in subsection 2(1) of the Corrections and Conditional Release Act, or that persons deputy, who receives notice that, at any place within the jurisdiction of the person, twelve or more persons are unlawfully and riotously assembled together shall go to that place and, after approaching as near as safe, if the person is satisfied that a riot is in progress, shall command silence and thereupon make or cause to be made in a loud voice a proclamation in the following words or to the like effect: ‘Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business on the pain of being guilty of an offence for which, on conviction, they may be sentenced to imprisonment for life. GOD SAVE THE QUEEN.’
 (Greenspan and Rosenberg, 1999, p. 40)

The quotations from the Criminal Code with respect to the application of force in conflict situations illustrate both lawful authority afforded to the police and the limits for the use of such force.

Real-life Examples

The following, assuming these are accurate, are recent newspaper articles which demonstrate situations where less lethal weapons are used.

Mountie accused of attack with stun gun on prisoner Coquitlam, BC - Robert Thompson was being held by three Mounties and was about to be handcuffed when a fourth Mountie shocked him with a Taser gun, leaving him writhing in pain, a court has heard. Coquitlam RCMP Cpl. Russ Hannibal is charged with one count of assault for allegedly misusing the Taser gun in the August 2001 arrest. Port Coquitlam Provincial Court heard yesterday that Thompson, 30, who had consumed about eight beers and had likely downed a quantity of prescription anti-anxiety drugs, was arguing with his girlfriend and threatening suicide. When police arrived at the couple's Como Lake Road basement suite at about 5:30 a.m. on Aug. 26, 2001, they found him high in a cedar tree at the back of the house. When he was talked down, Thompson, who said he is manic-depressive and suffers from paranoia, panic attacks and depression, was foaming at the mouth, RCMP Const. Stan Nakashima testified. (RCMP Infoweb, 2003) Accessed June 3, 2003.

Woman tasered

Red Deer, AB - Cops used a Taser to disarm a woman after she took another woman hostage in a Red Deer home yesterday. RCMP said the woman was carrying a large knife and a pellet pistol. She refused to let an older woman leave the house. The police responded about 4 p.m. and used the Taser out of concern for the older woman's safety. The woman was arrested and charges are pending.. (RCMP Infoweb, 2003) Accessed May 29, 2003.

Man subdued with stun gun dies in Prince George

Prince George, BC - The coroner's office and police are investigating the death of a Prince George man one day after he was wrestled to the ground by RCMP officer and later subdued with the Taser, a form of a stun gun. Clayton Alvin Wiley, 33, died Tuesday morning in hospital, police said. Around 5 p.m. Monday three police officers tried to arrest Wiley after receiving several complaints from residents about a man acting "irrationally and aggressively," RCMP Constable Gary Godwin said. "He was wrestled to the ground and handcuffed," Godwin said. "He didn't comply with verbal commands to lie down, put his hands behind his back and identify himself." Godwin

said Wiley also became aggressive when the officers tried to get him out of a police car at the RCMP detachment. It was then that the Taser was used. Wiley died at Prince George Regional Hospital about 16 hours later. (RCMP Infoweb, 2003). Accessed July 23, 2003.

Family wants stun-gun ban

Prince George, BC – The family of a man who died a day after police wrestled him to the ground and hit him with a Taser electric stun gun wants the B.C. government to ban the weapons. Friends and relatives of Clay Alvin Wiley, 33, have started a petition against Taser use by all B.C. police forces. "I think [Tasers are] a cruel and unusual punishment," says Wiley's sister, Bryna Wiley. "I think it contributed to his death. What can an electric shock do to a heart that's already pumping fast?" A cause of death has not been announced and a final autopsy report has not been completed, said Bryna Wiley. Prince George RCMP does not plan to reconsider Taser use any time soon, Staff Sergeant Walt Makepeace said Tuesday. "There's nothing to indicate Tasers have been responsible for the death of anyone in Canada," he said. More than 400 officers have been trained to use the weapon, and the RCMP plan to have Tasers in all B.C. detachments, said Corporal Pierre Lemaitre of E Division RCMP headquarters in Vancouver. (RCMP Infoweb, 2003) Accessed July 31, 2003.

Jolt from 'stun gun' allows Mama Moose, calf to bolt Whitehorse - A Yukon RCMP officer had a chance to try out his new Taser on a gigantic and irate cow moose trying to protect its new-born calf stuck in the local conservation officer's backyard. "One of the neighbours phoned up and said there was a moose that was going crazy in the backyard," Cpl. Ken Alderson said yesterday. The Tasers were issued to RCMP officers for the first time last year. Once Alderson shot the Taser and knocked the cow over, another officer and a local resident ran into the yard, grabbed the trapped calf, dumped it over the fence and scooted back to safety. Alderson let go of the trigger, cutting off the current, and the cow was able to get back up. (RCMP Infoweb, 2003) Accessed June 6, 2003.

Purpose

The developers of less lethal weapons designed these devices to provide law enforcement, corrections and military personnel with an alternative to lethal force. Their objective for the use of these devices was to temporarily incapacitate, confuse, delay, or restrain an adversary in a variety of actual violent or potentially harmful situations. They have been primarily used for on-the-street confrontations and suicide interventions, but have also been applied in riots, prison disturbances, and hostage rescues. Less lethal weapons are most often used when:

- Lethal force is not appropriate,
- Lethal force is justified, but lesser force may subdue the aggressor, and,
- Lethal force is justified, but it could cause collateral affects, such as injury to bystanders or unacceptable damage to property and the environment.

The RCMP typically uses less lethal weapons to:

- Control crowds
- Manage mentally challenged persons
- Stop and protect self mutilators
- Subdue edged weapon users
- Intervene in hostage situations
- Control combative cell block situations
- Potentially neutralize terrorist attacks

Requirements

The “ideal” less lethal weapon is one that has:

- Temporary effect,
- Minimal medical implications,
- High probability of instantaneous control,
- Effect on the highly motivated,
- Observable effects,
- Affect only on the intended target,
- No confusion with lethal weapons, and
- Unlimited range. (RCMP, 2002, p. 6)

The principle requirements for the employment of any less lethal weapon are safety and effectiveness, but there can be a dynamic tension in applying these requirements. The key objective of the RCMP use of less lethal weapons is to meet operational duties, yet reduce the potential for causing death or harmful injury. The Latin motto, understood by doctors everywhere, is applicable: “Primum non nocere” (First of all, do no harm). Less lethal options are increasingly available due to advances in technology together with police officer and public expectations. Using this new option reduces the chance of liability now occasioned through the use of lethal force.

CHAPTER 5 – APPLICATION OF CONFLICT MANAGEMENT THEORY TO REAL-LIFE SCENARIOS

In this chapter, conflict analysis and management theory will be applied to five hypothetical scenarios based on real-life incidents. In each of the following scenarios, a practice-theory-practice model will be applied commencing with the seminal works of Deutsch who brings a social psychology lens to conflict theory. Deutsch sees conflict as “...whenever incompatible activities occur” (1973, p.10), and “...that conflict is potentially of personal and social value as an opportunity for problems to be aired and for individuals to personally develop” (1973, p. 8). Other theorists such as Maslow, Fisher, Marcus, Burton, Cherniss and Goleman are referenced to enhance the understanding of conflict analysis and management.

The application of Deutsch’s viewpoint to hypothetical, real-life based scenarios will demonstrate that the use of less lethal weapons can provide a short-term resolution to some conflict situations when used appropriately. Less lethal weapons can minimize injuries and save lives. The term “less lethal weapon” may sound negative, but it is a creative alternative to potentially lethal and more devastating outcomes to some conflict situations. Additionally, the analysis will demonstrate the problems that are created by the inappropriate use of less lethal weapons and the impact these wrongful actions have on legal and human rights, the image and effectiveness of the police and society in general.

Deutsch's view is that conflict is a neutral construct. It is how we manage or respond to it that makes it a positive or negative transaction. In addition, the cooperative and competitive models of conflict are not necessarily good or bad. The response to conflict must recognize the characteristics of these models to build constructive results and avoid negative ones.

The theory of co-operation and competition has two basic ideas, "One relates to the type of *interdependence among goals* of the people involved in a given situation. The other pertains to the *type of action* taken by the people involved" (Deutsch and Coleman, 2000, p. 22). Deutsch explains that there are two basic goals to interdependence: positive and negative. He states: "To put it colloquially, if you are positively linked with another, then you sink or swim together; with negative linkage, if the other sinks, you swim, and if the other swims, you sink" (p. 22).

Deutsch and Coleman also characterize two basic types of action by an individual as effective actions or bungling actions. These actions either improve or worsen the actor's chances of goal attainment, respectively. Deutsch believes that people's goals may be linked for many reasons and what he terms as positive interdependence can occur from people liking one another, needing to share a resource or work together to overcome an obstacle, being influenced by personality or cultural orientation, and so on. Deutsch (2000) says "Similarly,

with regard to negative interdependence, it can result from people disliking one another; or from their being rewarded in such a way that the more the other gets of the reward, the less one gets, and so on” (p. 23).

It is Deutsch's belief that if conflict exists, then the people involved are interdependent in some way.

Many subjects who are faced by the police in intense conflict situations have negatively linked goals to the police. The nature of police work deals mainly with conflicting goals as the subject in question may only see the police officer(s) as wanting to take him to jail and he does not want to go to jail. Asymmetries exist in police - subject perception of interdependence in their situation-specific encounters.

Deutsch (2000) explains:

Suppose that what you do or what happens to you may have considerable effect on me, but what I do or what happens to me may have little impact on you. I am more dependent on you than you are on me. ..As a consequence of this asymmetry, you have greater power and influence in the relationship than I. (p. 23)

Few situations are “purely” positive or negative, as there is a mixture of goals. Due to the asymmetries that exist in the situations that police officers are called to deal with, they find themselves in power struggle situations that have mainly negatively linked goals.

Many police officers lose sight of the fact that the manner in which they deal with calls for service is not only about the immediate situation. They always need to be aware of who their audience is and how their responses to situations are measured. Police officers often feel the need to fix everything they are faced with and in the process of “fixing everything” some lose sight that the outcome is not everything. More often than not, it is how one gets to the outcome---the process---that is more important and meaningful for everyone involved.

The main theme of the scenarios is not whether police officers can use less lethal weapons; it is when or when not to use them that becomes truly important.

Police officers have a variety of tools, systems and mechanisms at their disposal.

The use of orthodox methods to policing duties may not be safe or acceptable any longer due to the accessibility to alternative options such as the use of less lethal weapons.

Scenario 1

a) Who is involved?

- A mentally ill individual, a Caucasian male, 50 years old, 6’2” tall who weighs 240 lbs. Who has no police history in the last ten years.
- The Emergency mental health team - two psychologists and one psychiatric nurse.
- The subject’s family - his wife is at their residence, she is upset and

very concerned for her husband's well being.

- Three RCMP officers - one armed with a Taser (less lethal device) and two with their sidearm (Smith & Wesson 9 mm pistols).

b) What is the problem?

A mentally ill individual will not come out of the camper trailer, which is parked in the driveway at his residence. His wife is concerned about her husband's state of mental health as he told her earlier in the day that he has been thinking about ending his own life lately.

c) When and where does this problem occur?

In a quiet residential neighbourhood in British Columbia, Canada, on July 1st.

d) Why does the problem happen?

- Subject has not taken his medication that treats his severe depression for the past week.
- He has recently been laid off from his job that he has maintained for the last 8 years.
- He has become very depressed and agitated since ceasing to take his medication.

e) How does the problem happen?

The subject's wife called Emergency Mental Health (EMH) at 7 p.m. to get help for her husband who has been in their camper trailer since 9 a.m. this morning and he will not come out or let her go inside. She reported to EMH that her husband is acting irrational, that he is agitated and upset about the recent loss of his employment. She further reported that he has not been taking the medication to treat his mental condition for the past week. She is worried that her husband may try to kill himself.

At 8 p.m. EMH attends the local RCMP detachment in the area where this subject resides. They explain the situation and the wife's concerns about her husband. EMH requests the assistance of officers to attend the subject's residence with them as they try to communicate with this man to make an assessment on his current state of mind.

The EMH and three RCMP officers attend the subject's residence. EMH workers attempt to communicate with the subject; however, he will not open the door of the trailer and refuses to talk to them. The subject sounded distraught and agitated when he did express himself to EMH. EMH requests that the RCMP officers attempt to communicate with the subject and to make an arrest according to

the Mental Health Act so that he can be taken to the hospital to be assessed by a physician.

The RCMP officers attempt to communicate with this individual through the slightly opened window of the trailer. As the subject slams the window shut he announces that he does not want to live any longer and tells everyone to leave him alone to end his suffering. One of the officers kicks in the trailer door and two of the officers enter the trailer to find the subject sitting on the bed and beginning to slit his own wrist with a large hunting knife. The officers demand he drop the knife and he tells them to stay away from him as he waves the knife towards them. One officer draws her gun and the other draws the Taser. The officer armed with the Taser warns the subject that he will be hit with 50,000 volts of electricity if he does not drop the knife. The subject continues to slice his own wrist. The Taser is deployed and the subject drops the knife and curls up into the foetal position. The officers rush over to restrain the subject and do so successfully.

The ambulance is near, on stand-by, and drives over to the scene immediately after the subject is restrained. The ambulance attendants tend to the subject's wound and then the subject, who is detained, gets an escort to the hospital by one of the RCMP

officers, for a psychological assessment. The subject's wife attends the hospital to support her husband and to talk further with members of EMH and the RCMP officer.

RESULT: No further injury to this subject, no fatal ending, and the subject is afforded psychological assistance.

This scenario invokes Maslow's Hierarchy of Needs Theory in that when the subject's wife called the emergency mental health team for help, she did so to satisfy her need and her husband's need to feel safe. The Emergency mental health team did the same, which is ensure their safety, when they called upon the RCMP to assist them in dealing with this situation that had potential to be high-risk for violence. As Maslow (1993) said,

The process here basically poses the question of what people need universally. It seems to me that there is a fair amount of evidence that the things people need as basic human beings are few in number. It is not very complicated. They need a feeling of protection and safety, to be taken care of when they are young so that they feel safe. Second, they need a feeling of belongingness, some kind of family, clan, or group, or something that they feel that they are in and belong to by right. Third, they have to have a feeling that people have affection for them, that they are worth being loved. And fourth, they must experience respect and esteem. And that's about it...Remember what they are: first of all, safety, being anxiety free, free of fear; next, belongingness, you have to belong to a group; next affection, you have to have people who like you; and finally, respect, you have to have respect from people. (p. 218-219)

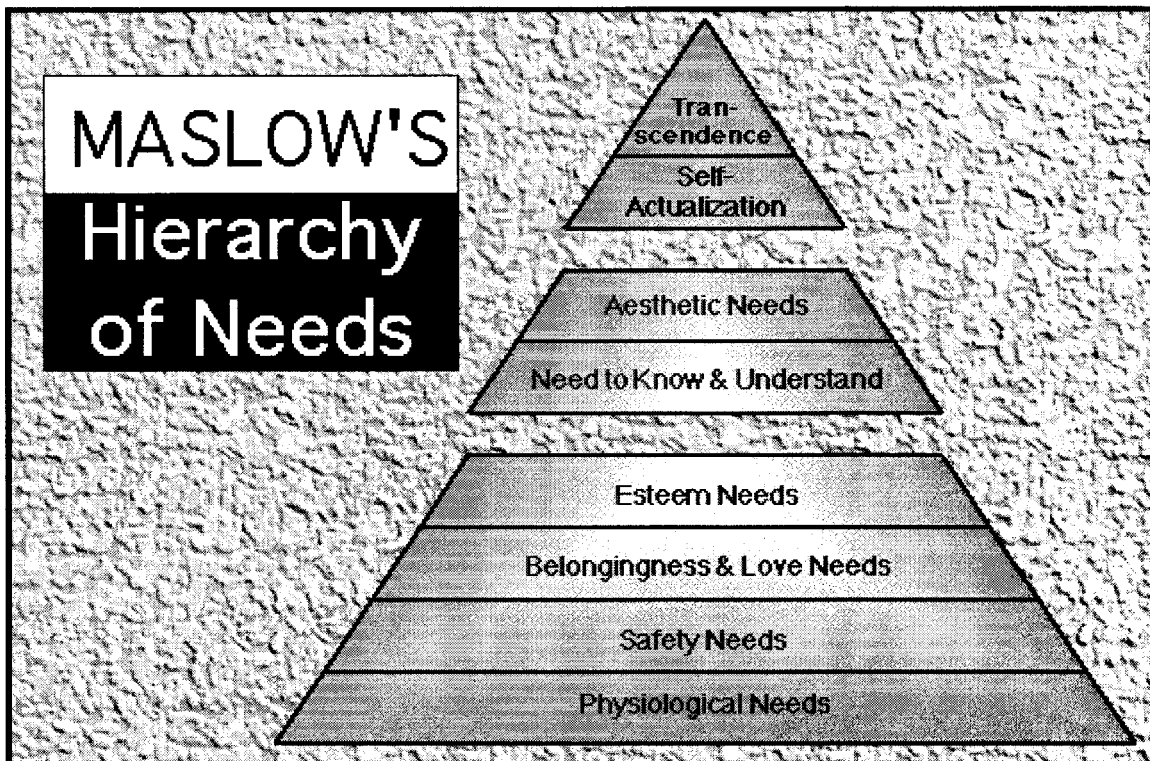
The following diagram shows Maslow's Hierarchy of Needs in eight different levels. They are from base to top: physiological needs, safety needs,

belongingness and love needs, esteem needs, need to know and understand, aesthetic needs, self actualization and transcendence.

Figure 1

Source: <http://chiron.valdosta.edu/whuitt/col/motivation/motivate.html>

“Maslow’s Hierarchy of Needs”



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Each level of Maslow’s Hierarchy of Needs, from the base level to the top level, must be met or satisfied before one can move to the next level.

Safety needs have to do with establishing stability and consistency in a chaotic world. These needs are mostly psychological in nature. We need the security of a home and

family. However, if a family is dysfunctional, i.e., an abusive husband, the wife cannot move to the next level because she is constantly concerned for her safety. Love and belongingness have to wait until she is no longer cringing in fear. Many in our society cry out for law and order because they do not feel safe enough to go for a walk in their neighbourhood.
(www.utk.edu/~gwynne/maslow.htm)

Many in society view the police as an agent for their safety and security. In most mental health related calls, alternate dispute resolution (ADR) and dialogue methodologies to conflict resolution do not work. The subjects in these cases are ill, and the police often have no choice but to use force to deal with the immediate high-risk problem. Officers must ask themselves what measures they need to take to protect the subject, the subject's family, the community and themselves.

Public sceptics and critics of the police's use of less lethal weapons have asked what is more important: the right to human life or the right to human rights? In the situation described above, it is hard to argue with the end result as the subject does not die and he will be afforded a chance to get the help he needs. However, there is not complete acceptance from RCMP officers on the use of less lethal weapons as some feel that less lethal weapons can put officers at increased risk to injury or death in some situations.

Some officers feel they have too many choices of options, not enough space on their duty belts to carry all of these tools, and not enough time in situations to make the "right" choice. Also some officers feel that having too many use of

force options creates an environment in the courtroom where they will be further scrutinized on the use of force option they chose at the time of the incident in question. Some officers are of the opinion that when they are called to deal with a situation that involves a subject with a lethal weapon then the use of less lethal weapons should not be an option to be considered in the police response. Less lethal weapons also become one more thing an officer has to get trained to use and then re-qualify on as per policy.

Changes within an organization, such as is the case with the implementation of less lethal weapons into the daily duties of RCMP officers, may be accompanied by feelings of discomfort, uncertainty, and anxiety. The sense of safety for the officers is essential which relates directly to Maslow's hierarchy of needs. People are known to get cynical about change and the change process often evokes emotions. Cherniss and Goleman (2001) state that, "seeing the need for change; removing and addressing barriers; challenging the status quo; articulating compelling vision of new organizational goals" (p. 15) are the change catalysts. The RCMP must continue to change, to be progressive, to incorporate leading edge technologies, and meet society's increased expectations.

Marcus (2000) states "Any change process, at the individual, group, organizational, community or societal level finds conflict inherent in the process. Similarly, any conflict resolution process brings about change in some form, between or within the parties in conflict" (p. 226).

As stated earlier, some officers feel that they have enough tools to use for resolving conflict situations already, without adding less lethal weapons to the toolbox. Some feel that too many choices only clutter the decision-making process that usually has to occur within seconds. In reality, uncertainty, threatening circumstances and time pressure do have major impact on the decision-making process. Lorenz describes this reality, employing a military example:

During operation Restore Hope in Somalia, a sergeant shot a Somali boy who was approaching his vehicle with a box that looked like a bomb. The sergeant was acting in self-defence when he responded to what he thought was a serious attack. Afterwards it turned out that the Somali boy was carrying a cardboard ration box (Lorenz, 1996). In this incident, the sergeant had to assess immediately whether the Somali boy really carried a bomb, or whether he had the intention to attack the sergeant and how likely it was that he would succeed. Based on this assessment the sergeant had to decide whether or not to use lethal force. It is easy to conceive how difficult it is to make an accurate decision in such a threatening and stressful situation. (Janssen and Jansen, 2003, p. 6-3)

Deutsch's theory of Co-operation and Competition aids in the understanding of the theoretical underpinnings in this example in that it points out that competitive effects, misjudgement and misperception feed the conflict escalation spiral and causes people to interpret others actions as hostile while they interpret their own actions as benevolent. This alone causes the conflict to spiral upward in intensity. "A related psychological principle is the asymmetry between trust and suspicion. Trust when violated is more likely to turn into suspicion than negated

suspicion is to turn into trust”

(www.colorado.edu/conflict/peace/example/morton_deutsch.htm).

Scenario 2

a) Who is involved?

- One male in his mid 20's. He is 5'8" tall and weighs 170 lbs. The RCMP arrested him and booked him into the cellblock at the local RCMP detachment where he is being held for court in the morning on assault causing bodily harm charges for assaulting and injuring his common-law girlfriend.
- One jail guard.
- Three RCMP officers.

b) What is the problem?

A combative, suicidal male in a cell.

c) When and where does this problem occur?

On June 12th - Victoria, British Columbia, Canada.

d) Why does the problem happen?

- Drugs may be a factor.
- Male is intoxicated by alcohol.
- One minute the male is screaming in his cell that he is innocent and

then the next minute he is expressing his apologies for what he has done to his common-law girlfriend.

- Male is unstable and wants to be released so he can see his girlfriend.

e) How does the problem happen?

Throughout the process of being arrested at his home and then being booked into the cellblock by the local RCMP, this male has been combative, belligerent and resistive. He is now in a cell by himself and is acting in a belligerent manner and will not stop yelling. Officers leave the cellblock to tend to other calls for service and to complete the necessary court documents for this male's first appearance in court the following morning.

The guard is required to check on the prisoners every 10 minutes. During this bed check the guard finds this male with his pants off. He has tied a leg of his pants around his own neck and is trying to tie the other pant leg to the water sprinkler head attached to the ceiling of the cell by balancing on the toilet in the cell.

The guard pushes the panic button in the cellblock and the officers run back in immediately. The guard quickly explains the situation to the officers. When the officers look in the cell, they observe that

this male has broken the sprinkler head and it now banging his head repeatedly on the wall of the cell. He is bleeding profusely. When the officers attempt to communicate with him he spits at them.

The officers need to stop this male from further injuring himself and need to have his injuries tended to by the ambulance service. The male continues to be verbally and physically aggressive towards the officers as they attempt to approach him. One officer uses the Taser in "stun-mode" as he approaches this male in hopes of avoiding a physical altercation. The male drops to the floor and the officers are able to restrain him.

RESULT: No further injuries occur to the male subject and no injuries to officers.

This is an urgent situation that the officers have to deal with immediately due to the subject's injuries and mental state - retreating and dealing with the situation at a later time is not a feasible or appropriate option. Deutsch (2000) explains his Theory of Co-operation and Competition:

The basic psychological orientation of co-operation implies the positive attitude that "we are *for* each other," "we benefit each other"; competition, by contrast implies the negative attitude that "we are *against* one another," and in its extreme form, "you are out to harm me." (p.24)

Police officers find themselves in competitive situations where the subject in

question sets the tone of the interaction: "Act competitively and we will respond competitively" is a view commonly held by police officers. Deutsch (2000) states that it is necessary to understand the three social and psychological processes involved in creating the major effects of co-operation and competition:

Substitutability (how a person's actions can satisfy another's intentions), attitudes (the predisposition to respond evaluatively, favourably or unfavourably, to aspects of one's environment or self), and inducibility (the readiness to accept another's influence to do what he or she wants; negative inducibility refers to readiness to reject or obstruct fulfilment of what the other wants). (p.24)

In policing contexts, competition stimulates the view that a solution to the conflict situation can only be imposed by one side through superior force. Another theory, "Frustration Aggression," argues "...humans are very goal-oriented, and whenever they are prevented from reaching a goal, frustration and negative energy are created which generate aggressive action on their part" (Jadallah, 2001, p. 2). By having the less lethal weapons option available to them, police are able to deal with conflict situations, as the one described above, in a constructive manner, although it is not considered a co-operative process according to Deutsch. There is a constructive conflict resolution to this situation because the male subject incurs no further injuries and the police officers do not get injured in attempting to restrain the individual. Due to the actions of the police, this male can be treated for his injuries and be taken out of the cell environment temporarily to provide some relief to his present state of mind.

Many conflict situations cannot be resolved peacefully. However, one could

argue that the word “peaceful” is a relative term. Some will view the fact that when less lethal weapons are deployed in some situations, serious injuries are spared and, at the extreme end of the spectrum, no loss of life occurs, so the result of the situation is deemed a peaceful resolution. Thus, though a significant conflict arose and became an emergent one requiring quick action, the use of less lethal weapons brought about what most reasonable, objective persons would call a constructive outcome, using a lawful, appropriate use of force.

Scenario 3

a) Who is involved?

- 70-75 activists / demonstrators / protestors
- Twenty police officers

b) What is the problem?

The protestors will not obey police demands to leave a site of demonstration after the mayor of Ottawa made a proclamation according to section 67 of the Criminal Code (“Read the Riot Act” for the crowd to disperse.

c) When and where does this problem occur?

On April 30th, Ottawa, Canada

d) Why does the problem happen?

- Protestors do not trust the police.
- Protestors feel they are lawfully entitled to remain at this location.
- Protestors want media attention to have their point heard by many.
- Lack of police understanding and patience with this type of incident.
- Pressure on police to secure the area for dignitaries.

e) How does the problem happen?

The protestors have gathered outside the Chateau Laurier, a high-end hotel in the nation's capital, where several trade ministers from various countries are meeting. The protestors have joined together and have decided to sit in a circle with arms locked together in front of the entrance to this hotel. They are chanting songs and slogan against the issues the ministers have tabled to discuss.

The ministers are scheduled to leave the building via the front entrance for a news conference in 15 minutes. The numerous officers present have to provide security for this news conference and they have been told by their superiors to ensure the protestors are sent on their way before the ministers exit the building.

The officers approach the group of seated protestors who are still

linked together by the arms. They have authority to act as the Mayor has "read the riot act" and they must now execute this order and so inform the protestors of this fact. They ask the protestors several times to leave the property and go across the street. The protestors respond by becoming more vocal in hopes to draw in more media attention.

One officer, armed with a Taser in stun mode/touch mode, decides to get the protestors to move right away by stunning some of them by touching the back of their necks with the Taser. This action leaves a burn mark on the skin. The protestors leave in a very angry and defiant state. They smash a few placards and turn over a few garbage cans as they yell obscenities at the police and at the media cameras as they depart. Several lawsuits follow against the police force for claims of police brutality.

Result: Protestors leave the location, but this incident escalates from one of protest to one of conflict between the police and protestors. Protestors claim injuries and file lawsuits against the police force, creating a negative image of the valid police action and generating poor public relations coverage for the police force.

Police may need to redefine what it means to "win" in protest situations.

Interactive conflict resolution offers all parties to a conflict the opportunity to utilize an “analytical approach to joint problem solving of a conflict that will be conducive to emergence of a creative ‘win-win’ solution satisfying the basic needs of both parties” (Kelman, 1990, p. 145). In this situation there are other avenues available to the police to deal with this situation in a non-confrontational or less confrontational manner. For example, a decision could be made to change the location of the news conference due to the protesters presence. How much dialogue is occurring between the police and the protestors during this event and in the days, weeks or months before this event takes place? Dialogue is a catalyst for change as everyone has voice. Are any negotiations happening in an attempt to meet the needs of everyone involved? Prior to this event, had this police force attempted to establish a professional relationship with the protester groups? Do the officers involved have a level of understanding of the issues of concern to the protesters?

It appears that the relationship the police and protesters currently have is competitive in nature. Competitive relations according to Deutsch, show the following characteristics:

- Communication is impaired,
- Obstructiveness and lack of helpfulness lead to mutual negative attitudes and suspicion of intentions,
- Parties’ inability to divide their work results in duplication of one another’s efforts,
- Repeated disagreements and critical rejection of ideas reduces confidence in oneself and the other,
- Conflicting parties seek to enhance their power and to reduce the power of the other,
- A view is set out that the solution of a conflict can only be imposed

by one side on the other. (Deutsch and Coleman, 2000, p.25)

A co-operative process, in contrast, shows the opposite effects:

- Effective communication,
- Friendliness, helpfulness, and less obstructiveness,
- Co-ordination of effort, division of labour, orientation to task achievement, orderliness in discussion, and high productivity,
- Feeling of agreement with the ideas of others and a sense of basic similarity in beliefs and values,
- Willingness to enhance the other's power,
- Defining conflicting interests as a mutual problem to be solved by collaborative effort. (Deutsch and Coleman, 2000, p.25)

Fisher's (1993) work on group conflict theory seeks to explain the motivators of inter-group conflict. He analyzes the dynamics of the processes leading to inter-group conflict and how there are individual processes that contribute to the group mentality that are based on shared cultural values. For a police officer to understand why protesters are acting in a particular manner he or she must understand the group dynamics contributing to the conflict and the dehumanization of the other. Police often stereotype protesters and protesters, in turn, stereotype police.

Justification must be at the forefront of any decision to use less lethal weapons. Police officers should often ask themselves if the response is proportionate to the risk to the particular individual/group in question, to society, and to the public image of the police.

Scenario 4

a) Who is involved?

- A male subject in his late 20's who is 5'11" and weighs 195 lbs.
- The general public and possibly primary school aged children.
- Two police officers in one patrol car.

b) What is the problem?

A male is in the streets with a gun.

c) When and where does this problem occur?

On May 3rd, Edmonton, Alberta, Canada

d) Why does the problem happen?

- He is a drug cocaine drug user and an alcoholic
- His wife has recently left him taking with their two young daughters

e) How does it happen?

Police dispatchers receive several calls from panicked citizens who report that a male is walking and occasionally running down the streets with a sawed off shotgun. According to police callers, this male has pointed his gun at several people in cars as they drove by him and he has also pointed the gun at people in their yards.

Additionally, someone reports that this male stops at times and

then kneels to the ground and puts the muzzle of the gun into his mouth.

Police receive a report that this male is currently walking down Prairie Street and is headed towards a primary school where children are leaving to return to their homes. Most of the police officers on this particular platoon are on the other side of the city dealing with a bank robbery in progress. Two police officers in one patrol car are the only ones nearby. They locate the suspect male as he walks behind a convenience store.

The driver stops the police car and lets the other officer, who is armed with lethal force, out of the car. This officer goes to the other side of the store where he can see the subject without the latter being aware of the officer's presence. The driver parks the car and takes cover behind it while observing the male suspect urinating behind the building.

The two officers communicate with each other over their portable radios. As the male goes to pick up his gun the driver yells, "Police! Put your hands up in the air. Do it now!" The suspect continues to reach for his gun, picks it up and raises the muzzle of the gun towards the police officer that has yelled out at him. Both officers

fire their 9 mm pistols, simultaneously, at the male subject. The male falls to the ground and the officers rush in. The sawed-off shotgun is secured by an officer and the other checks for vital signs. They summons an ambulance to the scene. The male subject is pronounced dead on arrival at the local hospital.

RESULT: Male subject killed. No civilians or police officers were injured or killed during this incident.

In this case, lethal force was an appropriate option for the officers to choose; however, it could be argued that less lethal options may have provided a different outcome – a non-lethal resolution to this situation. The officer who had sight of the male subject without his knowing may have been in a position to fire the Taser or sock round at the male to incapacitate him before he raised the shotgun at the other officer. In the RCMP National Magazine, *Pony Express*, an article discussing discharging firearms advises RCMP officers to:

Consult the Incident Management Intervention Model (IMIM) and you'll find that only one circumstance in which the use of the firearm is appropriate: when death or grievous bodily harm is imminent. Even then, the model suggests less lethal options, such as tactical repositioning. (Zanin, 2003, p. 15)

In the same article an officer states: "We need to support our members and we all know that the work we all do is deadly. There are no second chances and actions have to be justified and supported by law" (Zanin, 2003, p. 15). This expression of kinship is consistent with Maslow's description of belongingness as

a fundamental need (see figure 1). Some officers may argue that had the officer attempted to use a less lethal weapon to deal with this high-risk situation he would have put himself and others at risk. However, lethal backup is essential whenever less lethal weapons are deployed in a situation such as this. The officer had his partner there with the lethal option if the less lethal option did not incapacitate the male subject.

Training becomes essential for lethal and less lethal weapon users so that officers can establish confidence in their ability and the ability of their co-workers to use the weapons. Equally important is the officers comfort level with the effectiveness of the less lethal weapons. Police officers, as people who live in the communities that they serve to protect, and, as Maslow suggests, need to feel secure and safe when they perform their duties to bring peace to their communities.

Many officers on tactical units, who use the sock rounds mainly for crowd control purposes, complain that the speed at which the round is shot is too slow and, as a result, the round is basically ineffective. They would like to see the round fired at a higher rate of speed to have more impact and travel a greater distance. Some RCMP officers feel that this round is not achieving the desired effect for the operational range because it is underpowered.

The effectiveness of the less lethal weapons, which subsumes officer safety concerns, is paramount for officer confidence and acceptance; however, it is difficult to establish a parameter for maximum effectiveness of the weapons with minimal potential for lasting injury. This demonstrates the natural tension between safety and effectiveness.

Scenario 5

a) Who is involved?

- One male who has been arrested for causing a disturbance.
- Citizens who reside on the street in question have had their sleep disturbed.
- Two RCMP officers

b) What is the problem?

The male is intoxicated and yelling and screaming in a residential area.

c) When and where does this problem occur?

On August 10th, 3 a.m., Prince George, British Columbia, Canada.

d) Why does this problem happen?

This male is upset because he was told to leave a party because he was starting fights.

e) How does this problem happen?

It has been an extremely busy night for police and most of the calls

for service were due to many intoxicated individuals who were in town for a slow-pitch, softball tournament. At 3 a.m. police dispatchers receive several calls about a belligerent, intoxicated male is yelling and screaming in a Prince George neighbourhood. Two police cars drive to the location where this male was last reported walking. One officer spots an individual who is walking down the street. Upon talking to this individual, the officer observes that this male fits the description given to dispatchers by angry residents and the male's attitude and level of intoxication also confirms for the officer that he is talking to the right individual. The male starts to yell obscenities at the officer so the officer arrests him for causing a disturbance as a resident yells, "shut up out there!" from her bedroom window.

The male is handcuffed and subsequently searched before being placed into the backseat of the police cruiser. En route to the detachment the arrested male decides to lie down on the backseat and attempts to kick out the back window of the police car. The officer stops the police car and is angry that the subject has attempted to damage the police car. He exits the vehicle and opens the back door of the police car to address this issue with the arrested male. The male swears at the officer several times. The officer takes out his can of OC spray and sprays the male in the

face at close range.

The male subject yells out in agony and the officer takes the long route back to the detachment where he must decontaminate the male subject with water.

Result: The male subject was sprayed with pepper spray without lawful cause as the accused male was handcuffed. Abuse of authority has occurred.

The situation described above is another example of how less lethal weapons can be abused by the police. There could be several underlying issues surrounding the reason why the officer reacted in the manner in which he did. From my experience in policing, long work hours, lack of sleep, personal problems, lack of days off, and high file load can contribute to an officer's lack of patience. However, those reasons are not an excuse to abuse one's authority; and expose an officer to risk of criminal and internal discipline charges, especially policies relating to the use of force.

An American handbook on excessive force notes:

Over and over, one thing we have learned is that good policing practices are essential to developing community support. Other elements include trust and confidence in the administration of justice. With this foundation, the prospect of successfully dealing with the potential for violent disturbances in the community is greatly enhanced. Moreover, a healthy relationship between the police and the community diminishes the prospect of the police using excessive force at all.

(<http://www.usdoj.gov/crs/pubs/pdexcess.htm>, accessed August 9, 2003)

With the implementation of less lethal weapons comes an increased responsibility to ensure the proper and safe deployment of such weapons. Police must act responsibly so not to bring justice into disrepute. Fitzgerald and Wright (2000) state, "However, most would agree that the Rule of Law is best ensured by the highest standards of professionalism, public service and effective accountability" (p. 117).

To have power doesn't mean one has to use it. Situations and aggressive behaviour can be deterred by the physical presence of power. Demonstrative power is an option that police officers can try in certain situations. Sometimes simply the sight and sound of less lethal weapons can deter on their own without actually being used.

These five scenarios serve to demonstrate how complicated and multi-layered the choice to use force becomes for officers. Policing has never been an easy,

straightforward task at any point in society's evolution. However, today's police officers, faced with higher expectations of society and technological advances in equipment, have an extremely difficult and demanding job. Police officers must recognize that these tools exist so they can perform their duties effectively, professionally and acceptably.

CONCLUSION

Conflict analysis and management skills, along with a theoretical understanding of conflict, are absolutely essential for the proper deployment and use of less lethal weapons. This knowledge will ensure that key elements such as prevention, dialogue, negotiation and planning are not overlooked during conflict situations faced daily by police officers. This knowledge contributes directly to understanding what processes are involved in producing constructive or destructive conflict situations.

Burton and Dukes (1990) describe a concept that they call "Provention":

Provention, as an extension of analytical conflict resolution, is the process by which theoretical and empirical findings regarding particular cases of conflict are generalized and translated into policies. By analyzing and anticipating the future, decision-making processes are taken to remove the sources of likely disputes and conflict. (p. 162)

Provention seeks out the true source of the conflict, learning the lessons that occasioned the occurrence through analysis, so that in the future, rather than wait and react to conflict, or try to deter or suppress it through the application of the criminal law power, (in the type of conflict situation discussed here) or the presence of persons in authority, the organization takes positive measures to change its procedures, processes, practices, and protocols. The purpose of Provention is to avoid the future conflict from occurring. It may be necessary to

take some active steps to alter not only your own organization, but also the ones capable of causing or exacerbating the conflict. This is an atypical approach that goes beyond the conflict or dispute that has occurred.

Provention must not be overlooked in the management of conflict and the use of less lethal weapons. Provention implies that theoretical and empirical constructs gained from analysis of a particular conflict will enhance a generalized analytical conflict management model such as the Incident Management Intervention Model used by the RCMP. Provention will assist the RCMP in making better, more enlightened decisions concerning less lethal weapons now and in the future.

In addition, the role of the RCMP as national organization with influence on all Canadian law enforcement agencies is heightened. The RCMP must share not only its knowledge and best practices with respect to the deployment and use of less lethal weapons, but also the analytical and theoretical framework that calls for the use of less lethal weapons. The RCMP should become the nation's "Clearinghouse" for the dissemination of knowledge, advice, instruction, and best practices in the legitimate use of less lethal weapons for police forces everywhere, in large cities and small communities. Duplication of services would be avoided, uniformity of practice assured and a valuable data base of information would become a valuable police tool for everyone's toolkit.

There will always be risks to everyone involved when less lethal weapons are deployed. These same risks exist in the use of lethal force. These are the tough calls that all police officers must accept as part of their professional life. But these risks are incurred knowingly and competently when there is a higher level of understanding of conflict analysis and management theory.

“Your worst enemy is not your opponent, but yourself” is a well-known slogan from the Ninja School of Martial Arts. Police officers must work towards creating as many positive, co-operative situations as possible when dealing with conflicts in their communities. The results will be better client/officer satisfaction, the strengthening of relationships, all of which create positive psychological effects.

It is unrealistic to believe that every situation a police officer is called upon to deal with can turn out to be co-operative in nature. In the case of less lethal weapons, which implies a competitive environment, their use provides a non-lethal alternative to high-risk situations that in turn creates constructive rather than destructive results.

RECOMMENDATIONS

While the RCMP Incident Management Intervention Model provides a guidance framework for the application of force in conflict situations, there are other factors in the decision making process such as psychological and situational influences.

Janssen and Jansen (2003) assert “education and training must take into account the psychological processes and situational factors that come into play when making a choice between lethal and non-lethal force” (p. 6-4) The RCMP must continue to focus on continuous training and education, stay up-dated with the changes in law and keep up with ever changing technology to continue to be the centre of excellence and lead the way to best practices for Canadian law enforcement agencies.

A more explicit link needs to be made between the RCMP management intervention model and conflict analysis and management theories to create a heightened understanding. Ultimately a better deployment and use of less lethal weapons will result. Less lethal weapons minimize injuries and save lives.

There can be no argument about this goal. RCMP officers will be better able to choose the appropriate use of force from options from their conflict resolution toolbox. Police officers must learn how to change more of the conflict situations they face daily - invariably dangerous, negative, and competitive cases - into cooperative, constructive processes which promote mutual problem solving environments with collaborative efforts.

The RCMP role in the deployment and use of less lethal weapons is significant. As a national organization the RCMP has a breadth and depth of experience that can and should be shared with all other Canadian law enforcement agencies. It is incumbent on the RCMP to become the corporate memory, the record-keeper and the *primum mobile* ("first mover") with respect to less lethal weapons so that they may become a more useful tool in the conflict resolution toolbox of every police officer in Canada.

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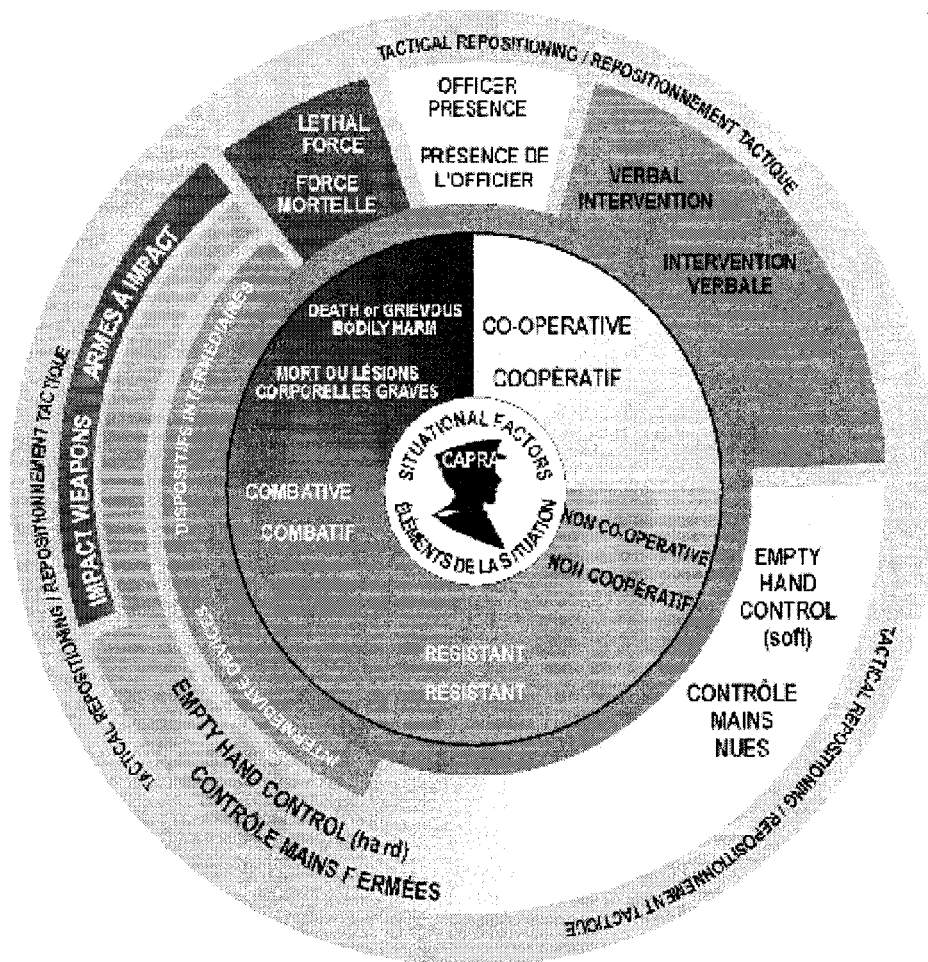
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APPENDIX A - RCMP INCIDENT MANAGEMENT AND INTERVENTION MODEL

RCMP Infoweb (2002)

THE OFFICER CONTINUOUSLY ASSESSES RISK AND APPLIES THE NECESSARY INTERVENTION TO ENSURE PUBLIC AND POLICE SAFETY.



APPENDIX B - CATEGORIES OF RESISTANCE OF INDIVIDUALS

RCMP Infoweb (2002)

In the inner portion of the Incident Management/Intervention Model, potential levels of resistance of suspects are noted. The following defines the expected behaviours of individuals displaying each of the levels of resistance included.

1. Cooperative:

There is no resistance. The person responds positively to verbal requests, commands or activation of a police vehicle's emergency equipment. The person willingly complies.

2. Non-Cooperative:

There is little or no physical resistance. The person does not comply to the officer's request. This can be done through verbal defiance with little or no physical response or failing to pull their vehicle over and stop when an officer activates the police vehicle's emergency equipment. This may include: refusal to leave the scene, failure to follow directions, taunting officers, and advising others to disregard officer's lawful requests.

3. Resistant:

The person demonstrates resistance to control by the police officer through behaviours such as pulling away, pushing away or running away. This can include a situation where a police officer activates a police vehicle's emergency

equipment and the suspect fails to stop and attempts to evade apprehension by driving evasively.

4. Combative:

The person attempts or threatens to apply force to anyone, e.g. punching, kicking, clenching fists with intent to hurt or resists, threats of an assault. In the case of a person operating a vehicle, they attempt to collide with the police vehicle, another vehicle or a pedestrian.

5. Person who shows the potential to cause grievous bodily harm or death

The person acts in a way, which would lead the police officer to believe, could result in grievous bodily harm or death to the public or the police:

- knife attack
- baseball bat
- use of firearm

In the case of a person operating a vehicle, they collide with the police vehicle, another vehicle or a pedestrian.

APPENDIX C - RESPONSE OPTIONS

RCMP Infoweb (2002)

The following are IMIM options available to police officers depending on the outcome of their risk assessment.

Officer Presence

Your presence at a situation may itself impact on how it unfolds e.g. your presence may cause the suspects to cease the activity, e.g. stop making noise.

Your presence may provoke a situation, e.g.'s drunken behavior at a party may turn violent or when you attempt to check a vehicle it could result in the driver panicking and trying to flee.

Verbal Intervention

crisis intervention techniques

verbal and non-verbal communication

anger management

conflict resolution

Empty Hand Control – Soft

soft physical restraint methods

restraining techniques

joint locks

pain compliance

distractions, stuns, creating imbalance

hand cuffing

Intermediate Devices

O.C. Spray (oleoresin capsicum)

CS gas

Conducted Energy Weapon (Taser)

Water Projection System

Empty hand control - hard

blocks

strikes

carotid control

use of police extendable baton

extended impact weapon (Sock Round)

Lethal Force

use of force which could result in the death of a person

firearms

police motor vehicle

Tactical Repositioning

Officers can do a tactical repositioning at any point in a situation:

- if the likelihood and extent of harm to the public can be reduced by tactically repositioning;

- if there is fear of death or grievous bodily harm providing it does not expose others to injury or deadly force;
- if seeking assistance will help to ensure public and police safety;
- if buying time and gaining distance will help to ensure public and police safety; and
- if you have ensured that the scene has been contained and there is little or no potential for harm.

APPENDIX D - REQUIREMENTS FOR LESS LETHAL WEAPONS

UK Home Office permission granted (2003)

There are several considerations for the use of less lethal weapons. Some concern the tactical situation, others the technical characteristics of the weapon and still others relate to effectiveness and officer safety.

Accuracy - The less lethal weapon should be discriminating over a range between 1 and 25 metres as a minimum. This range is chosen as an approximation to that within which a firearms containment can reasonably be provided by officers with handguns, accounting for their general accuracy. Considerable further benefit will arise if a less lethal weapon is discriminating over a greater distance (e.g. up to 50 m), allowing it to be deployed as part of a wider containment, and making it more readily transferable to some public disorder scenarios.

Immediacy - The less lethal weapon should be rapidly effective - ideally immediate. Although certain scenarios may benefit from a delayed action, these will be limited.

Subject Population - The less lethal weapon should be effective against the maximum proportion of the population (taking account of both permanent and transitory differences). E.g. ergonomics/drunkenness.

Ease of Operation - The less lethal weapon should be capable of being operated by one officer. It should be suitable for use by the majority of officers with appropriate training, regardless of physical size or gender. It should not rely on complex motor skills.

Judgement - The less lethal weapon should minimise the number of judgement issues arising from its use (i.e. clear intention/targeting/outcome).

Injury/Lethality - The less lethal weapon should minimise the risk to any person of serious injury and/or lethality at all ranges.

Effect - The less lethal weapon should at least temporarily neutralise the threat, rendering a subject incapable of carrying out an immediate threat of violence.

The duration of such incapacitation must be sufficient to permit officers to safely approach a subject and restrain them, which may include the need to overcome an obstruction (i.e. locked door or barricade).

Environment - The less lethal weapon should be effective in all operating conditions (e.g. weather, indoors/outdoors, lighting, temperature, etc.) and in confined spaces.

Mobility/Flexibility - The option should be effective against a moving target. It should be easily transported to the scene of an incident, and ideally portable at the scene.

Cumulative Effects - The use of the less lethal weapon should not preclude the use of other tactical options before or after the less lethal is deployed. It should not increase or reduce their effects if other weapons are subsequently employed.

Safety/Security - The use of the less lethal weapon should be safe to operate and store, and should have the minimum security considerations.

Few, if any, less lethal weapons will meet all of the above requirements. They will, nevertheless, enable the production of a matrix to derive the 'best fit' available, probably involving a combination of options. The resulting capability, combined with appropriate tactics and training should equip officers involved in the widest range of scenarios.

APPENDIX E -CONSIDERATIONS WHEN ADOPTING SPECIFIC LESS LETHAL WEAPONS

UK Home Office permission granted. (2003)

Repeat Operation - speed of multiple use. Are repeated applications of the option likely to be required? How feasible is such repetitive operation by one officer?

Specialist vs. General use. Is the option appropriate for deployment in all officer roles, or only by specialists such as dog handlers, Tactical Units, ERT, etc?

Training. What are the training periods associated with the option's deployment, both initially and in terms of refresher training? What training facilities are required?

Costs. What will be the costs of acquiring less lethal weapons and Munitions? How much money is needed for maintenance of such weapons? What costs will be incurred for initial training and subsequent re-qualifications?

Legal Implications. Would the adoption of the option require new legal authority? Should the less lethal weapon be considered a prohibited weapon? What are the tactical considerations in the light of Human Rights (e.g. proportionality, least intrusive option)?

Acceptability (Police and Public). What is the external and internal impact assessment associated with the options considered?

Visual Effect of the less lethal weapon. Does the option involve equipment looking like a firearm? Can the option be carried/used covertly?

After-Effects. How long do potential after-effects last? Are the after-effects biophysical, psychological, and traumatic? What treatment/training is required to deal with potential after effects?

Durability. How robust is the less lethal weapon? Are there temperature, humidity, storage, impact concerns? Over what period can an option be said to be reliable? - What checking is required?

Authority to Use. Who should authorize the use of the option? Who should review its use, when, and how often?