

Brian Rappert. 2003. 'Less-lethal Options' *Police Review* 17 January: 22-23.

The use of force by the police can excite great controversy. Especially when injury results to officers or members of the public, questions will be asked whether the action was effective, necessary and proportional. It is hardly surprising then that forces in many countries are searching for 'less-lethal weapons' – such as chemical sprays, electrical devices and kinetic energy rounds – as additional force options.

In a recent issue of *Police Review* (6 December 2002) Mike McBride makes an argument for taking up these weapons. The short case is this: 'less-lethal weapons save lives' by reducing the risk of death in comparison to conventional firearms. Less-lethals can avoid unnecessary force, reduce civil litigation and minimise long-term emotional distress for officers from causing injury or death. A Steering Group led by the Northern Ireland Office is now reviewing possible deployment options both for Northern Ireland and the mainland. In an interim report it identified the electrical Taser and other such weapons as technologies of great expectations.

Although undoubtedly appealing in some respects, there are good reasons for a healthy scepticism about the ultimate usefulness of less-lethal weapons. Once we go beyond the general promises made about such technologies and consider the details of their deployment, the issues at stake become varied, complex and challenging.

While few would doubt that it is preferable to employ less-lethal weapons in lieu of conventional firearms, their use in these situations is likely to be dwarfed by their employment in lesser threat ones. In Britain, armed officers are called out to those situations where firearms are justified, if force turns out to be required. Instead of being a substitute for firearms, new less-lethal weapons predominantly will function as alternatives to other force options such as 'hands-on' tactics, batons, CS sprays or conflict resolution strategies. As such, their benefits and risks need to be considered in relation to these sorts of options.

When viewed in this way, less-lethal weapons don't escape from the questions and difficulties that surround the appropriateness of the use of force more generally. It is not enough to suggest, as McBride does, that the police's first priority is public safety and therefore that these weapons are necessarily appropriate because they are less injurious than conventional firearms. Rather the use of less-lethals will require weighing concerns about the safety of officers, recipients and bystanders and the acceptability of certain risk of injury.

For instance, based on existing practices in the US, at least one Taser manufacturer advocates the application of push-button painful electrical shocks to get resisting individuals into police cars and the use of such shocks at sensitive pressure points to facilitate handcuffing. Likewise, in public order demonstrations, the Taser is said to be highly effective in getting passive resistors to move on. In short, these weapons are being advocated for command compliance rather than police or public protection. Those British forces that are likely to be the first to pilot the Taser in the UK during 2003 have received lessons in such techniques as part of a recent European instructor training course. Applying force early in possible conflict situations or using it as a means of gaining rapid compliance might reduce long-term injuries to officers. Yet, it is less than clear that efficiency in means goes hand in hand with desirable social ends.

In current ACPO discussions about the operational guidelines for Tasers there are no plans to pilot them as compliance devices. However, it would be wrong to dismiss concerns about the potential for a widening operational use of less-lethal weapons. When CS sprays were publicly forwarded in the mid-1990s, they were justified as a last step option in restraining extremely violent individuals short of a firearm. However, quite quickly they became justified for a wider range of situations. There is nothing inevitable about this widening deployment scope, but neither is there anything that necessarily prevents.

This point raises the question of just what the public should be told. McBride advocates that the public should be informed, and thereby reassured, about the effects and uses of less-lethal weapons. Yet, it is not so clear that informing the public is compatible with ensuring a smooth uptake. To alleviate likely British public concern associated with officers employing electrical shocks, in the pilots planned for 2003 Tasers will be issued only to officers in ARVs. It is apparent though that some forces are already planning for a future much more extensive deployment, ultimately aiming to issue weapons to street patrol officers. The rationale: that is believed to be where the greatest potential is for saving lives and minimizing injury. Yet, publicly stating this as the ultimate goal is likely to generate considerable apprehension.

McBride does note some points of concern about less-lethal weapons. One was the potential for creating unrealistic expectations about force panaceas. History would suggest that this is not only a possibility, rather has been a fairly ubiquitous feature of the introduction of less-lethal weapons. Tear gas and chemical sprays have been marketed as capable of instantly stopping assailants. Rubber bullets and baton rounds have been billed as highly accurate, reliable, and relatively non-injurious. Experience has proved such statements to be highly questionable. While acknowledging the general danger of oversell is one thing, heeding the warning in practice is more difficult. So, McBride mentions a number of less-lethal weapons now becoming available such as 'glue', anti-traction, and sound devices. Yet, the basic feasibility of each of these options has come under sustained criticism in recent years.

McBride also states that less-lethal weapons are not risk free. As with any weapon this is certainly true. However, more than just noting that there will always be some dangers, the uptake of new weapons brings with it many questions about the acceptability of risks and scientific uncertainty as well as the how these should be communicated to police forces and the public. For instance, during its introduction the CS spray was said to have been tested to a level similar to that required for a pharmaceutical drug. As the extent of testing gradually became known within the public and police forces, this claim proved immodest at best. Arguably in this case a lack of definitive medical evidence was treated as a sign of safety.

Predicative tests are just one part of ensuring the appropriateness of less-lethal weapons. Medical and technical assessments alone, no matter how rigorous, cannot guarantee the acceptability of weapons in practice. Rather procedures need to be in place to monitor deployment practices and police forces need to adopt their tactics and technology depending on experience. Unfortunately though, the overwhelming focus in the current Northern Ireland Office review and articles such as those by McBride has been on evaluating individual technical innovations rather than considering feasible organisational reforms regarding the use of force.

There are many possibilities for accompanying organizational reforms. In relation to CS sprays, the Police Complaints Authority has recommended that all police forces should record injuries to the public in use of force reports. With regard to the baton round, the

Northern Ireland Patten Report suggested that wherever possible a video recording be made of incidents involving the baton round. The latest version of the Taser has an onboard chip that records the time and date of every firing so that police agencies can monitor usage patterns. Making systematic and effective use of such evidence could be valuable in both protecting police from charges of unnecessary force and ensuring the appropriate deployment practices.

It is not only important for British policing that proper decisions and procedures be put in place regarding less-lethal weapons. Undoubtedly British practices will serve as a model for countries with less accountable police forces. There are important issues at stake here, however far removed from day to day policing in the UK. For instance, in response to the pervasive use of electrical devices in police brutality throughout much of the world, in 1997 the UK government classified electrical devices (such as the Taser) as instruments of torture for the purpose of export control. As such their shipment from the UK is strictly forbidden. The British government has also publicly supported such a policy for Europe Union as a whole. Unless some consistent rationale and procedures are offered for determining who should be a legitimate user of this technology within and outside the UK, British policy will be riddled with contradictions and act to undermine international efforts to limited police abuse elsewhere.

In the current climate of enthusiasm for less-lethal weapons it is important to acknowledge that new technology will not resolve many of those tensions and difficulties that can make the use of force controversial. Less-lethal weapons don't save lives, good policing does. New force options can be a part of professional policing, but not a substitute for it.

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