

## *Sensible Alternatives to Fatal Escalation*

*Adam Marchesseault, 2019*

“When a man carries a gun all the time, the respect he thinks he’s getting might really be fear. So I don’t carry a gun because I don’t want the people of Mayberry to fear a gun. I’d rather they respect me.” *Sheriff Andy Taylor, The Andy Griffith Show*

The perceived need for an officer to carry a firearm is an obvious one; the public is dangerous, and often armed, so the police must be able to respond effectively to threats and assault. That danger is a known-unknown, with each vehicle an officer approaches being one big question mark. Great strides have been made over the preceding decades in improving the safety of officers and reducing police line of duty deaths, bringing down the startling (and often record-setting) numbers of officer deaths seen around the country during the 1960s, 70s, and 80s, especially stabbings and shootings. This has been accomplished through a number of policy, priority, and enforcement changes, as well as improvements in technology, communications, equipment, armor, and tactics (to say nothing of the broad reduction in violent crime and intentional homicide across American society after 1990). Officers have taken measures to protect themselves, as well as the public, and the results have been clear.

In order to better tackle both the issues of police safety in the line of duty and the safety (both real and perceived) of the public in police-public interactions, it is necessary to take an outside-the-box approach to answering two questions:

- 1) Why does violent escalation occur?
- 2) What can be done to reduce the risk of that violent escalation occurring?

In answering both questions, Brattleboro Common Sense has focused on psychological research surrounding the General Aggression Model of escalation and conflict patterns, the Weapons Effect on priming human aggression, and holistic approaches to deterrence. Using this research, BCS has made recommendations for an alternative style of policing (with a policy proposal to match) which will yield lower rates of escalation in police-public interactions, fewer instances of escalation leading to violence between officers and civilians, higher degrees of public compliance with officers, greater safety for officers, and the restoration of trust and legitimacy in the police department.

## **Deterrence as a Multi-Pronged Defense**

Protection of police officers most commonly takes the form of deterrence, in one sense or another. The most obvious example is, of course, the sidearm; violent assault against an officer is discouraged by the knowledge that doing so could result in death or serious injury, as well as jail time. But deterrence is also the end effect of conducted energy weapons, oleoresin capiscum spray, blunt melee weapons, and the training in hand to hand combat officers receive, all of which nearly any member of the public reasons will result in severe pain (as well as an arrest for assaulting an officer) if they attempt to escalate the interaction. Moreover, deterrence is perhaps best established by the measures taken to make any attempt to escape by assaulting an officer hopelessly unlikely to be successful. These include things like body armor, which reduce the likelihood of an officer suffering injury, body and vehicle cameras, which make the odds of successfully escaping a stop without being apprehended later and arrested with additional charges far lower, and automatic registration checks, which allow officers to be on guard when dealing with people known to pose a possible threat and more likely to be prepared to respond to an assault. All of these measures, even without the carrying of a firearm, combine to induce the vast majority of the public to completely disregard the possibility of escaping or fighting one's way out of a stop, in favor of compliance.

This is to say nothing of the deterrence provided by respect for the authority of the police, and recognition of the legitimacy of the police as agents of law enforcement and the use of force, both of which can reduce the aggression of many people who may otherwise be willing to escalate confrontations in their day to day lives. However, unlike the sources of deterrence above, these sources are variable, not guaranteed; authority is given to police in a democratic society by the citizens of that society, and legitimacy is earned through public trust and the sense that officers represent due process and the fair application of the law. It is worth noting, in the era of social media and increased public scrutiny of police conduct (as well as attention to tragedy arising from an interaction between police and members of the public), that police safety and perceived legitimacy have shared an inverse correlation since 1990; officers have become less trusted by the public, especially minority groups, and perceived as less legitimate even as their safety and efficacy has improved over the same period. It is not a stretch of the imagination to suggest that the ebbing of police legitimacy in the minds of some in the public has to do with increased fear of officers using force against them without reasonable cause, and from a lack of trust in the impartiality of/use of due process by officers. Whether those fears are justified has little bearing on the practical issues created by the fact that they exist, and that they sap the legitimacy of American police

forces to an extent that reduces their safety on the job. While it seems glaringly obvious as a statement, the fact of the matter is that public support for and deference to the police is incalculably important to the safety of individual officers in the line of duty.

### **The Weapons Effect and the General Aggression Model**

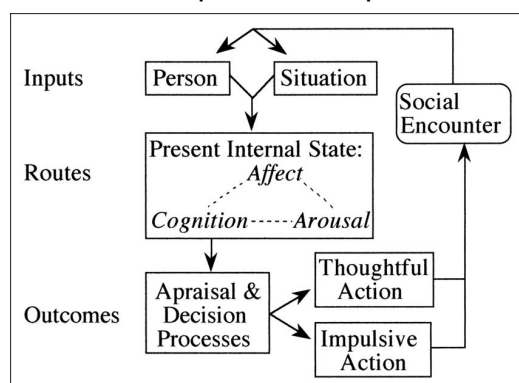
Tying in closely with these concepts of officer protection, research suggests that there may be a less offensive-based, slightly counterintuitive path to increasing officer safety: fewer lethal sidearms on patrol officers. To understand this line of thinking, it is important to discuss two broadly accepted ideas in psychology: The Weapons Effect, and the General Aggression Model.

In 1967, psychologist Leonard Berkowitz and his fellow researchers set out to answer a deceptively simple question: does the sight and/or presence of a lethal weapon make people act more aggressively? He devised an experiment: administer a series of electrical shocks to people, and then place two of them across a table from one another, with two buttons to administer further shocks to one another. On the table was placed, for the test group, a firearm; the control group had neutral objects like badminton rackets placed on the table instead. Berkowitz then proceeded to measure the number of shocks the test and control groups administered. The results were unambiguous. Test subjects with a gun on the table shocked each other markedly more often. Since 1967, the Weapons Effect has been tested over and over again, both for replication purposes and to expand upon the implications of the effect, with researchers answering additional questions like “Is there a Weapons Effect when one sees only an image of a firearm?” or “Does gender matter when calculating the Weapons Effect?” or “Does familiarity/expertise with weapons reduce the Weapons Effect?”.

A recent meta analysis of every major study of the Weapons Effect sought to use statistical analysis of said studies to determine whether a Weapons Effect has been fully demonstrated in the research done on the topic. Their conclusion was that a Weapons Effect exists beyond any reasonable doubt, that it applies not only to firearms but any lethal weapon (and many non-lethal weapons), that age and gender make little statistical difference, that the effect is dampened by comfort and familiarity with firearms, and that it is amplified when the person is already primed for fear or aggression.

Interestingly, Benjamin et al combined their meta-analysis with an examination of the literature around the General Aggression Model (GAM) which seeks to explain the biological, psychological, and social cues which create pathways to aggression in

human interaction. They argue that the Weapons Effect fits cleanly into the GAM (see the diagram below), as the cognitive recognition of a weapon can have the effect of arousing any number of subconscious emotional responses (primarily fear and anger), which can then translate to an aggressive effect. These responses, referred to in the research as the person's present internal state, then impact that person's appraisal of the situation and decision-making processes in it, potentially leading to more impulsive action on the part of said person.



This understanding of how aggression develops, and the role the sight of a weapon can play in sparking aggression, provide substantial insight into how police-public interactions can escalate into a violent incident. If the sight of a weapon, at least for some people, sparks an arousal response, that person will be primed for aggression, and may show visible signs of aggression. These visible signs will then serve as an arousal cue for the officer in the interaction, whose training emphasizes a response to apparent civilian aggression that will protect the officer. If this manifests in the form of an aggressive affect on the part of the officer, said affect can serve as a cue for further aggression from the civilian, establishing a clear path to escalation via reciprocal response and positive feedback loops.

While many tactics for ensuring a safe outcome in an aggressive interaction between police and civilians exist, these tactics invariably tend to focus on mitigation after the fact; the conflict has already been firmly established, and the efforts of the officer in question focus on harm reduction and re-establishing mutual safety with minimal use of force. If the goal is exclusively to increase officer safety with as few negative side effects as possible, taking steps to avoid escalation altogether may be a more effective way of doing so than having officers be marginally better-equipped to deal with that escalation.

In that sense, one study of the UK is particularly illuminating. In the UK, line officers are not routinely equipped with firearms (more on that in a moment), and were only recently equipped with conducted energy weapons. This presented an opportunity for research;

CEWs were phased in, so it was possible to study (in aggregate and isolation) the impact on officer safety and conflict between officers and the public, with and without CEWs. The findings were interesting, and nuanced. Over the period studied, the presence of CEWs was causally linked to a nearly 50% increase in the use of force (including but not limited to the drawing of CEWs) and, revealingly, a doubling in assaults against officers. The study found that officers were not more likely while armed with CEWs to initiate the use of force (the ~50% increase is mostly attributable to officer responses to assault, given the doubling in assaults), suggesting that the effect of the CEWs on members of the public is far more pronounced than the effect on the officers carrying them.

Taken alone, these results would be puzzling. A CEW is an effective, intimidating-looking non lethal weapon, and the threshold for using one in the course of law enforcement is far lower than that for the use of a lethal firearm. The UK officers carrying them were doing so in a highly-visible, obvious, indeed, eye-catching (both the devices and holsters for them were very colorful) way; the argument for them as a deterrent against assaulting an officer seems glaringly apparent. Yet the results speak for themselves. That is why the study was named “The Less Than Lethal Weapons Effect”; it is only through the lens of the psychology behind aggression, escalation, and threat perception that these results make sense. An officer more thoroughly and visibly armed provokes a more aggressive and fearful response from the public than one who is less so. Any increase in compliance from the segment of the population more disposed to comply with a more heavily armed officer is potentially outweighed by the decreased compliance and increased odds of escalation from the segment of the population disposed to respond negatively to a more armed officer.

The study concludes with the recommendation that CEWs be concealed and/or de-emphasized on the officer’s person, but that officers should nonetheless be equipped with them. The author argues that CEWs have a very high ratio of effectiveness and usefulness in the field to harm caused, with very little research suggesting them to be physically harmful in the long term. Given that they serve the function of effectively replacing firearms as a useful way of containing an escalating situation, they are a great tool for law enforcement (with proper training and the addressing of the Weapons Effect). The researchers conclude with the statement that, while officer firearms are outside the purview of a study on officers in the UK, there is little evidence to suggest that the effect of carrying visible firearms is particularly different from that of carrying CEWs, and that concealment or removal of firearms would also likely reduce assaults against officers.

Given the usefulness of CEWs, the argument for concealment versus removal of lethal firearms skews in the direction of removal. Firearms have a lower ratio of effectiveness to harm caused vs. CEWs by default; yes, the situation will be successfully defused, but at the cost of severe injury or death to the offending party. When the standard issuance of CEWs in the US is considered, it is clear that the practical effectiveness of firearms is even lower than in the abstract, as nearly all uses for lethal firearms can be fulfilled with ranged CEWs. Therefore, looking through the lens of the Weapons Effect and GAM, it is entirely possible that the benefit to the safety of officers of carrying visible firearms is outweighed by the higher risk of escalation and assault against the officer. This suggests that the removal, or at least concealment, of firearms would increase officer safety by decreasing the risk of assault relative to the defensive capacity of the officer.

### **International Examples of Officers Without Firearms**

In a country like the US, with over 120 firearms per 100 people and over a third of all households possessing them (down from nearly half in 1970, interestingly), one can be forgiven for thinking of officers without firearms as an anachronism. But that would be to ignore the successful examples of countries with relatively similar concerns about civilians with firearms who do not routinely arm their police forces with firearms. While various countries have unarmed officers to one extent or another, two examples are worth particular attention: the United Kingdom, and New Zealand. Both countries do not allow line officers to routinely carry firearms, and both countries have similar cultures to that of the United States (as well as the closest thing to US rates of gun ownership in the developed world). How each approaches policing without firearms is instructive.

The United Kingdom is a unique example of a country that does not arm its line and patrol officers with a lethal sidearm. For one, it has never armed officers in any kind of routine manner; the first modern police force in the UK was established in the early 19th century and, amid concerns about it being an extension of the military, the decision was made to have the force reflect a light touch to enforcing order. Hence, the lack of firearms. In the past, the only officers with firearms were Sergeants and other non-line officers, and they were generally expected to justify the possession of them. In the modern era, only about 5% of all British officers have firearms, mostly contained in special armed response units that are called to crime scenes as backup by unarmed officers who deem their own capacity to contain the situation as insufficient.

Another reason the UK is a unique example of countries without police sidearms as standard equipment, and one that makes it pertinent to this discussion, is the type of country the UK is; it is a relatively large, relatively populous, relatively diverse, highly

urbanized country with similar rates of nonviolent crime to that of the United States. This marks it as quite different from other countries with similarly unarmed police forces that tend to be more rural, homogeneous, and small-scale, such as Ireland, Switzerland, and New Zealand. In fact, being so fundamentally similar to the US makes their experience with unarmed policing all the more relevant. UK police departments deal with similar threats, practical concerns, logistics, social issues, and cultural sensitivities that, to a large extent, US police departments do. This suggests that policies and practices which work in the UK are not, by default, inapplicable to the US, provided steps are taken to properly implement them and facilitate a culture that supports them.

A final reason to look closely to the UK is that they represent a reversal of the usual public support issue in countries that don't equip officers with sidearms; while in most countries, there is broad public support for unarmed officers and a division among the officers themselves over the policy, in the UK the public is split roughly evenly on whether officers should carry guns and officers are very united (in most polls, over 80% support) behind the idea of officers not carrying guns. When asked why they don't wish to carry them, many UK officers have given revealing answers that reflect what they believe the role of police officers in their society is. These include:

- "We are passionate that the British style of policing is routinely unarmed policing. Sadly we know from the experience in America and other countries that having armed officers certainly does not mean, sadly, that police officers do not end up getting shot." -Greater Manchester Chief Constable Sir Peter Fahy
- "There's a general recognition that if the police are walking around with guns it changes things." -Director of the Center for Crime and Justice Studies Richard Garside
- "In terms of the police being approachable, in terms of the public being the eyes and ears of the police, officers don't want to lose that." Former London Metropolitan Deputy Assistant Commissioner Brian Paddick

There is broad concern within UK police forces about both the relationship that officers would have with the public were they to carry guns, as they feel the public would be less willing to interact with them, approach them with community concerns, and serve as a source of useful localized information that can aid in enforcement efforts, and the efficacy and usefulness of a firearm as a defensive tool in the line of duty, with many feeling that the risk of having the gun taken by a suspect and used against them presents a greater risk than not having one at all, to say nothing of the recognition that many circumstances in which officers have died would have in no way been preventable were the officer armed. Without explicitly discussing any of the three, UK police departments thoroughly address the concerns raised by the Weapons Effect and the source of policing legitimacy through their firearms policies. It is clear from polling of UK

line officers, particularly in urban centers, that they feel a firearm would cause more problems in their jobs than it would solve. Moreover, there is much discussion of the psychological weight imposed on an officer who is forced to use a firearm for defense in the line of duty, which of course imposes a mental toll that none would argue against taking every reasonable step to avoid.

Coming to New Zealand next, there is a different lesson. If the UK serves as a prescient example of how and why a society fundamentally similar to the United States could choose, and successfully so, to not arm its police officers, New Zealand serves as an example of a country less similar to the US, but which nonetheless has a system for not having officers carry firearms which could work from a practical standpoint in the US and which could have broad support among officers used to carrying firearms.

New Zealand is a less densely populous country than either the US or UK, and far less urbanized, but is nonetheless a fully-developed country with a culture more similar to that of the US than different, a high rate of gun ownership that does not allow NZ officers the luxury of assuming vehicles they stop will not contain firearms, and similar policing goals to that of the US (public protection, crime control and reduction, improving the quality of life of the general public, protection of its officers as a primary directive, etc.). Moreover, New Zealand is a country with a history of officers being shot in the line of duty at a relatively high rate, with that being the most common cause of officer deaths on the job. This has changed the relationship between NZ officers and their firearms over time. Officers went from carrying firearms in the colonial era, to not carrying or having close access to firearms in the middle of the 20th century, to their current policy: most officers have quick access to a handgun and rifle, stored in their vehicles in lock boxes.

The lockbox system employed by the NZ police does an excellent job balancing an approach to policing that sends civilians the message that officers are approachable, trustworthy, have their best interests in mind, and do not pose an existential threat to them unless violently attacked, with the practical necessity of needing to respond to lethal force with lethal force in some circumstances, in a manner more timely than what would be practical within a UK-style system of calling for armed police backup and waiting for the proverbial cavalry to arrive. This choice is partly reflective of the fact that the UK is so densely urban, allowing backup to arrive quickly and also more line officers to engage in foot patrols, while NZ is rural, and officers generally patrol in vehicles and in areas far enough from central command that waiting on armed backup would not be a viable option in many situations. In this regard, while studying the UK may be better as



a comparison to the US in general, studying NZ makes for a better comparison with Vermont, and Brattleboro specifically.

The lockbox system does an excellent job of several things. For one, as NZ has implemented it, it straddles the narrow line between decentralized officer decision-making and centralized command and accountability. Unless an officer is actively under fire or otherwise having their life threatened, they are required to contact their immediate supervisor and request permission to access their lockbox sidearm. They are not permitted to access it without first doing so, and never routinely carry them on their person during traffic stops. For another, it addresses the need for officers to quickly be able to take control of a sudden and escalating situation by force, in an environment where not being able to do so could cost lives. And finally, it addresses the problems presented by the Weapons Effect and the GAM for maintaining trust in the police as a protective entity operating for the public well-being, without removing a primary source of deterrence against assault; the first thing one thinks about during an interaction with a New Zealand patrol officer is not the officer's gun, or the possibility of being shot by it, but if one has ill-intent, that gun nonetheless crosses the person's mind. Perhaps this is why only 29 officers have died in the line of duty in New Zealand in the post-colonial era, and why almost none of them have been patrol officers conducting "day-to-day" operations.

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