



The frequency and nature of resolution of potential police provoked shooting encounters



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ABSTRACT

Helping people in acute psychiatric crisis has become an increasingly common part of modern community policing. In certain extreme cases, police may be faced with a suicidal individual who intends to intentionally provoke police to shoot them. While fatalities are fortunately rare, anecdotal reports from frontline police suggest that these kinds of encounters are occurring on a regular basis. This paper explores 2350 psychiatric crisis incidents over an eight-month period in Victoria, Australia, and assesses the frequency and nature of potential police-provoked shootings resolved through non-fatal means. Contextual factors relating to the person's behaviour and police responses, and the person's psychiatric and criminal histories were considered to elucidate characteristics common to these incidents. Results suggest that police are potentially encountering a person who is suicidal and trying to provoke police to shoot them more than twice a week. These individuals share a number of common characteristics with those who have been fatally shot in similar circumstances and are quite different from those who attempt self-inflicted suicide. Results are discussed in relation to the impact of previous criminal contact from both the suspect and police perspectives.

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1. Introduction

Some twenty years ago Ruiz (1993) commented that “the job of a police officer is said to be the one of tedium punctuated by moments of terror” (p. 157). While many police will go through their entire careers without drawing their gun, they will commonly encounter people who are resisting arrest or who are in crisis situations, thereby sometimes necessitating the use of physical force (Bayley & Bitner, 1989). While force is most commonly used in relation to resolving encounters with suspects and offenders (Hickman, Piquero, & Garner, 2008), police continue to raise particular concerns that they are resorting to the use of excessive force when attempting to resolve encounters with people experiencing mental illness (Godfredson, Thomas, Ogloff, & Luebbers, 2011). It has been argued that the traditional authoritarian ‘must resolve quickly’ approach style of police (Brouwer, 2009), coupled with the complexities of crisis encounters commonly involving people experiencing mental illness (Clifford, 2010), can exacerbate the dynamics of the encounter. This may be due to perceptions of the policing intruding as opposed to intervening

or helping (Coffey, 1990), and can lead to the need for increased force responses from police. On some occasions this will inevitably lead to the need for fatal force (Kesic, Thomas, & Ogloff, 2010); the impact of such on police officers should not be understated (Carroll, 2005).

2. Police provoked shootings

2.1. Definitions

While the broad phenomenon of victim-precipitated homicide has been recognised for quite some time (Wolfgang, 1959), the research literature really only began specifically focusing on victim-precipitated homicide by police in the last 20 years, with (Geberth, 1993) analysing “incidents in which individuals bent on self-destruction, engage in life-threatening and criminal behaviour in order to force the police to kill them”. The subsequent research into these encounters variously labelled them as *suicide-by-cop* (Homant & Kennedy, 2000a; Kennedy, Homant, & Hupp, 1998; Lindsay & Lester, 2008; Mohandie, Meloy, & Collins, 2009), *law-enforcement-assisted suicide* (Lord, 2000), *law-enforcement-officer-forced-assisted suicide* (Hutson et al., 1998), *police-involved-victim-provoked shooting* (McKenzie, 2006), *victim-precipitated homicide* (Parent & Verdun-Jones, 1998) and *suicide by police* (Homant & Kennedy, 2000b; Kesic, Thomas, & Ogloff, 2012). For consistency, and in line with operational definitions in the state of

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Victoria, Australia, where this research was conducted, the current paper adopts the term *police-provoked shooting*.

As our collective understanding of the estimated prevalence of police-provoked shootings, and commonalities found between different incidents has developed, attention has shifted to refining the criteria by which cases are identified. Lord (2000) used specific elements to identify cases of police provoked shootings: “those individuals who, when confronted by enforcement officers, either verbalised their desire to be killed by law enforcement officers and/or made gestures such as pointing weapons at officers or hostages, running at officers with weapons, or throwing weapons at officers” (p. 403). Comparatively, Hutson et al. (1998) specified a number of inter-related elements, specifically including the ability to attribute suicidal intent to the individual involved; “[when] a suicidal individual intentionally engages in life-threatening and criminal behaviour with a lethal weapon or what appears to be a lethal weapon towards law enforcement officers or civilians to specifically provoke officers to shoot the suicidal individual in self-defence or to protect civilians” (p. 665). More recently, the literature has emphasised an assessment of police officers’ actions in the context of the entire behavioural chain of events in order to most fully consider a person’s motivation and intent (McKenzie, 2006; Pinizzotto, Davis, & Miller, 2005).

2.2. Further delineating types of police-provoked shooting incident

Prominent authors in the area have posited that it is possible to understand the nature of provoked shooting incidents by considering the person’s motivation, either instrumental or expressive (Lord & Sloop, 2010; Mohandie & Meloy, 2010; Van Zandt, 1993). An instrumental motivation describes instances where the person purposefully engages in violent behaviour or other premeditated criminal acts and seeks to intentionally use police as a means/method of suicide due to them not being able to follow through with self-inflicted suicide for fear of social or religious reprimand. Alternately, people can have expressive motivations that are more spontaneous and impulsive in nature; these are activated when the person feels frustrated or threatened and are used to express hopelessness or anger (Lord & Sloop, 2010; Mohandie & Meloy, 2010; Van Zandt, 1993). Lord and Sloop (2010) note that these motivations can co-occur in certain circumstances/situations.

Homant and Kennedy (200b) have suggested that provoked shooting incidents can be distinguished by a more nuanced consideration of the chain of events that lead to the police encounter and what unfolds; they propose three types of situation: (1) incidents of ‘direct confrontation’ involving the person choreographing a sequence of events, initiating an incident to attract police attention and on arrival then escalating the encounter to provoke them to shoot; (2) ‘disturbed interventions’ whereby an individual’s irrational behaviours attract police and, while suicide may not have been planned, intent develops and escalates during the encounter; and (3) ‘criminal intervention’, where the individual is apprehended in relation to commission of a criminal act and decides they would rather die than face the criminal justice consequences.

2.3. Common characteristics of people involved in police provoked shooting incidents

Despite the available literature being variable in quality, methodology and case ascertainment of provoked shooting incidents, post-incident case analyses have highlighted a number of potential commonalities in the individual characteristics, short-term precipitants and behavioural elements associated with provoked shootings. Characteristically, the evidence suggests that individuals involved are most commonly middle aged and male, with a notable psychiatric history including a record of substance abuse, along with a history of contact with police as suspects or offenders (Lindsay & Lester, 2004; Mohandie & Meloy, 2000; Wilson, Davis, Bloom, Batten, & Kamara, 1998). Common short-term catalysts which may contribute as antecedents to the incident include the person being involved in a domestic dispute or being alcohol intoxicated (Best,

Quigley, & Bailey, 2004; Hutson et al., 1998; Mohandie & Meloy, 2010; Wilson et al., 1998). Common behavioural components encompass those inherent in the classification of a provoked shooting incident: the possession of a potentially deadly weapon, asking police to shoot them, non-compliance with police commands, and advancing on police (Hutson et al., 1998; Kesic et al., 2012; Lindsay & Lester, 2004).

2.4. Using police as a means of suicide versus self-inflicted suicide

Klinger (2001) suggested that the extant literature lacked theory as to elucidating why people may choose to select the police as a means/method of suicide as opposed to other self-inflicted means. However, Mohandie and Meloy (2000) proposed motivations behind these incidents including avoiding the consequences of criminal conduct, going down in a blaze of glory, and having a volatile history with police. These findings are interesting in light of recent suggestions that there appear to be a number of commonalities in the characteristics of those who attempt police provoked suicides and those who use self-inflicted methods. Risk factors common to both means/methods of suicide include male gender, middle age, temperamental dysfunction, psychiatric and psychological disorders, experience of trauma and substance abuse (Lord & Sloop, 2010). The situational characteristics between the two means of suicide are really quite different: the very behaviours that define police provoked shootings (e.g., not responding to police commands, advancing on police with a deadly weapon, threatening the public with harm) are not apparent in self-inflicted incidents. Of note, the provoked shooting group has a more entrenched history of suicide attempts, suggesting more serious psychopathology with this group.

2.5. Potential provoked shootings that are resolved through nonfatal means

A slowly accumulating body of research, mainly from the United States and the United Kingdom, has considered the prevalence of provoked shooting incidents among those who are fatally shot by police, reporting that between 10% and 50% of the fatal incidents meet variously defined criteria (Hutson et al., 1998; Kennedy et al., 1998; Kesic et al., 2012; Parent & Verdun-Jones, 1998; Wilson et al., 1998). However, anecdotally speaking, police report that they encounter people who attempt to provoke the police into shooting them on a regular basis; nevertheless, the police are able to resolve the encounters through nonfatal means. This perception, while not well quantified or supported empirically, has some limited support. Indeed, McKenzie (2006) emphasised that not all people who engage in police provocation to shoot them will be shot and/or killed, and as such there is a need to focus on these successfully resolved cases to isolate factors which may impact on the outcome. Lord (2000) suggested that an important line of enquiry would be the comparison of historical, personality, behavioural and situational factors in incidents which are successfully resolved (e.g., de-escalated or abated with less than lethal force) compared to incidents involving the use of fatal force.

While few of these factors to date have statistically discriminated between a fatal and a non-fatal outcome, one of the key factors appears to be that the possession of a firearm by the individual significantly increases the chances of fatal outcome. This supports theories that police use of force increases with the officers’ perception of threat and danger to themselves, determined in great part by the limited other force-based options available at a distance (Best & Quigley, 2003; Pinizzotto, Davis, & Miller, 2007).

Mohandie et al. (2009) suggest that suicidal intent can often occur spontaneously during a police encounter, a finding common to provoked shooting incidents which have commenced in the context of a psychiatric crisis or criminal act and then escalated through some means into a provoked shooting (Homant & Kennedy, 2000b). Such a position supports the interactional theory of the use of force that specifies that it is the cumulative and complex relationship between all of the elements of the use of force incident (e.g., characteristics of participants, environmental circumstances, suspect behaviour,

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