

The Use of Electroshock Weapons by the Finnish Police in 2016

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Abstract

When using force, police officers also exercise public power and thereby interfere in a significant way with people's basic legal and human rights. This article examines situations in which Finnish police officers use electroshock weapons as a means of force. The material for the study consists of all (N=357) reports on the use of force involving electroshock weapons for the year 2016.

Over half of the police tasks where electroshock weapons were used were connected to the protection of individual life and health. The majority of these situations occurred during the evening and at night. Every fourth application of an electroshock weapon took place in a private residence while every tenth occurred within police facilities. By threatening to use an electroshock weapon, the desired result was attained in one out of five situations. Of all situations where an electroshock weapon was used, 88% transpired without injuries to persons or property. The police officers using these electroshock weapons were experienced and had received regular training in their use.

The discussion surrounding the use of electroshock weapons is divided between the negative stance taken by human rights organizations and the positive stance taken by authorities who strive to equip the police with as appropriate means of force as possible. The current article contributes to the Finnish, Nordic, and European discussions of, among other things, the proper hierarchical position of electroshock weapons as a means of force available to police. It also explores questions surrounding police competence to use these weapons and matters relating to their actual use.

1. Introduction

The use of force by the police is an interesting and topical subject both nationally and globally. Researchers, human rights organizations as well as representatives of the police take part in this lively discussion.¹ One thing that is common for all these discussions is the deliberation on *in which situations and as which kinds of acts the use of force by the police is permitted from a societal standpoint and which kind of consequences of the use of force that are acceptable.*

The majority of the research on the use of force has been conducted in the United States. Within the United States, the culture of the use of force by the police is not uniform, so research results from the US are not directly applicable to the Nordic society and the activities of the police in the Nordic states. For this reason, there is a special need for European and, especially, Nordic research on the use of force by the police.

It is common for the police in the Western countries, and societally highly developed countries overall, that the use of force by the police is a representation of the State's monopoly on violence. For this reason, it is of vital importance that the police enjoys the trust of the citizens in its activities.²

Trust in the police is high in the Nordic States. According to the national police barometer published in 2016, the citizens regarded the Finnish police as the most important authority in regard to crime control and the safety of the immediate community. When asked about the citizen's trust in the police, a total of 96% of the respondents had a fairly or very large trust in the police.³ The trust in the police is large also in other Nordic countries, as around 87% in Sweden and 92% in Iceland trust the police.⁴

The building of trust in the police can be expressed in at least two ways. On the one hand as instrumentally built trust that is formed when the police solves crimes, prevents them and protects the general safety. On the other hand as procedurally generated trust, which is born through measures used by the police, especially as regards how ethical and just the citizens consider the action of the police to be.⁵ It should also be noted that surveys such as the police barometer mainly reach only those citizens that have no actual contact with the police. When surveys are directed at the experiences of persons who have been the object of force and coercive measures by the police, it is possible that the experience of the police is a different one.

The police bear a public responsibility for their actions and these actions should be in balance with the expectations of the citizens.⁶ The authorization that emanates from the citizens should be regarded as the guiding principle, whereby the police satisfy the expectations of the citizens as well as possible.⁷ The high trust enjoyed by the police in the Nordic States can be explained by *inter alia* that the mutual trust among the citizens is also reflected as a high trust in the police.⁸ The idea of a Nordic welfare society probably affects also the attitude towards the police.⁹ On the other hand, it has been speculated that the general satisfaction with the functionality of public services could also explain the trust in the police.¹⁰

The activity of the police is an object of constant interest for the media and the citizens. As a part of the western idea of democracy, the activity of the police should be open and transparent. This is emphasized especially in regard to situations of use of force by the police. When the media reports on interesting or otherwise unordinary situations, the situation in question is always compared to existing knowledge and statistics. The purpose of the media is also to report on whether the matter should be regarded as a phenomenon or a deviation from the trend. The media plays a large role when the citizens form their opinion of the police.¹¹

Today, the role of information and dis-information is considerable and this should be taken into consideration when discussing the use of force by the police and the limits to it. People form their understanding based on the available information. Based on their understanding, people then form their trust in and attitude towards the police.¹² If only negative events are taken notice of when reporting on the use of force by the police, there is a danger that the impression of the use of force by the police becomes detached from reality. At present, there is only a small amount of research on how the citizens accept and justify the use of force by the police.¹³

International studies have examined how citizens build their trust in regard to the use of force by the police. In these studies, factors that affect the building of trust have had a socio-economical, ethnic or political background.¹⁴ In Finland, a similar study that would aim at clarifying how the use of force by the police affects the building of trust has not been conducted. In the latest Finnish study, a highly publicized suspicion of criminal activity directed at a high police authority was studied (the so called Aarnio case). The study found that, surprisingly, the citizen's trust in the police had not diminished, but had even increased among women and highly educated.¹⁵

2. Research regarding the use of force by the police

The use of force by the police has been researched from several perspectives: Use of force directed at persons suffering from mental health disturbances;¹⁶ the relations between means of applying force and cases of death;¹⁷ violence directed at the police¹⁸ as well as the effect of ethnicity on situations of use of force in regard to both the user and the target person.¹⁹ Naturally, cases of death involving the use of force by the police have been the object of several studies.²⁰ In addition, studies have debated upon whether it is appropriate at all for the police to regularly carry weapons with them when moving among the public.²¹

The latest Nordic surveys on the use of force by the police include among others the studies by *Knutsson* and *Norée* on the use of firearms by the police in the Nordic countries and the survey by *Holmberg* on the use of OC gas in the Nordic countries and especially in Denmark.²² In addition to these studies, doctoral dissertations on the use of force by the police have been published in the Nordic countries, where the viewpoint of the examination has been jurisprudential.²³ Pending Nordic research is represented by the ongoing doctoral dissertation studies by *Mikko Minkkinen*, where he examines the Finnish police's training on the use of force as well as legal practice especially in regard to the role of training and instructions in legal practice, and *Steinar Veen Henriksen* with his study on the training on the use of force by the police in Norway.

Since the majority of the research on the use of force originates from the United States, it must be emphasized that comparing the results of these studies to European,²⁴ Nordic and especially Finnish situations of use of force by the police is not appropriate due to historical, cultural and societal reasons and especially due to the qualitative differences between the Nordic legislation and police training in comparison to the tradition in the United States.

2.1. *Non-lethal means of applying force*

Traditionally, firearms have belonged to the standard equipment of the police. In Finland, the police has constantly born arms since Finland's independence, i.e. during the latest hundred years.²⁵ Among the OECD (Organization for Economic Co-Operation) states, the police is routinely armed in 34 member states.²⁶

The police has always been in need of also other means of applying force than firearms.²⁷ However, there is no unanimity in the literature on which terms should be used for these other means of applying force.²⁸ In this presentation, the definition *non-lethal* means of applying force will be used for other weapons than firearms.

The Finnish police has carried non-lethal means of applying force already since the 1920s, when rubber batons were carried in connection to their service weapons. Different types of gas weapons have been used by the Finnish police since the 1950s. On a national level, means of applying force has been under constant development. In Finland, the rubber batons were replaced by more appropriate ones and the CN tear gas was replaced by the less health-hazardous CS gas in the 1980s. It was endeavoured to lessen the effects of the use of service weapons by developing a service cartridge that would not splinter, but remain intact and thus cause as little damage as possible to the target person.²⁹

Internationally, the *Oleoresin Capsicum* (OC) gas is probably the best known and farthest spread among the non-lethal means of applying force.³⁰ OC gas as a non-lethal means of applying force is milder than a firearm and less dangerous. It is commonly used in the United States³¹ and also belongs to the service equipment of every police in Finland. As OC gas became more generally used in the 1990s, the discussion surrounding it involved the same questions as the ones that concern the use of electroshock weapons today. When is it proper to use it, how does it affect people and how effective is it and what can the consequences of using it be?³² There are plenty of studies on the subject, and the effects of OC gas as well as its suitability for police usage have been studied also in the Nordic countries.³³

2.2. Electroshock weapon (Taser)

When talking about electroshock weapons, it has become customary to use the name TASER. Also the abbreviations CED (Conducted Energy Device) and CEW (Conducted Energy Weapon) have been used for electroshock weapons. The history of electroshock weapons traces its roots back to the 1960s, when the American *Jack Cover* developed this means of applying force as an alternative to firearms in airplane conditions. The electroshock weapon was marketed under the name TASER (Thomas Appleton's Electrical Rifle) and the first version of it was released in 1974 in the United States.³⁴ The most commonly used model is the X26 that has been manufactured since 2003. The same model is used by, among others, the Finnish police, in England and in Wales.³⁵ Through the use of electroshock weapons, the aspiration has been to reduce the amount of deaths caused by the use of force by the police.

The Taser X26 is shaped as a firearm and gas operated. When fired, two 9 mm long needles are propelled, that are connected to the device by a wire. The distance to the target can be up to 10 meters.³⁶ The function of the electroshock weapon is based on the electric current that runs between these two needles. Its effect is based not only on pain, but also on the electric current that runs through the target's body and disturbs the functioning of the target's nervous system and hinders his or her capability of functioning.³⁷ An electroshock weapon can also be used by touching the target (the needles are not launched) in which case the function is solely based on pain. It should be noted that simply warning or threatening with an electroshock weapon has an effect of its own on the actions of the target person. In this article, this is also considered as usage of electroshock weapons.

As a means of applying force, the electroshock weapon has been considered to be reliable, effective and safe.³⁸ Critique against the use of electroshock weapons as well as their suitability for police usage has been expressed by the Council of Europe anti-torture Committee, the United Nations' Committee against Torture and especially the human rights organization Amnesty.³⁹ The use of electroshock weapons has been claimed to be connected to cases of death.⁴⁰ Studies that have examined the effects of electroshock weapons on human cardiac function have nevertheless found electroshock weapons to be safe from the viewpoint of cardiac health.⁴¹ Possible complications may occur if the target person suffers from several illnesses, is intoxicated or in an agitated state of confusion and in situations where the electroshock weapon has been used several times.⁴² In situations where force is used, it is probable that the behaviour of the target person is affected by combinations of the conditions described above.⁴³ In 2016, over half (55.3%) of the persons suspected of an offence that had acted violently towards an official were intoxicated either due to narcotics, alcohol or a combination of these.⁴⁴

Another important research question relates to the preconditions for using electroshock weapons. The present discussion has raised concerns that the threshold for using electroshock weapons will be lowered.⁴⁵ It has been stated that the electroshock weapon is a more commonly used forcible measure in relation to physical means of force or batons.⁴⁶ The Independent Police Complaints Commission (IPCC) has stated in its report that special attention should be paid to the use of electroshock weapons in certain situations. These include, among others, situations where the electroshock weapon's touch function is used, situations where electroshock weapons are used on mentally ill target persons and situations where electroshock weapons are used in closed spaces, such as holding cells of the police.⁴⁷ Also in Finland, the Parliamentary Ombudsman has paid attention to situations where the touch function of electroshock weapons is used.⁴⁸

In studies that have examined how well the activity of the target person is stopped, the effectiveness of electroshock weapons have varied between 66% and 89%.⁴⁹ The variations can be explained by the differing measuring practices used in the studies. The use of electroshock weapons has been found to lessen the risk of police officers being injured⁵⁰ as well as deaths due to use of force by the police.⁵¹ In the most recent study, where the effectiveness of OC gas and electroshock weapons was compared, the latter was proven effective in 90.2% of the cases.⁵²

Damage resulting from the use of electroshock weapons have been examined in several studies and from different perspectives. In a study published in 2012, the consequences of the use of electroshock weapons on persons aged 13 to 17

was examined (N=2,026). In a fifth of the cases (20%), minor injuries were sustained. According to the study, the use of electroshock weapons on minors is not more risky than in general.⁵³ Studies done in the United States that examined cases of death in connection to arrests (ARD=Arrest-related-Death) found that the mortality rate in cases where the police uses force is around 1:1000. In cases where electroshock weapons are used, the ARD ratio is 1:3500.⁵⁴ Electroshock weapons can be regarded as a relatively safe means of applying force.⁵⁵

It should be noted that secondary injuries may be sustained as a consequence of the use of electroshock weapons, such as injuries due to falling and wounds caused by the electroshock weapon's needles. Serious injuries and deaths due to falling are, however, very rare.⁵⁶

A decision given by the Vaasa court of appeal in 2014 concerned secondary injuries sustained as a consequence of the use of an electroshock weapon. The police had used an electroshock weapon on a person fleeing in a staircase, which had resulted in that the target person fell and was injured. The court of appeal emphasized that a person using an electroshock weapon has a responsibility to consider the surrounding circumstances and possible secondary injuries that may incur.⁵⁷ The police who had used the electroshock weapon should, based on his training, have been aware of the risks connected to the use of electroshock weapons. Using an electroshock weapon to stop a person suspected of a minor offence who was fleeing in a staircase was not *necessary* let alone *defensible*. The police was sentenced to fines for negligent violation of official duty and negligent bodily injury.

2.3. The use of electroshock weapons in Europe and Finland

There is currently a lot of discussion on the use of electroshock weapons in Europe. In Sweden, electroshock weapons were tested for the first time already in 2005. After the test period, the ethical committee of the police board, however, recommended that electroshock weapons should not be included in the police's assortment of means of applying force. In 2018, another test period will be initiated in Sweden in order to evaluate the suitability of electroshock weapons.⁵⁸ An examination of the police's means of applying force is currently being done also in Norway, where the Norwegian Ministry of justice has appointed a general committee tasked with sorting out the necessity of arming the Norwegian police. A report published in the spring of 2017 recommended that the Norwegian police would be able to use electroshock weapons during a test period.⁵⁹ In addition, there is pending research on, test use of and parliamentary discussion on the use of electroshock weapons in Belgium, the Netherlands and Germany.

The Finnish police was among the first in Europe to start using electroshock weapons. In England, the police started using electroshock weapons in 2003 and in Finland, the test use began in 2004. Electroshock weapons were officially included as means of applying force in the end of 2005.

Table 1 shows the yearly instances of use of electroshock weapons in Finland. The increase in the instances of use during 2010 can be explained by the fact that the amount of electroshock weapons increased by 150 during that year. During the last seven years, the police have used electroshock weapons approximately 324 times per year. On a national level, the police have over 650 electroshock weapons at their disposal. Devices may be born only by police officers who have undergone a basic training on the use of electroshock weapons and who have a valid yearly maintenance training.

Table 1. Yearly instances of use of electroshock weapons in Finland 2006-2016

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
51	120	136	162	317	355	397	311	249	285	357

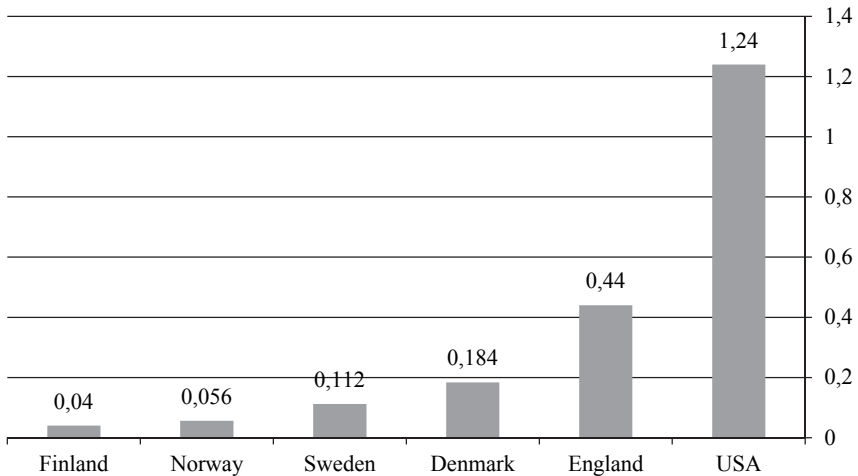
3. Contribution to the Nordic and European discussion on electroshock weapons

Despite the fact that electroshock weapons are used in several countries to a rather wide extent, there is little research information on *inter alia* the effectiveness of electroshock weapons.⁶⁰ The purpose of this article is to examine the use of electroshock weapons by the Finnish police in 2016.

The significance of the article for the European discussion on electroshock weapons is accentuated especially by the Finnish police culture's emphasis on restraint in the use of force.⁶¹ This can be explicated by comparing the instances of weapon use in the Nordic States. The subject has been researched by among others *Knutsson* and *Norée* (2010), whose study reveal that the Finnish police in general fire their weapons as often as the Danish police, while the latter, however, threaten with their weapons considerably more often. Threats made with weapons by the Norwegian police have, on the other hand, increased threefold in relation to the Finnish police.⁶² Table 2 reveals that England had more instances of death due to the use of weapons by the police in proportion to the population than Finland.

In Finland, the police fire their weapons comparatively as often as the Swedish and Danish police, but the amount of deaths is as low as in Norway, where the police are unarmed. In Sweden, 7 persons are injured and one dies every year as a result of the use of firearms by the police. In Norway, there is, on an average, one death every three years. Finland has the largest amount of shooting incidents where no-one is injured or killed.⁶³

Table 2. Annual average number of deaths by police shooting per million inhabitants (1996-2006) (Knutson and Norée, 2010)⁶⁴



The finding is made even more interesting by the fact that the Finnish police always carry service weapons, unlike the English police. Threats made with weapons by the Norwegian police are threefold compared to the Finnish police.⁶⁵ In order for it to be possible to examine the effectiveness and significance of electroshock weapons as one of the Finnish police's means of applying force, we must first get acquainted with the national regulation on the use of force.

4. Regulation on the use of forcible measures by the Finnish police

The use of forcible measures is regulated in Chapter 4, Section 6 (515/2003) of the Criminal Code (CC 39/1889). According to the first paragraph, separate provisions in an Act apply to the right to use forcible measures *in the performance of*

official duties or for another comparable reason and to the right to assist persons appointed to maintain order. In the use of forcible measures, recourse may be had only to such measures necessary to perform the function and that can be deemed justifiable when assessed as a whole, taking into account the importance and urgent nature of the task, the dangerousness of the resistance and the situation also otherwise. If the limits provided in paragraph 2 have been exceeded in the use of forcible measures, the perpetrator is nonetheless free of criminal liability if there are very weighty grounds to deem that the perpetrator could not reasonably have been expected to have acted otherwise, taking into account his or her position and training, the importance of the function and the unexpected nature of the situation.

The Criminal Code's provision on the use of forcible measures described above sets the outermost limits for the use of force by authorities as well as the definitions on how to act when these limits are exceeded. More precise regulation on the use of force is found in the special legislation for each actor. In addition to the police, there is a number of other authorities that may have to use forcible measures in their work, *inter alia* prison guards, soldiers, bailiffs and ship captains.⁶⁶ Thus, the provision on the use of force by the police does not in itself give the police any competence. This competence must always be based on a legal duty. One could say that the provision on the use of force by the police is a second-degree competence provision. This means that the legality of forcible measures is primarily always dependent of there being a legal duty in the background.⁶⁷

In addition to the performance of official duties, the use of force may also be justified by the performance of another task, comparable to an official duty. Such other comparable reasons include, for example, duties of guards working in the private security field, where the use of force is possible for the performance of such duties.⁶⁸

The duties of the police are regulated in section 1 of the Police Act (PA 872/2011). In a broad sense, the basic duty of the police is to secure the rule of law. Maintaining public order and security has also for a long time been the basic concept in the description of the duties of the police.⁶⁹ In certain situations, the police has to interfere with individual rights, such as freedom and bodily integrity. In these situations, the police follows through with their duty by threat of forcible measures or even by using them. It is a question of exercise of public powers that has been bestowed upon the police by the powers of the State.⁷⁰

Forcible measures entails the power of the police or other authorities that uphold security to use physical strength or different equipment, even firearms, to break resistance or otherwise in order to carry out their duties while performing

official duties. Thus, use of force requires that the police is performing an official duty vested in him or her.⁷¹

The provision on the use of force by the police (PA 2:17) does not define the character of official duties in detail. Forcible measures available to the police are defined more closely in the Police Act and other Acts that regulate the duties of the police.⁷² Other duties that are entrusted to the police include, among others, executive assistance, that also allows for forcible measures.⁷³

In addition to the provision on the use of force, the police may also have to resort to the CC's provisions on self-defence (CC 4:4) and necessity (CC 4:5).⁷⁴ The first provision is a general provision that applies to all persons. It entitles anyone to defend against an ongoing or imminent unlawful attack. In situations where the use of force by a police has been based on the provision on self-defence, his or her actions are subject to official liability (PA 2:17,2). It is a matter of a higher proficiency requirement being set on the police in relation to ordinary citizens. In the Supreme Court case KKO 2004:75, that concerned the right of the police to self-defence, the court emphasized that higher requirements may justifiably be imposed on police officers than on ordinary citizens when assessing the necessity and justifiability of forcible measures.⁷⁵ It should be noted that the dichotomy between police officers and ordinary citizens is not sufficient, since serving police officers do not form a homogeneous group. Higher standards and obligations may justifiably be required of police officers who serve in the rapid deployment unit as compared to those who serve in the licence service.

Police officers who receive a high level of training on the use of force are also required to have a comparable level of obligation to act. Concretely, this means that in extreme situations, a police officer who has received only ordinary training on the use of force has a lower personal obligation to act than a police officer who has received special training.⁷⁶ In cases of excessive self-defence, the actions of the police may be examined as an offence in office and his or her position in the police administration may also be examined in a public servant procedure.⁷⁷

According to the provision on the use of force by the police (PA 2:17), when carrying out official duties, police officers have the right to use necessary force that can be considered justifiable to overcome resistance, remove a person from a place, carry out an apprehension, prevent the escape of a person who has been deprived of his or her liberty, remove an obstacle or prevent an immediate risk of an offence or some other dangerous act or event. When assessing the justifiability of the use of force, the importance and urgency of the duty, the danger of resistance, the resources available and other circumstances influencing an overall

assessment of the situation shall be taken into consideration. The starting point is the principle of the most lenient effective measure.⁷⁸

When performing an official duty and using force in connection to such a duty, the actions of the Finnish police are directed and limited by the general principles of police activities as well as the special principles pertaining to the use of force. The general principles in Chapter 1 of the Police Act are the respect of fundamental and human rights 2 §, the principle of proportionality 3 §, the principle of minimum intervention 4 §, the principle of intended purpose 5 § and the possibility of postponing actions and refraining from taking actions 9 §. Taking these general principles into account entails that the primary official duty and any potential use of force connected to it form a whole, where the importance of the duty, its urgency and the circumstances for its realization are assessed. Based on this deliberation, a decision can be made on which types of forcible measures that are acceptable. The main principle of police activities is that situations where force has to be used should be avoided.⁷⁹

The justifiability of forcible measures is assessed through the above described general principles of the Police Act and principles that are manifested in the provision on the use of force by the police. This implies a normative general assessment, where account is taken of the importance of the duty and its urgency, the intensity of the resistance, disposable resources and other factors affecting the general assessment of the situation.⁸⁰

The mutual scale between forcible measures and means of applying force has not really been dealt with in domestic legal literature. Among others the human rights organisation Amnesty has demanded the publication of such a scale on the use of force and instructions in connection to it.⁸¹ The hierarchy between different means of applying force has been described quite a lot in international studies, and they reveal that the force continuum between means of applying force differ between countries and even police departments.⁸² Sometimes, the justifiability of the use of means of applying force is set out in a linear fashion and sometimes the relation between means of applying force is described as a cogwheel.⁸³ The force continuum classification is a question of a hierarchical way of thinking about the relationship between the activities of the target person and the use of force. The stronger or more dangerous the resistance is, the more force the police may use in response to it.⁸⁴ This way of thinking has been criticized especially for its dichotomous way of choosing the disposable means but giving less weight to the personal discretion of the police.⁸⁵

The mutual relation between forcible measures and means of applying force in Finland can be examined in the following way: While the provision on the use of

force in the Police Act functions as a general provision that governs the use of force, the provision governing the use of firearms by the police functions as a special provision in relation to the former one. According to Chapter 2, Section 19 in the Police Act, firearms may be used only when it is necessary to stop the actions of a person posing an immediate and serious danger to the life or health of another person and no more moderate means to do this are available. Firearms may also be used for removing an object, animal or other similar obstacle when carrying out an urgent and important duty. Firearms may not be used to disperse a crowd unless gas cartridges or other similar projectiles are used in the firearm in accordance with separately issued regulations. Use of a firearm means warning of the use of a firearm referred to in section 2 of the Firearms Act, threatening with a firearm and firing a firearm. Revealing a firearm and getting it ready to use do not constitute use of a firearm. In addition, it should be noted that in Finland, the decision to threaten with a firearm and to fire a firearm is made by a commanding police officer, if this is possible in view of the urgency of the situation.

Firearms as a means of applying force represent the most severe forcible measure as to its effects that the police have at their disposal. In the hierarchy of means of applying force, other means of applying force are defined as more lenient means than firearms as to their properties and effects when properly used. The classification in section 10 of the Police Decree (1080/2003) shows that the hierarchy of the means of applying force available to the Finnish police is two-levelled: 1) firearms and 2) other means of applying force. According to the Police Decree, the State equips the police with such means of applying force and protective gear that their duties require. When using forcible measures against persons, the police may only use such means of applying force that have been approved by the police administration and in the usage of which the police has been trained.

The mutual relationship between other means of applying force can be described as a cogwheel, where the most lenient, effective means of applying force is chosen that is also the most appropriate for the situation in question. This consideration is done independently by the police acting in the situation in question under the directions and limits set by the general principles in the Police Act and the special principles in the provision on the use of force by the police. It is always a matter of a case specific general consideration. The use force first of all has to be necessary and justifiable in view of the circumstances.⁸⁶ When making this consideration, the police firstly has to take account of whether or not the use of force is necessary at all. Forcible measures should not be used if the objective can be attained through other means. The necessity requirement includes a prohi-

bition against using force if the desired objective cannot be attained at all through the use of force in the situation in question.⁸⁷

The necessity requirement also includes time limits for the use of force, since the use of force shall be stopped immediately when the resistance ceases.⁸⁸ The temporal assessment is done in the same way as when considering the time limits for self-defence.⁸⁹

If the use of force is necessary in the situation in question, it must also be justifiable. The use of force must always be moderate and reasonable in relation to the quality of the official duty and the pursued objective.⁹⁰ It is a matter of interest comparison between the severity of the measure and the results that it will bring about.⁹¹ This proportionality requirement entails that the police should in certain situations also be able to abstain from using force or postpone the performance of the official duty.⁹²

5. Data

In 2016, the police performed over a million tasks in Finland. During these tasks, the police made 85,765 apprehensions.⁹³ Reports on the use of force were made 1,047 times.⁹⁴ Among these reports on the use of force, a third (N=357) concerned electroshock weapons.

Due to the complexity and dynamics of situations where force is used, it is typical that the police has to use also other forcible measures in addition to electroshock weapons.⁹⁵ The most commonly used other forcible measures in connection to electroshock weapons have been physical force (N=179) and handcuffs (N=221). Recourse to other means of applying force such as OC gas (N=15) and telescopic batons (N=9) has only seldom been necessary.

All in all, electroshock weapons have been reported to have been used as a means of applying force in 370 cases. Among these, the actual reports on the use of electroshock weapons (N=357) form the data for this study. The difference (N=13) is due to the fact that the police have been instructed to report on the use of force starting from the means that have the most serious potential consequences. It is a question of situations where reports have been made on the use of firearms or dogs. In the study at hand, these cases have not been analysed.

The accumulated data is unique and makes it possible to examine several research subjects in the future. One interesting research question is, *inter alia*, what kind of differences in the culture of use force there are between different police departments. The research questions for this study are: 1) In which types of situations have electroshock weapons been used? 2) Has the use of electroshock wea-

apons led to the desired result? 3) What have the consequences of the use of electroshock weapons been?

The research questions are answered through a quantitative treatment of the data. The study is the first one to describe the use of electroshock weapons by the Finnish police. The approach of the study is primarily descriptive. It would not yet be meaningful to conduct any statistical comparison since this is the first year of collecting data through this system.

5.1. Reliability of the data

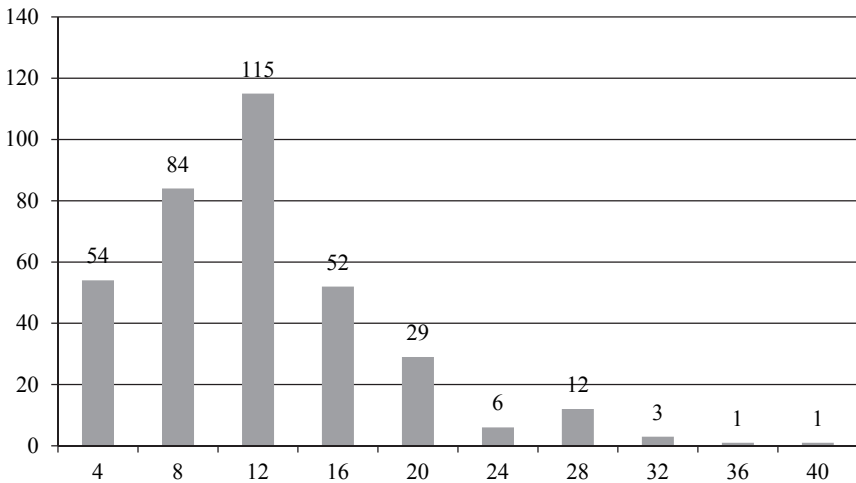
The collection of reports on the use of force through the new system began on 1 January 2016. When comparing the amount of reports on the use of force to situations of violence that the police faced during 2016 (1,699⁹⁶), it can be noticed that during the first year of data collection, reports on the use of force were not made exhaustively in relation to violence encountered by the police. This has at least been a result of the technical problems related to the initialization of the system.⁹⁷ This, however, is probably not the only reason. It is possible that the introduction of the new system was faced with resistance to change. Solidarity towards one's colleagues is a part of the police culture, which is expressed, *inter alia*, through a strict mutual code. This may have been significant as regards the attitude towards academic research.⁹⁸

Taking into account the scope of the data and its deficiency, this presentation has not examined the differences in the use of electroshock weapons between police departments. In the future, differences between police departments as regards the culture of use of force is an interesting research subject. The reliability of the data is also affected by the fact that every report on the use of force is filled out from the respondent's subjective point of view.

5.2. Users of means of applying force

Based on their years of service, the users of electroshock weapons have been experienced police officers: The average years of service for the police officers was 10.5 years (Table 3). Among the users of means of applying force, 90% had taken part in organized training on the use of force during the last six months. Within the last month, 40% had received organized training on the use of force. During the last six months, 45% had received organized training on the use of electroshock weapons. During the last month, 49% had independently trained in the use of force during their working hours and during the last six months, 82% had independently trained in the use of force during their working hours.

Table 3. Years of service of the users of electroshock weapons



It can be stated that the police officers who had used electroshock weapons have been experienced as to their years in service and had received regular training. In addition to organized training, the police officers had trained independently in the use of force in order to develop their professional skills.

5.3. Tasks in situations of use of force

Next, it will be examined in which types of tasks electroshock weapons have been used.⁹⁹ Table 4 shows that over half of the cases have concerned tasks related to the protection of individuals and protection of life and health (63.9%). Among the tasks that led to electroshock weapons being used, half (49.3%) were tasks of the highest urgency class of the police. A majority of the situations where electroshock weapons were used happened during the evening or at night. Electroshock weapons were often used either in private apartments (25.5%) or in the street or another public place (24.6%). A tenth of the situations where electroshock weapons were used happened in police premises (11.8%).

Table 4. Situations of use of electroshock weapons according to task

Task	N=357
Protection of individuals ¹⁰⁰	34.7%
Protection of life and health ¹⁰¹	29.1%
Protection of property and community	10.9%
Special tasks	10.4%
Tasks due to traffic accidents or traffic	8.9%
Basic or surveillance tasks as well as preventive action	5.9%
Accidents or dangerous situations	0%

In Finland, the competence of the police to use force can be based on either the provision on the use of force in the Police Act or the provision on self-defence in the Criminal Code. Based on the classification in accordance with the competence provision for the use of force by the police, different objectives may be pursued by the use of force, even simultaneously. In one situation of use of force, the objective may for instance be to break resistance and to carry out an apprehension. When reading table 5, it should be noted that the police officer who made the report on the use of force may have chosen several objectives for the use of force as described by the different answer alternatives. Furthermore, it is also possible that the respondent has chosen only one item, even though the actual incident could have involved also other alternatives.

Table 5. Objective of the use of force in accordance with the classification in Chapter 2, Section 17 of the Police Act

Objective of the use of force	N=357
Breaking of resistance	74.5%
Carrying out an apprehension	57.1%
Preventing an immediate risk of an offence or some other dangerous act or event	22.4%
Preventing the escape of a person who has been deprived of his or her liberty	3.9%
Removing a person from a place	0.8%
Removing an obstacle, define	0.6%

Table 6 shows the division between the objectives of the use of force in relation to others. It is a question of a hierarchical classification made only for this study with the aim of illustrating the most common grounds for situations of use of force. The classifications have been done by the author as follows: self-defence based on the Criminal Code (the police him or herself, another police and other persons) and use of force based on the Police Act (dangerous act, resistance and escape). In each single case, only one alternative in accordance with the classification has been possible, only the one highest up in the hierarchy has been taken account of. In situations where electroshock weapons were used, the provision on self-defence in the Criminal Code was the determining factor in every tenth (12%) case.

Table 6. Objective of the use of force in situations of use of electroshock weapons in 2016

Objective of the use of force	N=357
PA 2:17 resistance	61%
PA 2:17 dangerous act	18.5%
PA 2:17 apprehension	8.2%
CC 4:4 him or herself	7.3%
CC 4:4 another person	3.9%
CC 4:4 another police	1.1%

Situations of use of force may involve pure cases of self-defence in accordance with the Criminal Code. There are also situations where the events have proceeded according to the initiative of the police, as use of force based on the Police Act, but due to a surprising turn of events, the police have had to resort to defensive acts of self-defence. There were 19 cases of attacks directed at a police officer, where the act was directed at the user of an electroshock weapon and the police him or herself defined the objective of the use of force by way of self-defence. Table 7 shows how the objective of the use of force and the protected interests were divided in these cases.

Table 7. Attacks in accordance with CC 4:4 directed at police officers who used electroshock weapons

Police officer's situations of self-defence	N=19
Him or herself (the user of the means of applying force)	19
Another police	12
Other person, define	2

Based on what has been described above, the situations where the Finnish police has used electroshock weapons seem to have occurred in predictable situations and under the control of the police. This is also supported by the observation that 78% of the police officers who had used electroshock weapons reported that they had been prepared for the use of force.¹⁰² This observation can be compared to an observation made in a Swedish examination of situations of use of firearms by the police. Data collected during the years 1985-1988 (N=430) show that in 81% of the cases where firearms were used, the basis for this was self-defence. The police who acted in the situations were ordinary police patrols and the tasks were routine like police tasks. The common denominator for these situations of use of firearms were their surprising nature and the short distance to the target person.¹⁰³

5.4. Actions of the target person

The quality and quantity of the violence faced by the police can vary a lot.¹⁰⁴ In the following, factors describing the actions of the target person are presented. The number of persons that were targeted with electroshock weapons varied between 1 and 6. Table 8 shows that in half of the cases, the activity of the target person consisted of different kinds of physical resistance (49.9%). Almost a fifth of the cases contained threats with striking or edged weapons or the use of them (17.6%). Every fourth time, the police was aware of the dangerousness of the person before going to the scene of the event (27%).

Table 8. *Activities of the target person in situations of use of electroshock weapons*

Actions of the target person	N=357
Violently resisted the police for instance by hitting, kicking or struggling ¹⁰⁵	26.6%
Physically resisted the actions of the police for instance when getting hand cuffed ¹⁰⁶	23.3%
Refused to follow orders by the police and/or resisted verbally	21.9%
Threatened the police verbally and/or through gestures	10.1%
Threatened with an edged weapon	8.7%
Used an edged weapon	3.9%
Threatened with a striking weapon	3.6%
Used a striking weapon	1.4%
Threatened with a firearm	0.3%
Used a firearm	0.3%

5.5. *The effectiveness of the use of electroshock weapons*

In previous studies, the effectiveness of electroshock weapons has been measured primarily by analyzing 1) whether the activities of the target person was successfully stopped through the use of the device, 2) whether injuries to the target person were successfully lessened by the use of the electroshock weapon and 3) whether the use of firearms, i.e. the most severe means of applying force, was successfully avoided through the use of electroshock weapons?¹⁰⁷ It has been proposed that one research question for the future could be to examine the effectiveness of electroshock weapons in situations where the target person in advance has been warned that electroshock weapons will be used.¹⁰⁸

When gathering this research data, two different ways have been used to enquire on the effectiveness of the use of electroshock weapons. The general question concerned the desired effect of the means of applying force. Based on the data, using, threatening with or warning to use electroshock weapons led to the desired result in 87.5% of the cases. It should be noted that in every fifth situation (20.2%), the desired result was attained by threatening with an electroshock weapon.

As regards the special question on the use of electroshock weapons, the data shows that in a fifth of the cases, the situation was in some way settled by threatening with an electroshock weapon (20.7%). The result was attained in a fourth

of the cases through the touch function (28.3%) and in a third of the cases by a shot hitting the person (35.6%). Every tenth time, the use of an electroshock weapon did not lead to the desired result (N=43). In half of these cases, the needles of the electroshock weapon did not hit the target person (21 cases) and the situation was settled through other forcible measure in 12 cases. In the rest of the cases, the reasons were various, for instance malfunctions of the electroshock weapon.

Table 9. Effects attained by the electroshock weapon

Effects attained by the electroshock weapon	N=357
Attained by a shot hitting the person	35.6%
Attained by the touch function	28.3%
Attained by threatening by directing red dot	14.9%
Was not attained, define why this was the case and how the situation was settled (e.g. other measures of force)	12.0%
Attained by threatening and directing the device	3.6%
Attained by a shot hitting the person and the touch function	3.4%
Attained by warning	1.7%
Attained by threatening to fire without a cartridge by using the electric arc	0.6%

In certain situations, it might be necessary to use the electroshock weapon more than once in order to break the resistance of the target person. This could for instance mean giving another electric cycle through the needles and/or the touch function. The report on the use of force does not contain a separate question on how many times the electroshock weapon was fired in an individual situation of use of force. The data does however show that in eight reported cases, where it was reported that the desired effect was attained by the electroshock weapon, it was a question of using the touch function. Among these, the electroshock weapon was reported to have been used more than once in three cases.

5.6. Injuries and damages

Situations of use of force are challenging and contain potential risks. In addition to the qualities of the police and the target person, the situation is affected by environmental factors, such as the place where the forcible measures are used and people standing about.¹⁰⁹ The objective of the police is always to attain the desired result without using force. In situations that have resulted in the use of force,

it is acceptable that the action contains certain risks, where the result may be that someone is injured or, in extreme cases, killed.

In the following, damages to property and injuries to persons as result of the use of electroshock weapons are examined. Of all the situations of use of force during 2016 (N=1.047), 85% were carried through without any damages to property or injuries to persons. Of all the situations where electroshock weapons were used (N=357), 88% of the cases were carried through without any damages to property or injuries to persons.

Of all the damages and injuries that came about in situations of use of force during 2016, close to a third (28.9%) were reported in connection to the use of physical force. Almost the same amount of damages to property and injuries to persons were reported to have been due to the use of electroshock weapons (25.6%). Table 10 contains comparison between damages and injuries that resulted in connection to the use of electroshock weapons (N=37) and physical force (N=44). Consequences of the use of other means of applying force were not included in this comparison due to their small amount. The data collected in 2016 does not display any serious injuries to persons or cases of death in connection to situations of use of force.

Table 10. Damages to property and injuries to persons compared in accordance with the means of applying force

		To the user of the electroshock weapon	Other police officers	Other authorities	The target person	Total
Minor injuries to persons: bruises, strains etc., that did not require hospital treatment	Electroshock weapon	6	5	2	24	37
	Physical	12	0	5	25	42
Severe injuries to persons: significant, but not life-threatening injuries	Electroshock weapon	1	0	1	3	5
	Physical	2	0	0	2	4
Damages to property	Electroshock weapon	2	1	0	4	7
	Physical	6	0	1	2	9

After using an electroshock weapon, the police gave first aid on 63 occasions. In half of these (33 cases), the form of the treatment was described as removing the needles of the electroshock weapon and in nine cases as applying a bandage or otherwise patching a bruise. In twelve of the cases, OC gas had also been used in the situation. In these cases, water was given in order to alleviate the symptoms.

The data shows that the consequences of the use of force have mainly been mild. It is noteworthy that the use of electroshock weapons has resulted in mild bodily injuries to police officers and other authorities in seven cases. This has been the result of *inter alia* the use of electroshock weapons in connection to wrestling situations, when, for instance, one of the electroshock weapon's needles has hit another person instead of the target person.

Based on the data, the police suffered more injuries and property damage when using physical force than when using electroshock weapons. As regards the injuries incurred by the target persons, the data implies that it does not seem to have any difference whether the injuries have resulted in connection to the use of electroshock weapons or physical force.

5.7. Use of the touch function

When using the touch function of the electroshock weapon, the device is pressed against the target person and fired without the needles. Through the touch function, the electric current emanating from the device causes pain locally without the paralyzing effect.¹¹⁰ The use of the touch function has been criticized amongst other things because it would enable torture and cruelty.¹¹¹ Based on a decision by the Parliamentary Ombudsman, the use of the touch function should be deliberated and situations where the use of the touch function is repeated or prolonged should be avoided.¹¹²

In the following, situations where the touch function was used during 2016 are presented. In situations of use of electroshock weapons, the police have achieved the desired result almost every third time the touch function was used (28.3%). Of the situations where the touch function was used, almost half (45.5%) occurred during tasks directed at the protection of individuals. Table 11 shows that almost a fourth of the situations where the touch function was used occurred in police facilities.

Table 11. Division of the electroshock weapon's touch function in accordance with place of usage

Touch function, places of incident	N=101
Street or other public place	26.7%
Police station/institution/prison	23.8%
Private apartment	14.9%
Other place	14.9%
Yard or staircase	10.9%
Staircase of apartment building	4,0 %
Business premises or shopping centre	2.0%
Restaurant or place of amusement	2.0%
Vehicle	1.0%

The main objective of using the electroshock weapon's touch function has been to break resistance (91%). In half of the cases where the touch function was used (51.5%), the target person physically resisted the measures of the police for instance when being hand cuffed. Violent resistance, such as hitting and kicking, was broken by way of the touch function 42 times (41.6%). In addition to the touch function, other forcible measures were also directed at the target person in these cases (72.3%). The touch function was used in facilities governed by the police 42 times and the desired effect was achieved in over half of the cases by using the touch function (N=24). On the average, there have been 3.12 members of the crew present at the above-mentioned situations.

Injuries to persons and damages to property were sustained in eight cases. It was reported only in two cases that the target person had sustained bodily injuries or damages to property in connection to the cases, in this case mild bodily injuries. As regards the police officer who had used the means of applying force, other police officers and other authorities, a total of four mild bodily injuries and two serious bodily injuries as well as two damages to property were reported.

6. In conclusion

There are no risk-free situations of use of force. It is always a question of a dynamic and complex interactional situation that is affected by the persons taking part in it, the surrounding people and the existing circumstances. However, the responsibility for the control of the situation of use of force and the continuous

overall assessment of the situations rests with the police officer performing the measures.

The use of force by the police is always assessed comprehensively based on the general principles of the Police Act and the special principles of the provision on the use of force. The aim is to avoid situations of use of force and to handle the situation by way of advice, requests and orders. This is not always possible, and in order to carry out the official duty the police must resort to the use of forcible measures, by using the most lenient effective measure.

This study has found that electroshock weapons are an effective and appropriate means of applying force and that the damages to property and injuries to persons that have resulted from the use of them have been minor. Womack et al. noticed in their study that the police department's administrative directions on the preconditions for the use of electroshock weapons had a direct effect on situations where police officers were injured. When the police department delimited the use of electroshock weapons more strictly and placed them higher on the scale in relation to other means of applying force, police officers more often resorted to using physical force. As a result of this, the number of injuries to police officers increased as compared to before.¹¹³ The danger is that even by way of very detailed instructions on the use of force, the individual police officer cannot resort to his or her personal discretion. This subject has also been identified as an interesting research area.¹¹⁴

In Finland, non-lethal means of applying force are not placed in a mutual hierarchical order. This means that physical force is not always the most lenient forcible measure taking into account the strength and dangerousness of the resistance, disposable forcible measures and the anticipated results. Police officers who use force are always trained professionals in the use of force, and they should under official liability be able to choose the most appropriate forcible measure for the situation. The use of the touch function has been criticized, especially if its use happens in police facilities or when the touch function is used against the target person several times. The expressed critique should be taken seriously in training as well as in the internal supervision of the police department. If the desired result cannot be attained through the use of force, the use of force should be abandoned completely and it should be considered whether the official duty can be postponed or completely abandoned.

The use of force by the Finnish police is supervised in many different ways. A police officer who has used forcible measures always acts under the supervision of a field and general leader and the officers in charge of the use of force follow their police department's situations of use of force.¹¹⁵ In addition to this supervi-

sion that is subject to official liability, the citizens have numerous possibilities of subjecting situations of use of force to external examination. During recent years, the office of the Parliamentary Ombudsman has received some ten complaints on the use of electroshock weapons by the police. Most complaints have been connected to already pending cases or cases that have already been settled, and they have been directed elsewhere. The office of the Parliamentary Ombudsman has only given three decisions regarding the use of electroshock weapons.¹¹⁶

In the future, national studies on the use of force by the police will presumably increase. The viewpoints I have raised can also be applied when examining other non-lethal means of applying force. In addition, the relations between different means of applying force and cultural differences between police departments as regards the use of force are interesting subjects.

Notes

1. *Gerber – Jackson* 2017, p. 79.
2. *Terril – Paoline III* 2010, p. 6; *Jackson et al.* 2013, p. 10; *Gerber – Jackson* 2017, p. 79.
3. *Vuorensyrjä – Fagerlund* 2016, p. 5.
4. *Klemetti* 2014, p. 18.
5. *Van Craen – Skogan* 2015, p. 143; *Kääriäinen* 2015, p. 1.
6. *Jackson et al.*, 2013, p. 10-11.
7. *Käyhkö* 2002, p. 7.
8. *Lappi-Seppälä – Tonry* 2011, p. 5; *Kääriäinen – Sirén* 2012, p. 277.
9. *Høigård*, 2011 p. 265; *Lappi-Seppälä-Tonry* 2011, p. 2-3.
10. *Kääriäinen* 2008, p. 157.
11. *Jefferis – Butcher – Hanley* 2011, p. 82; *Jackson et al* 2013, p. 80-81.
12. *Gerber – Jackson* 2017, p. 81.
13. *Gerber – Jackson* 2017, p. 81.
14. *Gerber – Jackson* 2017, p. 90-91.
15. *Kääriäinen* 2016, p. 81.
16. *Kesic – Thomas – Ogloff* 2013.
17. *Brandl – Storshine* 2017; *Payne – James et al* 2014.
18. *Barrick – Hickman – Storm* 2014; *Leino* 2013.
19. *Kahn – Steele – McMahon – Stewart* 2016; *Gau – Mosher – Pratt* 2010.
20. *Azizi* 2011; *Kroll – Luceri – Lakireddy – Calkins* 2015; *Sanders* 2015.
21. *Hendy* 2014; *Fekjaer* 2015. See for a comparison on the use of weapons between Norway and Sweden *Knutsson – Strype* 2010.
22. *Knutsson – Norée* 2010; *Knutsson – Strype* 2010; *Holmberg* 2013.
23. *Terenius* 2013; *Boucht*, 2011.
24. *Dymond – Rappert* 2014, p. 334.
25. *Tervämäki* 2005, p. 6.
26. *Hendy* 2014, p. 183.
27. *UN* 1990; *Gau – Mosher – Pratt* 2010, p. 30.

28. Low-lethal *inter alia* *Becour* 2013, Less-Lethal *inter alia* *Dymond* 2014; *IPCC* 2014.
29. *Tervamäki* 2005, p. 6.
30. *Kaminski – Adang* 2010, p. 167.
31. *Reaves* 2010, p. 17.
32. *White – Ready* 2010, p. 179.
33. *Holmberg* 2013.
34. *Schwartz – Carron – Yersin – Pasquier* 2014, p. 30; *Becour* 2013, p. 142.
35. It can be mentioned that England and Wales are potentially moving on to the next generation of electroshock weapons, the Taser X26P and X2. *Dymond – Rappert* 2014, p. 330.
36. *Schwartz – Carron – Yersin – Pasquier* 2014, p. 31.
37. The electric current that emanates from the electroshock weapon corresponds to a nervous impulse of the human body. NMI (Neuro-Muscular-Incapacitation) stuns and overrides the commandments of the motor system, which leads to uncontrollable muscle contractions. *Schwartz – Carron – Yersin – Pasquier* 2015, p. 30; *Becour* 2013, p. 142.
38. *White – Ready* 2007; *Gau – Mosher – Pratt* 2010, p. 31; *Gardner – Hauda – Bozeman* 2012, p. 873; *Kroll – Luceri – Lakireddy – Calkins* 2015.
39. *CPT* 2010, p. 32; *CAT* 2008, p. 5; *Amnesty* 2016, p. 13-14.
40. *Ferdik* 2014, p. 328.
41. *Bozeman – Teacher – Winslow* 2012, p. 970; *Daves – Ho – Reardon – Miner* 2008, p. 49.
42. *Schwartz – Carron – Yersin – Pasquier* 2014, p. 30.
43. *Kroll – Luceri – Lakireddy – Calkins* 2015, p. 1.
44. *Polstat* 2017.
45. *Ferdik* 2014, p. 329; *Terril – Paoline III* 2010, p. 8; *CPT* 2010, p. 36. See decision *OA 4733/2009* by the Parliamentary Ombudsman in regard to training and instructions on the use of electroshock weapons at the Criminal Sanctions Agency.
46. *Taylor – Alpert – Woods – Dunham* 2009, p. 211.
47. *IPCC* 2014, p. 12.
48. *AOA* 1187/2/15.
49. *Brandl – Stroshine* 2017, p. 296.
50. *Taylor – Woods* 2010, p. 260.
51. *Thomas – Collins – Lovrich* 2010, p. 295.
52. *Brandl – Stroshine* 2017, p. 296.
53. *Gardner – Hauda II – Bozeman* 2012, p. 873; *Strote – Walsh – Angelidis – Basta – Hutson* 2010, p. 1240.
54. *Kroll – Luceri – Lakireddy – Calkins* 2015, p. 1.
55. *Bozeman – Teacher – Winslow* 2012, p. 970; *Brewer – Kroll* 2009, p. 296; *Strote – Walsh – Angelidis – Basta – Hutson* 2010, p. 1239; *Paoline III – Terril – Ingram* 2012, p. 124.
56. *Kroll – Luceri – Lakireddy – Calkins* 2015, p. 1.
57. *Vaasan HO R13/177*, p. 8.
58. *NOU* 2017, p. 181.
59. *NOU* 2017, p. 14.
60. *Brandl – Stroshine* 2017, p. 279.
61. The restraint in the use of weapons by the Finnish police has not always been on the same level. After the Mikkeli hostage incident (1986), the Chancellor of Justice in his decision

- 716/87, 18.2.1987 urged the Ministry of the Interior to take measures in order to give instructions on the use of weapons by the police. After the incident, the Ministry of the Interior appointed a committee that was tasked with drawing up instructions and educational material on the use of weapons by the police. A conducted investigation revealed that during the five year period 1974-78, the Finnish police fired 881 warning shots and 152 shots directed at targets. An analysis of another five year period, 1982-1986, revealed that the police fired 554 warning shots and 155 shots directed at targets. *KM 1988:27*, p. 49. During the years 2003-2013, there have been 385 cases of shooting and the amount of situations where weapons have been used have varied between 26 (in 2004) and 44 (in 2008). *Rikander 2016*, p. 10.
62. *Knutsson – Norée 2010*, p. 120-121.
 63. *Knutsson – Nöree 2010*, p. 122. See Polisens användning av skjutvapen och eventuella behov av åtgärder 2016, p. 32.
 64. *Hendy 2014*, p. 188.
 65. *Hendy 2014*, p. 191; *Knutsson – Norée 2010*, p. 120.
 66. *Tapani – Tolvanen 2013*, p. 293-294.
 67. *Helminen – Kuusimäki – Rantaeskola 2012*, p. 768. The duties of the police are determined by the Police Act and other Acts that regulate the functions of the police. *Tapani – Tolvanen 2013*, p. 294.
 68. *Frände 2012*, p. 153.
 69. *Parviainen – Kortesalmi – Rantaeskola 2012*, p. 21.
 70. *Helminen – Kuusimäki – Rantaeskola 2012*, p. 767.
 71. *Terenius 2013*, p. 490; *Helminen – Kuusimäki – Rantaeskola 2012*, p. 777.
 72. *Tapani – Tolvanen 2013*, p. 294.
 73. *Frände 2012*, p. 153.
 74. Necessity may arise in a situation where a dog that is beyond the control of its owner attacks a police. In this case, it is not a question of fending off an attack. The same also applies to a person who acts violently due to an attack of illness. See *Helminen – Kuusimäki – Rantaeskola 2012*, p. 795.
 75. *KKO 2004:75*.
 76. *Hankilanoja 2003*, p. 65.
 77. *Helminen – Kuusimäki – Rantaeskola 2012*, p. 799-800.
 78. *Tapani – Tolvanen 2012*, p. 295.
 79. *Helminen – Kuusimäki – Rantaeskola 2012*, p. 780.
 80. *Tapani – Tolvanen 2012*, p. 295.
 81. *Keskisuomalainen 9.10.2016*.
 82. Every Finnish police who has undergone police training has received congruent training on the use of force and the tactics of forcible measures at the Police University College. At the moment, the scope of these studies is 8 credits. According to section 3 of the Interior Ministry decree (245/2015), the police units are responsible for the maintenance training on the use of force, which at the minimum entails two training occasions per year for every means of applying force that the police is entitled to carry. This also applies to the use of physical force. Field instructors trained at the Police University College are responsible for the training given at the police units. At the moment, the scope of the basic course for field instruc-

tors in the use force is 160 credits, and it entitles the instructor to give training on the use of service weapons as well as all other non-lethal means of applying force than electroshock weapons. The license in question is valid for three years. At the moment, the training for instructors in the use electroshock weapons includes an entirety of 24 hours in addition to the above mentioned course.

83. *Terril – Paoline III* 2010, p. 11.
84. *Alper – Dunham* 2010 p. 243.
85. *Womack – Morris – Bishopp* 2016, p. 420.
86. *Tapani – Tolvanen* 2013, p. 301.
87. *Terenius* 2013, p. 505.
88. *Helminen – Kuusimäki – Rantaeskola* 2012, p. 781.
89. *Melander* 2016, p. 277.
90. *Terenius* 2013, p. 511.
91. *Melander* 2016, p. 277.
92. *Helminen – Kuusimäki – Rantaeskola* 2012, p. 782.
93. *Polstat* 2017; It can be mentioned that in Sweden, there has been reported to be around 1.3 million police tasks every year. *Polisens användning av skjutvapen och eventuella behov av åtgärder* 2016, p. 5
94. Based on the Interior Ministry decree (245/2015) and orders given by the Police administration, the police must make a report on the use of force in situations where physical force and/or means of applying force have been used. The system was put into operation on 1 January 2016 and it differs from previous statistical and follow-up systems both as to its preciseness and its scope. The form for the report on the use of force is dynamic and the previous answers affect the future questions that one must answer when filling out the form. See *Rikander* 2016.
95. *Brandl – Stroshine* 2017, p. 296.
96. Acts of violence directed at the police based on registrations of Chapter 16, Sections 1-2 of the Criminal Code. *Polstat* 2017.
97. *Rikander* 2016, p. 21.
98. *Korander* 2004, p. 14.
99. The classification of tasks is based on the classification used by the Emergency Response Center and the police. The classes displayed in the table form the main classes of police tasks. The classification used in the report on the use of force is convergent with the classification used by the Emergency Response Center.
100. Tasks related to the protection and helping of persons.
101. Acts directed at the bodily integrity and right of self-determination of persons, acts that violate the freedom of persons and threatening with such acts.
102. According to Chapter 2, Section 18, paragraph 1 of the Police Act, the police shall prepare for the use of force in a suitable and appropriate manner if there is reason to suspect that resistance will be met. See *Helminen – Kuusimäki – Rantaeskola* 2012, p. 784.
103. *Knutsson* 2010, p. 105-107. See *Knutsson – Strype* 2010.
104. *Leino* 2013; *Van Branteghem – Truyens – Van Altert – Verwee* 2015.
105. The activities of the target person of the use of force is active, outward turned action directed at the police.

106. The activities of the person do not contain an actual attack against the police, but does contain among other things struggling, grabbing the clothes or fixed objects of the police or resisting. Force may be used also in order to remove a completely passive person from a place. See *Tapani – Tolvanen* 2013, p. 294.
107. *Thomas – Collins – Lovrich* 2010, p. 294-295.
108. *Brandl – Stroshine* 2017, p. 301.
109. *Hall* 2009, p. 84.
110. *Schwartz – Carron – Yersin – Pasquier* 2014, p. 31.
111. *Amnesty* 2015, p. 21. See *Stinson – Reyns – Liederbach* 2012, p. 14. Because the touch function is used very close to the target person, it has been stated that the police should refrain from using it and strive to control the situation by other means of force. *CPT* 2010, p. 38.
112. *AOA* 1187/2/15, p. 20.
113. *Womack – Morris – Bishopp* 2016, p. 429.
114. *Brandl – Stroshine* 2017, p. 280.
115. *Rikander* 2016, p. 17.
116. *AOA* 1187/2/15, p 8.

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