

Police Use of Force

Country Report Germany

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1. Description of the country

(for the following see German Federal Foreign Office 2003)

Geography

The Federal Republic of Germany is located in Central Europe. Since the Unification of the two German States in 1990, Germany is neighboured by nine other European countries (Denmark, Poland, the Czech Republic, Austria, Switzerland, France, Luxembourg, Belgium as well as the Netherlands). The North Sea and Eastern Sea are the natural northern borders. The territory is consisting of 357.022 square kilometres.

History

After the Second World War (1939-1945) with the unconditional German capitulation ending the Nazi Regime (1933 – 1945), the former German Reich was divided into four occupation zones. The administration was carried out by the four occupying powers (United States, Soviet Union, Great Britain and France). The beginning of the "cold war" resulted in the development of two separate German states, the Federal Republic of Germany and the German Democratic Republic. Both of them were founded in 1949. Whereas in the Federal Republic democracy and the social market economy prevailed, the German Democratic Republic oriented herself politically, economically and culturally to the soviet model of socialism. Today, after the breakdown of the Eastern Bloc and the resulting unification of both German states in the 1990, Germany is a federal republic consisting of 16 federal states with a democratic and parliamentary form of government. The capital and seat of government of the country is Berlin. Germany is part of the European Union and of the NATO.

Law

Each federal state has its own federal constitution based on the National constitution ("Grundgesetz"), ensuring that legal rights, citizen duties and living conditions are valid for all citizens.

Economics

Germany belongs to the European Union. Its economy strongly oriented to exporting goods. The main export articles are motor cars, implements and chemical products. The biggest share of the gross domestic product is services with 69.8 %, followed by industry and building trade with 29 % and agriculture with 1.2 %.

Population (for the following see German Federal Foreign office 2003 and Federal Institute For Population Research 2004).

With 82.5 million inhabitants and a population density of 231 inhabitants per sqkm, Germany is the country with the biggest population in Europe and among the most densely populated ones. However, there is a clear difference – as far as population density is concerned – between regions of the former Western Federal Republic (BRD) (267 inhabitants/sqkm) and the regions of the former Eastern Federal Republic of German (DDR) (140 inhabitants/sqkm). Round about one third of the German inhabitants live in big towns, 50.5 millions dwell in towns and villages of between 2,000 and 100,000 inhabitants, approx. 6.4 millions inhabit places of up to 2,000 inhabitants.

The biggest towns are Berlin (approx. 3.4 million habitants), Hamburg (approx. 1.8 million), Munich (approx. 1.3 millions inhabitants), Cologne (about 1,0 million) and the finance metropolis Frankfurt on the river Main (approx. 650,000). Located in Frankfurt/Main is the biggest German airport (which is the second biggest in Europe). The biggest conurbation is the Ruhr-District (“Ruhrgebiet”) in the Western part of Germany with about 5 million inhabitants in an area of 4,434 km², resulting in a population density of 1,199 inhabitants/km². Nevertheless, Germany belongs to the countries with the lowest birth rate worldwide as far as German citizens are concerned.

Approx. 7.3 million citizens (8.9%) are of Non-German origin. Nearly 2 millions of them are Turkish, who – with a share of 26 % – are the biggest national group of foreigners in Germany. Turks, like Italians und Greeks predecessors of so called “guest workers” of the sixties, live here in the second or third generation. In 2004 approx. one third of the foreigners had been living more than 20 years in Germany, approx. two thirds of them at least longer than eight years. More than two thirds of the foreign children (children with migration background) living in Germany were born in Germany. Due to recent legal change it is now easier for them to get the German nationality (changing from *ius sanguinis* to *ius solis*).

Up to 1993 Germany was also a country with an immigration of up to 400.000 asylum seeking people per year. In 1993 the liberal asylum law (a reminder of the totalitarian period, when many Germans were happy to find asylum in other countries) were changed to allow less foreigners to come and stay in the country. The numbers of asylum seeking foreigners coming to Germany dropped to something like 50.000 in 2004.

Another large group of migrants – however not be counted as foreigners in legal terms – are German repatriates. Repatriates are ethnic Germans, who lived and mainly were forced to stay outside the new German states after World War II. Nowadays, they mainly stem from countries of the Russian Federation, Ukraine and Kazakhstan, but also from Poland and Rumania. Able to provide evidence of being an ethnic German and (recently implemented) being able to pass language tests, they are entitled to receive a German passport and hereby full geographical mobility in the whole of Germany. Up to now approx. 4 millions of repatriates have immigrated to Germany, and they are counted as Germans in all official statistics (like uniform crime statistics).

The main confessions in Germany are Christians (33 % catholic, 33% protestant). 3 % of the citizens are Muslims, 0.1 % are of Jewish confession (the number was increasing

since unification due to many German repatriate Jews, returning to Germany from Russia or other former USSR-states).

1. Structure of the police forces (for the following see Feltes 2006 - unless otherwise cited)

The Police Force

The first organized police forces in Germany date back to the early 19. Century, when the idea of Napoleon, to establish a "gendarmerie nationale" in France (see article on France), has been adopted by some German Kingdoms.

There is no nationwide German Police force nowadays. Law enforcement is a task (as culture, universities, schools and others), reserved to the 16 different states ("Laender").

In East-Germany resp. the German Democratic Republic (under the Russian government after World War II), one central police force was established. But the former People's Police ("Volkspolizei") of the Democratic Republic was dissolved upon unification, and its members (after checking their involvement in the former Stasi-organization) have been integrated into the police force of the so called "new states", or they have quitted service due to the insecure situation.

Each state maintains its own police force, where both patrol police (uniformed) and detectives (plain clothes) are working together in the same force. Branches of the police force include the general or patrol police force (responsible for traffic control and traffic violations also), the criminal police (detectives), the emergency police force (kind of riot police, used in demonstrations, bigger sports events, or raids) and the water police. Their duties range from averting dangers to prosecuting crime. Whereas the uniformed patrol police force is mainly concerned with petty crime and minor offences, the criminal police deal with serious crimes and criminal offences, but this depends on the federal state: in some states, the uniformed police deals with more than 70% of all crimes, in other states the percentage is less than 30%. In the prosecution of crime, the police are subordinate to the public prosecutor's office.

The **uniformed or patrol police** deals mainly with general public security functions, with traffic problems and accidents, conflict solutions and minor crimes and with "helping people" in different situations. Empirically, the usual task of a patrol police officer divides into 20-40% "crime fighting" (which is in fact the administration of crimes), 20% conflict solution (disputes, family arguments), 20% "helping people" (drunken, helpless, elderly...), and 20-40% traffic related work (accidents, controlling traffic and drivers). **Detectives or criminal investigation police** is responsible for all other, mainly severe crimes (usually starting from robbery, heavy assault, and break and enter).

The total **number of police officers** on duty (patrol police, detectives, border emergency and water police) was about 265.000 in 2004, resulting in one officer per 330 inhabitants. In fact, if one calculates losses due to the shift system, illness, training, administrative tasks in ministries etc., the "real" number is one officer, in fact available for 8.000 and 10.000 inhabitants at a given moment.

Hierarchy and Ranks

Altogether there are 10 different ranks on three levels (middle, high and higher). Approx. 50% of all police officers belong to the middle ranks, 45% to high ranks and less than 5% to higher ranks.

Every state maintains organizationally separate **emergency police force** units within its police force. These are supplied with the necessary control structures and operational equipment by the Federal government. The emergency police forces are responsible for dealing with exceptional circumstances including dangerous situations in the case of natural disasters or accidents, as well as for assisting with individual police duties. The emergency police force (or standby police reserve) is also used as a riot police in each state. Usually police recruits have to join this police force for between one and three years after their initial training and before they are submitted to a local police force.

The **Federal Border Guard** (BGS) is a federal branch of the police force. Within the Federal Republic of Germany's internal security system it handles specific policing tasks and answers to the Federal Ministry of the Interior. The tasks performed by the Federal Border Guard include patrolling the borders and the railways and protecting aviation from attacks at most of the Federal Republic's major airports. Its brief as the border patrol is becoming more important with the rise of cross-border criminality on the country's eastern borders (such as smuggling of aliens, car smuggling and drug-trafficking). Since 1998, the Federal Border Guard has had an extended brief allowing it to check people's papers beyond the 30-kilometer zone, on railway stations and at passenger airports in order to prevent illegal immigration. Furthermore, the BGS also has its own operational emergency forces departments. It also protects specific locations for selected constitutional bodies of the Federal government and the federal ministries. Moreover, it has been increasingly involved in international peacekeeping police missions abroad. The Federal Border Guard currently has some 38,500 members.

The German Police **must investigate** all crimes which come to their knowledge: The principle of legality, laid down in the Penal Prosecution Code (StPO), regulates that the police themselves are not allowed to dismiss a case. This is only possible by the public prosecutor. Numbering slightly more than 5,000, the public prosecutors are for the most part concerned with criminal proceedings and the enforcement of sentences. When a person is suspected of a crime, it is their duty to lead the investigations with the assistance of the police who, in such cases, are subject to the supervision and factual instruction of the public prosecutor's office. But in reality, more than 90% of all proceedings are finally done by the police.

The **Federal Crime Agency** (BKA, Bundeskriminalamt) assists the federal and state units as a clearing agency regarding criminals and criminal actions. Federal officers investigate certain actions, however, notably those inimical to the security of the state or criminal actions that transcend the confines of any given state. The responsibilities and powers of the BKA are regulated in the German Constitution and in the "BKA Law". The BKA is subordinate to the Federal Ministry of the Interior and has the task of coordinating police contacts at national and international level. It serves as the international criminal police force of the Federal Republic of Germany, which means that the BKA is responsible for investigations and searches involving a large number of cases in the field

of international organized crime. All official communications between the German police and other countries are (and have to be) routed through the BKA.

More than 3 million people are on file at the Bundeskriminalamt. The electronic police information system at the BKA is known as INPOL. The INPOL wanted persons database currently contains about 892,000 arrest requests, including 667,000 expulsion orders/ deportations of foreigners. An additional computer-assisted information system designed to store and retrieve data on persons and property is the Schengen Information System (SIS), which can be used for searches in the countries that are parties to the Convention Applying the Schengen Agreement (CAS). The establishment of the SIS was a significant compensatory measure following elimination of border controls at the internal borders of the CAS countries. SIRENE (Supplementary Information Request at the National Entry) is the national central office for information exchange relating to SIS searches. Within seconds, the search data can be accessed from more than 30,000 terminals located throughout the Schengen area. More than 10 million wanted notices are included in the SIS (approximately 9.3 million property searches and 1.2 million searches for persons).

2. Legal System

The Federal Republic of Germany is a democratic and social federation. The legal system is grounded on the constitutional law, which might, however, be interfered both by European Union law as well as by International Law. The Lower and the Upper House of the German Parliament vote for laws, the Federal Government enacts decrees based on laws.

The state is differentiated into the legislative, the executive and the judiciary. These functions are assigned to independent state organs (parliaments, governments, courts). According to the Constitution, all state organs, including the legislators, are subject to the constitutional order. Administrative authorities and courts are subject to law. The state is not only obliged to respect, but also to protect human dignity (Art. 1 Constitution). Individuals are guaranteed basic rights that they can cite against the state. If somebody feels that the state has violated his or her basic rights, they can take legal action up to the extent of making a constitutional complaint, i.e. any decision made by an administrative authority can be scrutinised by independent courts. Court rulings in Germany are made by independent professional judges. Most judges are appointed for life time and their rulings are only subject to the law.

Public prosecutors act in criminal proceedings. They are responsible for determining and clarifying the facts of a case when it is suspected that a crime has been committed.

As independent advisors and representatives, lawyers may act in all legal matters. Their payment is determined in accordance with a system of fixed fees. People on low incomes can receive legal aid.

The guarantees offered by the democratic state are manifested both in substantive and procedural law. Criminal law proceeds from the constitutional premise stated in the Constitution that no act is punishable unless declared so by law (*Nulla poena sine lege*). Another principle embedded in the constitution is that no one may be punished more than

once for the same offense (*Ne bis in idem*). Restrictions to personal liberty are only possible on the basis of a formal law. Only a judge may decide on the admissibility and length of a prison sentence. Whenever a person is detained without a judicial warrant, the matter must be brought before a judge without delay.

The police is subject to state government law. In case of suspected crime the prosecutors are entrusted with the investigations with the assistance of the police. The police is under direction and supervision of the public prosecutor's office. When the investigations are completed the public prosecutor's office decides on further proceedings, either withdrawal of prosecution or indictment.

Although the police are allowed to hold prisoners in temporary custody, they do not have the authority to detain anybody longer than the end of the day following the arrest. Everybody has the right to a court hearing – this, again, is guaranteed by the constitution and is a fundamental principle of the rule of law. The administration of justice is entrusted to independent judges who are answerable to the law only. As a matter of principle, these judges may not be dismissed from office or transferred against their will. Special tribunals are banned. (German Federal Foreign office 2003).

3. Use of Force practices (for the following see Feltes 2006 - unless otherwise cited)

Police Rank System

The police system in Germany is divided- as already mentioned - into three levels (in some parts of Germany only two), according to the service of the police (middle, high and higher). Whether or not an officer ascends from one rank to the next or changes from one level of service to the next depends on his performance and special training.

Vehicles and Equipment

There is no nationwide, homogeneous equipment, due to the federal structure of the German police. This results e.g. in different patrol cars (from Mercedes, Audi, VW, BMA to foreign models like Renault or Fiat) and different equipment (firearms, pepper spray, batons etc.).

Technology and Communications

The same is true for technology and communications. Usually modern forensic technology is provided either by the BKA or by a central state crime agency state (Landeskriminalamt – see above). Radio and other communication is also inhomogeneous and recently under discussion (introduction of digitalized radios; communication with other European police forces).

Education and Training

Police recruits are given usually 2 ½ years of training which consist of theoretical as well as practical components (dual system). The recruits gain knowledge and skills in law subjects, intervention training, psychology, political science, sociology, sport- self defence and shooting training as well as behavioural training (in the form of role plays). Once the training is completed, the recruit has acquired the necessary qualification for the middle ranks (constable). To change from the middle ranks to the high ranks a further three years of study at a police university or college is required. Once the police student (who gets paid for his study-time) has successfully completed his studies he/she is qualified for the high ranks and receives the grade and diploma of a "Bachelor of Science in Public Administration and Police" and is promoted to the rank of superintendent ("Kommissar"). In some parts of Germany, application directly to a police college or police university is possible for students with an diploma from a German secondary school qualifying for university admission or matriculation.

To proceed to the higher ranks, further two years of studies at a Police College in a state and the Police Management Academy in Münster-Hiltrup are necessary. This academy (to be converted into a formal Police University in 2006/7 with a Master degree in police administration) is a central training institution for all the states (see www.pfa.nrw.de). Since 2005, a postgraduate program (Master in Criminology and Police Science) is offered at Bochum University, which is the first of its kind in Germany (www.rub.de/kriminologie).

The Bundeskriminalamt trains its own officers. Officer candidates receive their training during a three-year course of study at a Federal College of Public Administration as preparation for service. The course of studies is divided into a theoretical phase and a practical phase, each of which lasts 18 months. The BKA also provides training for civil servants at state and federal level to qualify them as experts in the fields of forensic science. Numerous special police training courses, advanced training in scientific and technical fields, foreign language courses and task-oriented operational training complete the educational programme. Furthermore, the BKA provides basic and advanced training for police officers from other countries.

Recruitment and Conditions of Service

The recruitment is organized by the state police schools for the initial training; sometimes assessment centres are used to select the qualified officers for further training and promotion, but usually the evaluation by the supervisors or senior officers is used for selection. Usually it is not possible to join the police force after the age of 26, and other criteria may append (minimum height, maximum weight, body-mass-factor, IQ-tests, fitness- and medical-checks etc.).

Weapons

The Walther P-5 had been developed in 1979 on request by German Police for safe police sidearm. Basically, it is a further development of the famous Walther P-38 pistol, but with significantly improved safety system. The next model was the Walther P 99: Type:

Double Action, Caliber: 9mm para, .40SW, Length overall: 180mm, Weight: 720g unloaded, Barrel length 102mm, Capacity: 16 rounds (9mm), 12 rounds (40SW). The Walther P99 is recoil operated, locked breech gun, which used modified Browning style locking via extraction port in the slide. P99 has polymer frame with removable back-trap of the handle, to provide to shooters better fit in the hands (3 sizes are standard). The Heckler and Koch P2000 is the latest pistol. It is available since 2001. P2000 has polymer frame with interchangeable back-strap inserts, to allow adjustment of the grip to the hands of different sizes. It is the first weapon the development of which is based on studies of a police university. Size and weight are adapted to the needs of the police without neglecting security and accuracy of fire.

Use of force and incorrect behavior of the police

Amnesty International has published three reports on misconduct by police officers in Germany, the latest in January 2004 (available at <http://web.amnesty.org/report2003/deu-summary-eng>). Cases of police misconduct, excessive use of force or misuse of powers are investigated by special police departments; each and every case has to go to the public prosecutor. Nevertheless, more than 90% of all cases are dropped by the prosecutor's office. Special Commissions, an ombudsman and other systems or police complaints authorities as means to handle citizen complaints and unlawful police violence are not available in Germany.

During the last years, the misuse of power by German police officers was mainly discussed because of a possible xenophobic background. The structural problem of police leadership was also discussed as a possible basis of these unlawful acts against foreigners or members of subcultures, but also against journalists. There is a trend to establish guidelines, ethical standards and codes of ethic all over Europe during the last decade. It seems, that nowadays nearly every police force has its own "Code of Ethics". This might be a result of the discussions on police integrity and police accountability, which started in nearly every European country during the last years. Whether or not these guidelines or codes really have an effect is unknown.

Up to now, no official surveys on use of force and incorrect behaviour of the police or complaints by citizens have been conducted in Germany. This is documented in the annually edited statistics of weapons at the conference of the ministers of the interior. In addition there is published a regular critical evaluation in the magazine "Bürgerrecht & Polizei" and on the website [www. Schusswaffeneinsatz.de](http://www.Schusswaffeneinsatz.de) (Feltz 2005).

However, there are differences between the official and the unofficial statements, due to the fact that since 1983 the "unintended shooting" is not counted anymore even if this has fatal consequences (Werkentin 1993; Pütter 1999).

Requirements for use of firearms: The use of a fire weapon is only permitted if the general requirements for the use of immediate coercion have been met and using bodily force, devices aiding bodily force, or batons carried along have been applied without success or it is obvious that their application will prove unsuccessful. Firearms may only be used against persons, if the success of police measures cannot be achieved by using them against objects. A firearm may not be used if there is a high probability of endangering innocent people. If using a fire arm is the only means to avert a direct threat to

life, this does not apply. Firearms may only be used against an individual person a) to prevent or to interrupt the commission of an offence which according to the circumstances appears to be a crime punishable by law with at least a year imprisonment, an offence that is to be committed or that is being committed by using or carrying along a firearm or explosives, b) to apprehend a person trying to escape arrest or having his identity checked if this person is caught committing an act, which according to the circumstances appears to be a crime or an offence which is committed using or carrying along a firearm, c) to prevent escape or to recapture a person that is being or was being detained as a result of being sentenced for committing a crime, in protective custody, because the person is suspected of having committed a crime, due to a judicial decision or because he is suspected of having committed a crime, if indications are that this person will use a firearm or explosives (Feltus 2005).

The use of a gun by a police officer is a very rare event in Germany. During the last years, usually in some 4.000 cases every year, a handgun is used by a police officer. In 60 to 70 cases, the handgun is used against people, but in most cases the gun is used to shoot at dangerous or hurt animals. Between 3 and 10 people are usually killed and some 30 are hurt during an average year by police guns in Germany. Between 0 and 9 German Police officers are killed every year in line of duty, mostly as a result of guns, fired at police officers or other weapons used. Officers killed in traffic or other accidents are not included in this figure (Ohlemacher et al 2003: 133).

Many cases of shooting are carried out by members of special task forces so most of the German police officers only use their weapons at the regular target practice. This corresponds to the statements of the participants of the focus groups whom we interviewed.

The clear-up practice at the use of force by the police or fatal shots mostly makes very slow progress from which a sanction immunity of the possible offenders and their superiors result. As a reason for this the fact can be seen that the problem of fatal use of weapons by the police is not only an individual problem of the shot himself, but is also caused by structural reasons, which, however are often disregarded at the legal consolidation (Gössner 2003: 7).

The number of encroachment by the police or violent actions and the extensive use of force with the resulting disciplinary or criminal consequences is not systematically documented either. There are only some special evaluations available (Pütter/Kant 1999). Accordingly there is only little probability that police officers will be condemned because of a crime: In the years 1993/94 in the federal state of Baden-Württemberg 308 (98 %) of 313 terminated preliminary proceedings due to physical injury whilst on duty, other disciplinary offence (insult, prevention of penalty and others) and off duty violent actions were suspended. In four cases order of punishment was raised, only one case resulted in an impeachment. In Bavaria round about 83 % of the approx. 2,400 preliminary proceedings against police officers in 1997-99 were settled by dismissal or verdict of not guilty, and in Berlin about 96 % criminal procedures were settled in the same way over the years 1994-1999. The disciplinary revenge of on duty offence proceeds in a similar way. In Berlin, in 1999, only 26 cases of physical injury whilst on duty were followed by disciplinary proceedings, in 1998 in 34 cases and in 1997 in 51 cases. Be-

tween 1994 and 1999 approx. 75 % of all investigations of disciplinary offence were dismissed in non formal procedures (Kant 2000).

Here, the evaluation of the interviews of our focus groups showed a discrepancy between these (objective) statistic figures and the subjective feeling of the police officers. Nearly generally fear was expressed of being punished in case of "misbehaviour" on duty. Partly this resulted in the fact that situation which possibly require the uses of force are considered as worrying and this not (only) due to own endangering or possible harm to the person opposite, but mainly because of the fear "to loose the job, "to risk the career", to get mental problems", etc. ^{1 2}

4. Terminology Relating to Force

Legislation

Like in police institutions of other countries, within the German police very severe and extensive regulations exist concerning the use of means of physical coercion. In addition, intensive training is available which deals with the handling of conflicts, reduction of force and de-escalation technologies (Feltes 2005: 2). The use of physical coercion is ruled in State Police laws (e.g. §§ 49ff PolG-BW) and also holds for measures outside the police law (e.g. criminal justice law). Besides that, the right to defend and protect his own life is guaranteed by law for every citizen, and therefore for a police officer also.

The police law uses the term "immediate physical coercion" ("unmittelbarer Zwang") when referring to physical coercion. "Immediate physical coercion" is defined as acting on people or objects using bodily force, devices aiding bodily force (e.g. truncheons, batons and handcuffs) or weapons. What types of devises aiding bodily force and what weapons may be used, is ruled in separate regulations by the ministry of the interior of each Federal State.

The legal requirements for using physical coercion are:

- a measure by the police cannot be implemented effectively in any other way,
- the principle or proportionality is not neglected when implementing immediate coercion,
- immediate coercion will have the desired impact,

¹ The original quotations are included in footnotes in German (8pt) and in English (10pt).

² „Und dann fragt man sich, was sind die Konsequenzen. Kann ich die Konsequenzen aushalten? Geht es gegen mein Berufliches? Darf ich überhaupt noch weiter Polizist sein, um meine Familie zu ernähren? Ich bin da möglicherweise Ernährer, Alleinernährer“ [FG07: 1651-1655].

„(...) Mit deinem Gewissen kannst du es eh nicht vereinbaren. Das kann das letzte Arschloch sein, auf gut deutsch, den man da erschossen hat, war hundertprozentig richtig gewesen, aber du hast einen Menschen erschossen. Und das schwebt immer noch über dir drüber“ [FG06: 1543-1548].

“And then you are wondering what the consequences will be. Can I bear them? Is it against my profession? May I continue with Police at all to feed my family? If I'm the bread-winner, the only one...” [FG07: 1651-1655]. “(...)It will keep weighing on your conscience. Maybe you have shot dead a real asshole, frankly speaking, and it was absolutely right, but he was a human and you've shot him dead. And this still sticks to you.” [FG06: 1543-1548].

- among the different coercive means the least harmful one (capable of bringing about the effect) is to be used.

In the legal framework there are three ways a police officer may use a firearm (each one has different regulations in police law):

- to protect others
- to protect themselves (self-safety)
- to kill an offender (e.g. hostage taking)

Firearms may only be used without warning, if this is necessary to prevent or to defend somebody against an actual danger to life or body. The use of firearms against persons is ruled very specifically e.g. in § 54 PolG-BW. Thus, the use of a fire weapon is only permitted if the general requirements for the use of immediate coercion have been met and using bodily force and devices aiding bodily force have been applied without success or it is obvious that their application will prove unsuccessful. Firearms may only be used against persons, if the success of police measures cannot be achieved by using them against objects. Also, a firearm may not be used if there is a high probability of endangering recognisably innocent people. This does not apply if using a firearm is the only mean to avert a direct threat to life (*Feltes 2005*).

As far as the intended lethal shooting (“finaler Todesschuss”) is concerned, the question, whether or not, and according to which pre-conditions such a lethal shot could be justified has been discussed vehemently. In this respect the federal states have enacted different regulations. In the states of Bavaria, Baden-Wuerttemberg, Rheinland-Pfalz, Saxony and Thuringia, the following provisions are valid:

“A shot, which results with high probability in the killing of a person, is permitted only if this is the only means for defence of a present lethal danger or the present danger of a serious bodily harm.”

Berlin, Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, Lower Saxony, North Rhine Westfalia, the Saarland and Schleswig-Holstein as well as the Federal Border Guard have the following provision:

“Firearms may only be used against persons to make them unable to attack or to escape.”

Procedure after use of immediate coercion

If a police officer uses immediate coercion he needs to write and file a report afterwards at his police station. If required by state law, an additional report is sent to the attorney of state and proceedings may be initiated against the police officer. This depends on the seriousness of the case and rising questions, if legal requirements for the use of immediate coercion were met.

A system, which allows a survey of all measures that resulted in coercive means being applied, only exists as little as a hearing of external supervision (there was one in Hamburg until 2002). However such information can be gained from the daily occurrences / events report, which are written at each police station. From these reports a list of the

coercive means that were applied may be compiled, but – in an overall statistical sense - isn't done up until now.

Amnesty International started a discussion in that point after their report on Police Violence was published in January 2004 (see <http://www.amnestypolizei.de>) (Feldes 2005).

Training

As an example of the basic trainings, qualifying for the lower ranks, police officers have to pass in one of the Federal States:

- 96 hours Police defensive and restrain training
- 184 hours Police intervention means and firearms training (Use of firearms is trained together with general training in use of coercive means (cuffs, pepper-spray, baton)
- 91 hours Police driving skills
- 62 hours Police drill for individuals, groups and platoons
- 24 hours first aid / positional asphyxia

During the following advanced training in total 2.311 hours of training and lectures, provided by different academic departments (law, social sciences, criminalistics /criminology, police tactics and management), 128 hours for intervention training and sports plus 64 hours for the use of firearms are added. The intervention training is built up by 22 hours training of controlling people, use of firearms (simulation arms included) alone and in team, 20 hours defence and intervention technique as well as 8 hours on first aid and restraint or positional Asphyxia

In addition every German Police Officer has – according to the books - to train 40 hours / 250 rounds per year as training on the job. Among others, these also contain very realistic training where extreme situations are imitated. Thus the participants of a focus group reported³:

"An example of such an amok situation has once been imitated and filmed. This was only a studied situation, where paint marking weapons were used (...)" [FG03: 1566-1575]⁴.

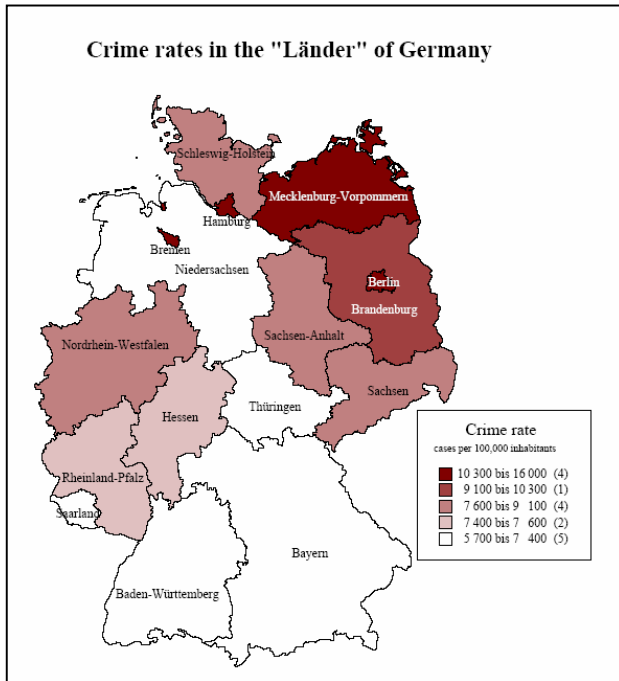
"Whereby the excercises were established very, very realistic. So, this was with blood, flesh, intestines, intestines gushing out and screaming and extra actors etc. (...). And in the end no one knew what he was in for. The persons involved did not know what was happening. They did not know that there is an amok situation at all" [FG03: 1586-1591].

Nevertheless, all this is training according to the book. Real life, as reported in the focus group discussions, sometimes looks or feels different.

³ This is an example how quotations may be included in the final version of the report.

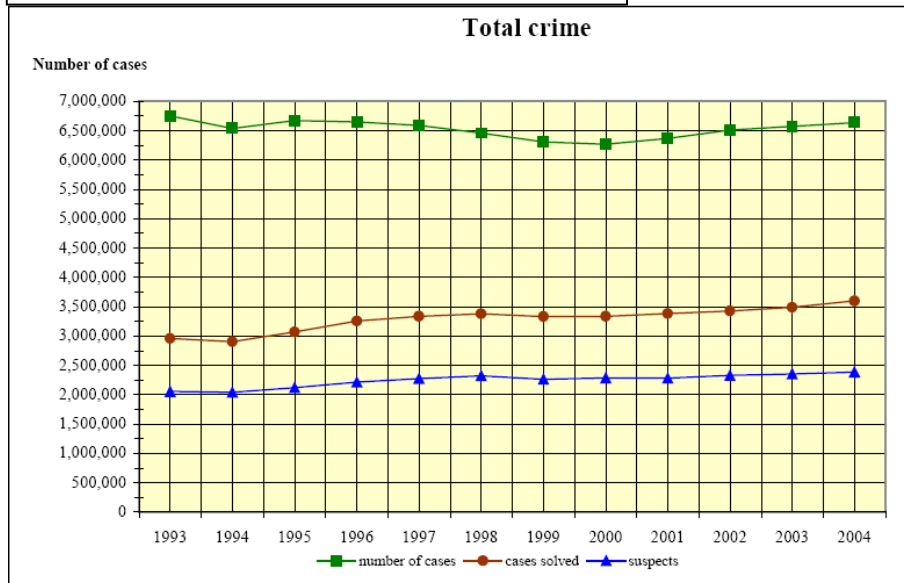
⁴ This abbreviations refer to the number of a resp. focus group (FG) and the page resp. line, where the quotation is documented.

7. Crime Rates and other relevant official data (for the following see www.bka.de)



Crime statistics

Nearly, but not all unlawful, criminal acts dealt with by the police, including attempts subject to punishment, are recorded in the Police Crime Statistics. Breaches of regulations and road traffic offences are not covered. In addition, offences committed outside the Federal Republic of Germany and offences against the criminal laws of the individual German states are not included. Offences by children who cannot be held responsible under criminal law due to their age, and by mentally ill persons who also cannot be held responsible under criminal law, are included as well. Drug offences handled by the customs authorities are also included.



Source: www.bka.de (english version of the 2004 crime statistics)

Since 1997, the Police Crime Statistics Yearbooks are published on the BKA homepage (www.bka.de; an English version is available at the website). In 2004,

6.633.156 cases were recorded, with 2.384.268 offenders (23.5 % of them being Non-Germans). The offence rate (number of registered cases per 100,000 inhabitants) for 2004 was 8.037. Although the number of theft cases has decreased continuously during the last years, theft still dominates the overall crime statistics with a share of about 47 per cent. Murder and manslaughter (2.480 cases, attempts included, in 2004) are very rare crimes in Germany. On average, about half of all crimes are solved, but the clear-up rate varies substantially between areas of crime and also regions. The clear-up rate

for breaking and stealing from cars is about 10 per cent, for murder and manslaughter, however, 95 per cent.

The information capacity of the Police Crime Statistics is limited in particular by the fact that the police does not learn about all the criminal offences that are committed. The extent to which crime goes unreported depends on the type of offence; this can vary over the course of time in response to a variety of factors (e.g. public willingness to report offences, the intensity of crime detection efforts). Thus the Police Crime Statistics do not provide an exact reflection of crime, but rather one that is more or less accurate depending on the specific type of offence. Unfortunately, there exists no regular nationwide victim survey in Germany.

BKA Database

The BKA criminal records include more than 4 mio items of personal data on persons who have committed serious offences of more than regional significance. By this means, suspects can be identified quickly, innocent persons cleared of suspicion and links between crimes may be detected. At the present time, fingerprint sheets of more than 3.037.000 persons are on file at the 'Bundeskriminalamt'. Based on these files, in 2001 the BKA was able to link fingerprints to specific persons in approximately 38 per cent of the cases handled by the identification service.

In the central photograph collection at the BKA, there are over 6,000,000 photographs of more than 2,705,000 persons. The photographs are requested by both German and foreign police offices for a wide variety of purposes. In 2001, more than 51,000 photographs were sent to other offices, 22 per cent of these to offices in foreign countries. Since 1998, there has been a central DNA analysis database at the BKA intended to assist in the quick and accurate identification of repeat offenders who have committed serious crimes. In 2002, more than 163,000 data records were included in the DNA analysis database, 11 per cent of which were crime scene prints of offenders yet unidentified. In 2001, the clear-up rate was 16 per cent, i.e. about every 6th stored DNA sample helped to identify links between crimes and perpetrators.

The electronic police information system at the BKA (known as INPOL) is indispensable for searches and investigative work. The INPOL wanted persons database currently contains about 892,000 arrest requests, including 667,000 expulsion orders/deportations of foreigners as well as 187,000 circulations issued for the purpose of locating persons. The INPOL property database includes approximately 8.7 million items that are the subject of searches because of possible links to crimes.

An additional computer-assisted information system designed to store and retrieve data on persons and property is the Schengen Information System (SIS), which can be used for searches in the countries that are parties to the Convention Applying the Schengen Agreement (CAS). Establishment of the SIS is a significant compensatory measure following elimination of border controls at the internal borders of the CAS countries. SI-RENE (Supplementary Information Request at the National Entry) at the BKA is the national central office for information exchange relating to SIS searches. Within seconds, the search data can be accessed from more than 30,000 terminals located throughout the Schengen area. In early 2002, more than 10 mio. wanted notices were included in

the SIS: Of these, approximately 9,307,000 involved property searches and 1,234,000 involved searches for persons. About one third of all wanted notices are submitted by Germany.

Sanctioning

More than half of all preliminary investigation proceedings against known suspects are dropped by the public prosecutor due to the lack of sufficient evidence or due to reasons of discretionary prosecution. More than 25% are passed on to the courts by means of a charge/application for penal orders. The remaining cases are settled in other ways, e.g. by passing them on to another public prosecutor or by referring them for private prosecution. The number of charges and/or applications for penal orders and the number of discontinuances at the prosecutor's discretion are almost the same. Among proceedings settled by pressing charges or through an application for a penal order there was a shift of emphasis towards the more efficient option of summary proceedings without trial. A conviction substantiated in a hearing before a deciding court has become the exception. Of all persons sanctioned, 50% are currently sanctioned informally by dropping the case with or without conditions, and this occurs despite sufficient evidence. The large scope for variation in assessment granted by these norms leads to considerable regional differences. With a share of more than 80%, fines are by far the most frequent form of punishment. The majority of all convictions are now dealt with in written summary proceedings without trial. The suspended sentence of imprisonment is the second most commonly applied sanction under general criminal law. Approximately 80% were sentenced to pay a fine, for approx. 14% their sentence was suspended and approx. 6% were given an unconditional prison sentence, which normally leads to the offender being actually imprisoned. The suspended sentence and/or conditional sentence have developed into a criminal sanction in its own right. On average, more than two thirds of all custodial sentences are unconditionally suspended on probation.

8. Methodology Used

From May to December 2004 eight focus-groups in eight federal states of Germany were completed. The selection of the focus-group participants was up to the Police Colleges in the federal states. They supported the research-group to find volunteers for the focus-groups.

Officers at the age of between 25 and 45 and six to 25 years of service in the police took part in the focus-groups. The number of participants per focus-group varied between five and nine. In total 52 police officers (13 women, 39 men) took part. In most cases the participants were several years on patrol duty; in addition a lot of them were experienced in other activities such as riot squads, federal border guard or special tasks units.

Usually the focus groups were held in seminar rooms of the relevant institutions, only the interviewer and the focus group members being present.

As a start the participants of each focus-group were informed about the (scientific) background of the project.

The German scenario was discussed cascade- like. The Participants did not have the text of the scenario. It was read out by the interviewer step by step. After the presentation and discussion of one step of escalation, the next step followed, was discussed and so on.

In general it was no problem to proceed in the scenario. In each and every focus group, all members vividly participated in the discussion. After the discussion the individual groups were asked two additional questions: The first question asked whether they regarded the scenario to be realistic or not, the second question referred to the participants' interest in the subject overall.

The shortest focus-group took 30 minutes, the longest a bit more than two hours.

With the approval of the participants the discussions were recorded (stereo microphone and MD-player), transcribed and afterwards summarised with the focus of the project in mind. In addition the participants provided information about their age, their years of service and their activities.

Before a new focus-group was started, the summary abstract of the last interview was analysed to learn for to the coming focus group. In this way we put on record first findings, unusual events or open questions.

The recordings transcribed are available in German language as pdf-files. In total we got 525 minutes of recording and more than 300 pages of transcription (pages per interview between 22 and 50).

9. Analysis

The scenario in general

The reaction to the scenario (introduced step by step) by the participants was similar in all focus groups. Some of the participants evaluate the situation as a start of an **endangering situation** in general (rather a sophisticated evaluation of the situation) or **of possible, still problematic situations** to come (derived from experience). Others directly describe the routine action which they regard as appropriate for the relevant situation.

Obviously, distinguishing between legal guide lines (or what has been taught) and emotionally driven action is very difficult. However, the more thoroughly the participants "think loudly" about the reasons for their action and consider possible activities, the more the following is getting obvious to the participant observer: Apart the legal and internal regulations or guidelines, how to act in such situations, the reasons derive from individual perception and are totally different. This increased in the developing of the procedure of the scenario. Whereas the presented routine action initially is mostly similar, the participants discuss absolutely controversial about the control of the situation from a stage onwards, when rational determined actions are dominated by emotions.

Concerning this, the following aspects should be mentioned as decisive critical points:

- dealing with the sex conflict in the beginning of the scenario (i.e. role swapping versus guardian instinct of the male colleague)
- chase of the escaping car (chasing up to the last consequence including driving into the mall/crowd, due to the so called “hunting instinct” and/or wounded vanity versus abandoning the chase due to danger for third parties)
- the possible separation of the patrol partners when chasing the offender on foot (rule of "never separate" because of self defence versus "each catches one" following the “hunting instinct”)
- the possible use of a weapon at the end of the scenario (never use a weapon within a mall to avoid endangering people not involved versus use of weapons in order to save the own life).

The individual actions, reasons for actions and their justifications depend on various factors. They are not only based on the legal guidelines, as far as a possible excessive use of force is concerned. Among the other considerations is the enforcement of intentions "as a police officer", the expectation not to show signs of weakness, representing the institution police as a whole and/or putting into action the order for criminal prosecution. Other reasons are the avoidance of escalation and the assumption, that formal actions (“measures”) need not to be explained to the citizen. Certainly, these aspects are always in mind and play an important role in considering possible consequences. They seem to be put into the background and replaced by other factors, the more confused, the more unclear and the more escalated the situation becomes.

In this respect different areas can be emphasized which have different influence on the individual legitimating of police actions, in particular violent actions (i.e. the use of force):

- **structural factors within the police force itself** (e.g.: training, equipment, physical constitution of the patrol partner, cooperation of the team, group pressure among the colleagues, possible support or back-up, ...)
- **personal factors of the police officers involved** (e.g.: experience, years of service, family situation, ability to cope with strain, person’s individual character, judgement of the situation, familiarity of the offender, knowledge of the surroundings, ...)
- **actual situation** (e.g.: the potential risk, situation of stress (e.g. adrenalin), visibility of the offender, distance from the offender, danger for oneself and others, ..)
 - the **offender** (character, actual shape, performance, reaction to the police and their orders, knowledge of possible legal consequences regarding his/her action, ...)
 - the **local situation** (town or country side, time of the day, pedestrians, ...).
- **the mental perception of the situation** (e.g. police officers assessment giving up as a sign of weakness; suffer of disgrace and wounded vanity due to not respecting the police orders or flight of the offender - this behaviour is regarded as a provocation;

guardian instinct, satisfaction of the “hunting instinct”; Control of emotions versus reflex action, ...)

- **Others** (e.g.: training regarding car chase or use of weapons compared with other units, states or nations; bad equipment; use of weapons on duty and possible legal consequences (especially consequences for the job), gap between theory and practice, ...)

Perceptions influence the action strongly and serve as a justification model, especially when perceiving present and future conflicts. The more the legal guidelines are neglected, the more violent action is used as a mechanism to solve conflicts.

In most cases no precise classification can be made neither regarding the legal justifications nor the more individual reasons for action. These factors often interact and depend on each other – and on other, not mentioned aspects. An intertwining of "pure" mental perception of the situation and the rather objective ranges ('structural facts', 'personal factors', 'actual situation' and "others") arise. On the other hand, the meaning of the latter depends on the assessment by the individual police officer.

Regarding the target of the project, the following notes should clarify the mentioned remarks mentioned above and illustrate particularly the interactions concerning the justification of the 'use of force'.

The scenario in detail:

Stage 1 (German scenario part 1 + 2) = **Beginning of the scenario up to the point where one of the youths starts the car (The Encounter).**

Perceptions of what is going on in the situation.

The represented scenario is received as a daily, routine situation - but also as a situation which represents a source of potential danger. Derived from experience the participants think the situation may escalate from the moment the officers take action. For example, as far as the darkened windscreen is concerned, this is a marker for risk – however, the actual potential and the consequences are hard to define.

Moreover the officers expect, that **the offender will react in a way different to what they told them to do** (e.g.: the car suddenly drives off). Especially after the discovery of the cannabis smell the initially described traffic obstruction is instantly of less importance than the now arising drug statutory offence, the **situation is newly evaluated** and regarded as more dangerous (e.g. due to drug consumption the offender might be unpredictable in his/her behaviour).

The **threshold** where according to the participants **the escalation may start** cannot be generalised. The participants rather refer to the **relevant situation**, i.e. the **police counterpart** and his actions, which in each case require a new judgement

The hint, that the situation happens in a **"problematic district"** and that at least one of the car passengers is of **Turkish origin** causes some of the participants to perceive an additional potential for danger. Among others, this is explained by the fact that it might

come to a "solidarity" [FG06: 204] between the offenders and uninvolved third parties known to them in their "home district" [FG03: 218].

The **behaviour of the car passengers** after the first request of the female police officer is regarded as a **provocation**. Whilst a part of the participants feel that they are verbally attacked hereby, other participants, including women, regard the statements as "normal" for this clientele which, though not acceptable, is part of the police daily routine.

All participants point out and confirm a possible moment of escalation. As the initial intervention is by a female officer, a conflict may arise which has to do with the origin of the car passengers and their attitude to the **gender role of women**. Based on experience the participants mention the possibility that male Turkish citizens often **do not follow the instructions of female officers** and do not accept the woman as a person of authority, they take it that they can easier "bewitch" (original wording in German: becirchen)⁵ a female officer [FG02: 19] This situation may result in a confrontation between police officers and the car passengers, which would not necessarily have been arisen if the initial intervention was done by a male officer.

However, it is also pointed out, that the presence of a woman may have a de-escalating effect. In our example it is taken, that this advantage is dominated by the role perception and behaviour of the car passengers. On the contrary it is mentioned that the situation might aggravate by the female officer being completely ignored and the male officer therefore having to "take care for two" [FG07: 410].

Expectations derived from experience play an important role for the perception of the situation and the action following it. Most participants take it that colleagues with more **experience in duty** will act more carefully. However the problem is mentioned, that long experience on duty may result in a kind of **carelessness** whilst on duty which might even aggravate the situation.

Due to the described circumstances it can be expected that the situation will worsen and that the officers will possibly "lose ground". The danger of an escalation exists requiring the officers' "proper feelings" during their intervention.

Actions that the officers would or would not take

Initially a „**completely normal vehicle spot-check**“ [FG03: 32] is assumed to be done (checking the papers, etc.). It does not depend on "grade or sex" of the officer [FG07: 124/125] who carries out the check. Due to the existing situation, increased attention is required and the officers' safety ("safeguard yourself" as primary goal) should play an important role (request to stop the engine, colleague as securing officer, request for supporting forces, locating the police car in front of the car which is being checked, etc.).

⁵ Die versuchen die zu becirchen: „Na, du hübsches Mädchen“ und was auch immer, die alles reden. Die werden anfangen zu schleimen ohne Ende und wenn der Kollege dann kommt, dann werden sie sich von dem erstmal abwenden und sich nur auf sie stürzen, in der Hoffnung, dass sie dann ein bisschen weicher ist (...)“ [FG02: 19-24].

They try to bewitch her: „Hey, Sweetheart“ and whatsoever the twaddle they talk may be. They are always toadying and when her colleague arrives, they will ignore him and concentrate on her, hoping that she will be a little weaker (...)“ [FG02: 19-24].

The behaviour of the car passengers following the first requests of the female officer and the perception of the smell of cannabis is followed by **distinct behaviour** by the police (i.e. by “changing their tone”). It is important for the participants to proceed with clever tactics in order to **achieve the interest of the police**. If possible this should be done by de-escalating means (be distinct, however cool, don't be provoked, don't be provocative). If it is not possible to influence the offender in this way, it is agreed that the formal action has to be "carried through to the end", "if necessary also by force".

In order to achieve the target, the means to be used range from a possible role swapping of the officers in order to ease the **sex conflict**, the use of **(legal) coercive action** to get the passengers out of the car, to the **request of a supporting forces** because an escalation might arise which cannot be managed alone any more.

Regarding the evaluation of the offender's action and the reaction of the officers, it is pointed out that due to the fact that one of the two **car passengers is already known** to one of the police officers, the procedure will be different (compared to a situation in which strangers would be involved.) If one knows his customers, one knows how to treat them in such a way, that they will behave according to one's intention [FG01: 149/150]⁶.

Regarding a possible role swapping the participants are of different opinion: All agree that possibly problems between the female officer and the Turkish car passenger may occur, but the **strategies to solve this conflict are different**: To some it makes sense to **swap roles** (pass on the contact with the car passengers to the male colleague) in order to ease the situation. Others think that this role swapping might be an affirmation for the person opposite and therefore rather reject it. Already at this stage the importance of the **intervention of the police officers as a team** is emphasised. The officers may decide, it is important that **they agree about their action** and that "*no one loses his/her face*" [FG05: 280].

Though the participants tell about colleagues who for reasons of fear or inactivity "ignore" certain facts (e.g. "*deliberately not smelling*" the Cannabis [FG07: 348]), giving in is not taken into consideration by any of the participants and they all clearly reject it. The reasons for this range from the **duty of the officers having to safeguard their task as police via not showing any weakness (eroding the authority of the institution police as a whole)** until not wanting to **admit own personal weakness** and thus not willing to accept **suffering a disgrace**⁷.

⁶ "Wenn (man seine) Pappenheimer kennt, da weißt du genau, wenn du den anschreist und sagst: ‚Pass mal auf, du Arschloch!‘, da reagiert der drauf. Wenn du den ganz normal weiter anredest und so, dann zeigt der keine Reaktion." [FG01: 151-153]

"If (you) know (your) men you do know, if you shout at him and say 'Hey, you asshole!', he will respond. If you address him in a normal way, he does not." [FG01: 151-153]

⁷ „Was aber gar nicht geht ist ganz einfach in dem Moment, wo ich mitkriege, dass da Cannabis oder irgendwas im Spiel ist, obwohl ich nur die OWI ansprechen wollte (...), dass ich mich dann rumdrehe, (...), weil ich Schiss davor habe. Ich muss da irgendwie durch die Situation durch. Es gibt aber auch Kollegen, die dann ganz einfach auf dem Hacken kehrt machen und verschwinden“ [FG07: 340-345]

"But it doesn't work – that moment when I realize that it's about cannabis or so although I only intended to deal with the public order offence (...), that I turn round, (...), because I'm scared. I have to stand the situation, somehow. But there are colleagues who simply turn away and disappear in such situations" [FG07: 340-345]

In addition police officers should not get involved in a discussion with the police counterpart. In the same way inappropriate are **verbal attacks**. "Fitting in" with the level of the police counterpart should be renounced as this might even aggravate the situation.

A "sensible" intervention is necessary to avoid the escalation of the situation. The aim to carry out the police action "must not be lost touch with". A substantial dilemma is noticeable: On the one hand, the officers have to set limits; on the other hand they have to succeed in putting their intentions through by means of a deescalated intervention. Thus the basic question is: In which way can this demand be enforced if an offender doesn't comply with the orders?

Use of Force

The participants agree that the police officers should not accept any provocation and should not let themselves be carried away or pushed forward, neither to verbal faux pas nor to the excessive use of force. Nevertheless they come to the result that this restraint may be extremely difficult to handle – as rational acting in extreme situations is often superimposed or overwhelmed by emotions.

It is differentiated between verbal and physical attacks and the grade of emotional closeness of the attack is emphasised: How is the attack regarded, how deeply affects it the individual officer? If general insults are concerned, these are noticed but mostly ignored – in order to avoid that the situation escalates. In this respect, colleagues with a longer work and life experience are often certified more sober and rational. However, if physical attacks occur, starting from being touched or even spit at, using force is mostly inevitable. If in the end even an officers' life is endangered, guidelines and rational considerations take a back seat and are dominated by emotions.

The participants quite often mention, that once the officers feel provoked, they get violent. In such a situation, two factors meet: On the one hand a point is reached where the officer in his function as a police representative recognizes that a **certain threshold of insults, breach of law or possible offences etc. is exceeded**. Therefore he probably has already made his decision that the car passenger has to follow to the police station. If in addition the situation aggravates by a request not being followed, it is tried to **ensure the police interest by violence**.

Possible excessive use of force or encroachments may be expressed by using violence – this "force" initially still remaining within the frame of a "normal measure". If the offender intends confrontation, "*the intervention has to be brought to an end. Not by all means, but in such a way that the officers are able to fulfil their police duties*"⁸ [FG02: 105-111].

Questioned regarding a possible excessive use of force (e.g. police officers **hitting out**), the participants answer differently. However they admit that such cases do exist and al-

⁸ „dementsprechend (...) die Maßnahme durchgezogen werden. Zwar nicht mit allen Mitteln, aber so, dass (die Beamten ihre) polizeiliche Aufgabe erfüllen können“ [FG02: 105-111]

“so (...) the measures pushed through. Although not by all means, but in a way to enable (the Police officers) to do their job“ [FG02: 105-111]

ready have even happened to some of them. A uniform threshold or a 'key irritation' when a point has been reached that violence beyond the "normal measure" occurs, can not be fixed. For some of the participants, this point can already be reached by verbal statements; however this is excluded by most of the participants. In most cases physical attacks against the police, e.g. spitting at the officer, is necessary before excessive use of violence is taken into account. Others are sure to be able to control themselves in relevant situations – in this way avoiding an escalation. In this context the importance of the co-operation as a team is getting obvious. The persons concerned regard it as very helpful to be in the company of colleagues who will possibly keep them away from (over)reactions because they are involved less emotionally⁹.

⁹ „Also, verbal kann ich es mir nicht vorstellen, dass ich jetzt dienstlich gesehen so weit attackiert werden könnte, dass mir die Hand ausrutschen könnte, also, **verbal nicht**“ [FG06: 252-254].

„Die Frage ist ja ganz einfach, inwieweit habe ich mir ein dickes Fell zugelegt? Bisher ist es mir noch nicht passiert, dass mir die Hand ausgerutscht ist, aber ich weiß nicht, ob ich nicht irgendwann mal in eine Situation komme, wo ich emotional so geladen bin oder von zu Hause aus nicht so ausgeglichen genug bin, (...), dass das genau die Situation ist, die ich mir nie gewünscht habe und dann rutscht mir die Hand aus“ [FG07: 711-719].

„Ich schon. (...) Also, ich muss ehrlicherweise sagen, dass es mir schon mehrmals passiert ist, dass ich dann **jemanden beim Hals geholt** hab. Es ist nicht so, dass ich dem direkt eine lang, aber **ich pack mir den dann schon, drück ihn vielleicht irgendwo gegen eine Wand** und sage ihm dann, dass er das gefälligst zu unterlassen hat. Das kommt also schon vor. (...) In den meisten Fällen betrachte ich das gar nicht rechtlich, sondern einfach aus dem Aspekt, dass wir auch mit Leuten zu tun haben, die nur die Sprache verstehen, ganz einfach (...) Vor allem manchmal hilft (.) so was frühzeitig, als Warnschuss, dass man nicht gewillt ist, sich alles bieten zu lassen. (Das) kann manchmal auch die Entspannung der Situation herbeiführen. Dass man einfach den Widerstand schon frühzeitig bricht, dadurch, dass ich ihn, wie gesagt, **mal beim Hals hole und richtig nah ranziehe** oder so. Es geht gar nicht darum, dass ich dem direkt eine lange oder so. Nur **einfach mal bei Seite genommen, mal ein bisschen härter angefasst** und gesagt, so, jetzt ist Schluss (...)! (...) Wenn jemand permanent beleidigend wird, kann (es) durchaus sein, selbst, wenn er mich körperlich nicht bedrängt, dass ich ihn **mal zur Seite nehme oder ich setze ihn mal auf dem Stuhl zurecht**. (...) Das geht gar nicht darum, den zu verletzen, sondern einfach ein deutlicheres Zeichen zu setzen, als ich vielleicht verbal dazu in der Lage bin. Die Schreierei, dann hin und her bei nur verbalen Entgegnungen, damit kommt man meistens nicht weiter“ [FG06: 255, 275-323].

„Wer lässt sich schon anspucken. Das ist nun wirklich das unterste, ganz, ganz unterste Niveau (...). Anspucken und angespuckt werden, also, wer da ruhig bleibt (...) [FG03: 446-448]. „Der würde auf dem Boden liegen, hundertpro. Also, ich bin eine sehr ruhige Type, aber da ist dann einfach Schluss, was soll denn das [FG03: 449-451].

„Ich lass mich **nicht unbegrenzt beleidigen**, bloß bei mir ist immer, es ist, was sie schon gesagt hat, es ist persönlichkeitsabhängig. Ich habe für mich persönlich habe ich eine sehr hohe Schwelle, bloß, wenn man da drüber kommt, gibt es halt auch kein Zurück mehr. Muss ich wirklich zugeben, **dann lotet man wirklich für sich nur noch die rechtlichen Konsequenzen aus** und das ist dann das einzige, was noch hält, was einen zurückhält (...)“ [FG05: 596-615].

„(Der Kollege) spielt eine ganz wichtige Rolle. Weil, wenn man in ein Gespräch irgendwo vertieft ist und wie schnell ist man drin, (...), dass man dann in so einen Wortabschlag reinfällt, dass ein Dritter, der außen steht, das beobachtet, und das ist nun mal der sichernde Polizeibeamte, und der kann einen da zurückholen. Der fasst einem von hinten auf die Schulter und sagt, das ist dann schon das Zeichen: ‚Komm, das ist gut jetzt hier, brems dich!‘ Ich glaube, dass das ein guter Schutz auch noch mal ist“ (...) „Du bist ja (...) innerlich so hoch gekommen, du brauchst dann jemanden (...) und wenn er nur mit den Augen rollt und sagt: ‚Mhmmh‘, dass du merkst, ‚holla, jetzt verrennst du dich selber“ (...) „Das ist wichtig, weil, das ist der einzige, der einen dann manchmal aus so einer Situation rausholen kann. Der dann sagt: ‚Hier komm, überleg mal kurz, was du machst.‘ (...) Du willst dem jetzt ein paar reinklimpern, und dein Kollege sagt: ‚Ey, wir haben den jetzt fest, der kriegt seine Strafe, das regeln wir anders!‘ Das reicht manchmal schon, so ein ganz kurzer Spruch, und dann kommt man wieder runter, und dann ist das auch wieder in Ordnung“ [FG07: 846-867].

“Well, theoretically I can't imagine to be attacked on duty so sincerely that I would go wild and hit someone – you see, **theoretically not**“ [FG06: 252-254].

“The question is quite plainly: am I thick-skinned or not? So far I have not gone wild and slapped someone, but I do not know if I will find myself in a situation where I'm emotionally stressed or in family troubles(...), that's exactly the situation I've never wanted to be involved in, and then I hit somebody“ [FG07: 711-719].

“I did. (...) Well, I must admit that it has happened to me sometimes, that I seized **someone by his throat**. No, I don't slap him, but **I seize him, press him against a wall somewhere** and tell him to stop that. This may happen. (...) In most cases I do not consider the legal aspect, but simply the aspect of dealing with people who only understand this language, that's all (...) Especially – sometimes it helps (.)in good time, as a warning shot, that you won't stand that. (This) may ease the situation. That you simply

Justifications for the use of force

The justifications for the use of force are numerous and manifold. At first it is referred to (the official mandate of) law enforcement and the measures or formal actions to realise it - and the legal authority to do so. In the course of the discussion, however, it is getting obvious that violence happens, which is not realised as such by the officers. Overall, and after the intensive evaluation of the focus group discussions it can be stated, that use of force (legal or not) **depends on the perception of the resistance of the police counterpart**.

Approximately three ways of perception can be derived, resulting in different patterns of justification.

Use of force as a consequence of resistance against state authority

In this respect the use of force is carried out "in the range of the measure" with all "what is legally possible" and explained with the official mandate of law enforcement. A breach of the law (i.e. a drug-offence) is noticed, which has to be followed up. In this context one must know, that the German Police **must investigate** all crimes which come to their knowledge: The principle of legality, laid down in the Penal Prosecution Code (StPO), regulates that the police is not allowed to dismiss a case. This is only possible by the public prosecutor. In this respect the entire range of (legal) use of force can be carried out - which is regarded as justified and covered by law. Whether and if (legal) use of force is carried out depends on the reaction of the offender to the request of the police officers. Whether or not actions are carried out, exceeding the "necessary" use of force is up to the officer and depends on his perception. In this respect, aspects as the "form

*break his resistance in the beginning, as I said, by **seizing him by his throat and pulling him close** or so. The question is not to hit him or so. Only **to take him aside, treat him a little harder** and saying ‚Stop it!‘ (...)! (...) If someone keeps insulting me, (it) may happen, even if he doesn't attack me physically, that I **take him aside or put him straight on his chair**. (...) The point is not to hurt him, but simply to give a clearer sign that I could do verbally. This shouting, word being uttered to and fro – it won't lead to anything“ [FG06: 255, 275-323].*

*“Who won't respond if s/he is spat at? No, that's beneath all (...). Spitting and being spat - who will keep cool then? (...) [FG03: 446-448]. „The guy who has spat at me **would find himself on the floor**, I tell you. Well, I'm a very quiet type, but that's enough, so what [FG03: 449-451].*

*“For me, **there's a limit to being abused**, but I - as you have mentioned, it depends on the personality. As for me personally, I've got a rather high threshold, but if it is crossed, there is no point of return. To tell the truth, **you are only checking the legal consequences** and that's the only thing that can stop you (...)“ [FG05: 596-615].*

“(The colleague) plays a very important role. Because, if you are absorbed in a conversation, and it easily happens (...), that you get involved in an argument, that a third person outside, watching, and naturally this is the securing police officer – he can stop you. He touches your shoulder from behind and says ‚That's enough, stop it!‘ That's the sign. I think this is another good protection' (...) „You are so agitated (...), you need someone to (...) and if he only roles his eyes saying ‚Hmm‘, so that you realize, ‚Oops, I'm doing something stupid“ (...) “That's important, because he's the only one to get you out of such a situation, he who says: ‚Hey, stop and think about what you are doing' (...) You are going to hit him, and your colleague says, ‚We've got him, he'll get his punishment, we'll settle it differently!‘ A few words only, but sometimes it's enough to cool you down, and then it's alright“ [FG07: 846-867].

on the day”, overwork, irritability etc. play a role¹⁰. However, also the possibility is considered to carry out (not justified) violence as a measure to teach someone to respect the police officers¹¹.

Use of force as a consequence of disrespect of the officer, personally and/or in his function as a police officer

This sphere is a transition from the initially mentioned resistance against the state authority (and is also different from the personally felt attack - see below). In such a case use of force is not regarded as necessarily justified but explainable by the fact that police officers do not have to accept any offence or offensive behaviour. The officer reacts due to his individual feelings, but within his role as "police officer". Examples here are **insults** to officers in their function as police officers or the "**guardian instinct**" of the male colleague in order to protect his female colleague¹².

¹⁰ „Wenn ich eine gute Tagesform habe, prallt unter Umständen was ab, was am nächsten Tag zu einer entsprechend heftigeren Reaktion führen kann“ [FG07: 482-484].

„Das ist richtig, wenn man so richtig gestresst ist, wenn so eins zum anderen kommt, so wochenlang im Dienst gewesen und hinten dran noch Überstunden ohne Ende, dann ist man ganz einfach gestresst, dann ist man ganz einfach gereizt. Das merkt man im privaten Bereich genauso, wie man es bei der Arbeit merkt“ [FG05: 646-650].

„Es darf nicht sein, das ist richtig, aber man kann nie ausschließen, dass es passiert“ [FG07: 754/755].

“May be there are days, when I’m in high spirits, I don’t care. But the next day, I might respond much more vigorously“ [FG07: 482-484].

“That’s correct, if you are really stressed, if one thing adds to the other, having been on duty for weeks plus constant overtime work – then you are simply stressed, you are bugged. You can’t conceal it in your private life, nor can you on your job, “ [FG05: 646-650].

“It must not happen, but you can never exclude it to happen“ [FG07: 754/755].

¹¹ „Also, ich muss mich jetzt mal outen. Also, ich habe **Gewalt** auch schon **als taugliches Mittel** angewendet, **um einfach mir Respekt zu verschaffen**. Ich weiß nicht, ob ihr aus Städten kommt, wo es massive Russenprobleme gibt. Also, wir haben in X. also wirklich ein ganz massives Russenproblem und ich bin jetzt einfach vermutlich durch meinen Auslandseinsatz (Land ist bekannt) ganz anders geprägt. Also, wenn ich einem Russen zweimal sage, er soll die Hände aus den Taschen nehmen, damit ich seine Hände sehe und das macht er beim zweiten Mal Auffordern nicht, **dann habe ich ihm auch schon eine geschmiert**. Und das hat auch funktioniert. Und das hat sich in dem speziellen jugendlichen Kreis von Russen einfach rumgesprochen, dass, wenn die aufgefordert worden sind, ihre Hände aus den Taschen zu nehmen, das dann funktioniert. [FG04: 879-899].

“Well, I must confess: I’ve applied **violence as appropriate means simply to make myself respected**. I don’t know whether you come from cities with great troubles with Russians. In X. we have got really bad troubles with Russians and maybe I’m conditioned in a different way by the job I’ve done abroad (the country is known). So, if I tell a Russian twice to take his hands off his pockets so that I can see them and he doesn’t do so after the second request, **in that case it happened that I hit him**. And it worked. So this group of young Russians now knows that, if they are told to take their hands out of their pockets, it works now. [FG04: 879-899].

¹² „Also, soweit müssen wir ehrlich sein. (...) Wenn jemand ‚Scheißbulle‘ oder so was sagt, sind das für mich Beleidigungen, die den ganzen Berufszweig, also die Institution Polizei betreffen, nur ‚Kinderficker‘ lasse ich mir vom Bürger nicht sagen, also **da kriegt er postwendend eine geschmiert**. Also, da wollen wir jetzt mal faktisch (ehrlich sein), was in Ehrverletzung reingeht, nehme ich so ohne weiteres auch nicht hin. Also, das muss ich ganz ehrlich sagen. Klar, wo sich Gewalt vermeiden lässt, aber wenn einer am Ohrfeigenbaum schüttelt...“ [FG04: 891-900].

„Und der Kollege geht dann eher auf unser Gegenüber los, als ich.“ „Und der wird dann ganz schnell an den Wagen gedrückt.“ „Du lässt meine Kollegin jetzt in Ruhe!“ „Was hast du zu meiner Kollegin gerade gesagt? Hast du meine Kollegin gerade beleidigt?“ „Also (...) der Beschützerinstinkt.“ [FG01: 1133-1137].

„Wenn die Kollegin auf irgendeine Art und Weise verbal angegriffen wird, dass der kleine Hengst, der dann daneben steht (...) das auch nicht nett findet und dementsprechend anders agieren wird, also die da drin zur Raison rufen wird und somit ist schon die erste Schwelle da, dass der weitere Verlauf sich wahrscheinlich ein wenig schwierig gestaltet“ [FG03: 120-125].

Use of force as consequence of a verbal or physical attack against the “human being”

Violent reactions, even encroachments in this line of argument are spontaneous - and mostly not legally covered. Rational considerations regarding possible consequences are dismissed and will only subsequently take place. They are initially superimposed by emotions and mostly they cannot be related any more to the actual situation. Personal reasons and perceptions come to the fore. The officer does not regard himself attacked as a police officer but personally as a human being. The justifications mentioned in this respect are manifold and reach from **reflex action, fear for life, letting out aggressions up to personal dismay**¹³.

“Well, we have to be honest. (...) If someone says ‘fucking pigs’ or so, I feel this is an insult to the police as an institution, but I don’t allow anyone to call me ‘paedo’, **I’ll paste him one at once**. So let’s be honest, if it’s defamatory, I won’t stand it, clearly spoken. Of course, where violence can be avoided, but if someone “shakes the tree of slaps”...“ [FG04: 891-900].

“And the colleague attacks our counterpart rather than I do.“ „And he is quickly pushed against the car.“ „Leave her (female colleague) alone!“ „What have you called my colleague? Have you insulted her?“ „So (...) the guardian instinct.“ [FG01: 1133-1137].

“When the (female) colleague is verbally attacked in some way, so that the guy beside her (...) doesn’t like it either and responds in a different way, i.e. to call them to order and this may be the first step to make the course of things slightly more troublesome “ [FG03: 120-125].

¹³ „Das hatte ich also mal mit einem, der mich mal mit einem Säbel traktieren wollte, und als ich dann drüber nachgedacht hatte, als der dann am Boden lag: **Der wollte dich grad umbringen, der hat dich da rein gelotst in die Bude und wollte dich eigentlich kaltmachen.**‘ Dann war es vorbei, also, dann, weiß ich nicht, **der hatte dann Rippenbrüche und alles**“ [FG03: 487-501].

„Aber letztendlich ist das ja auch kein polizeiliches Handeln mehr, das ist dann auch nur menschliches Handeln: ‚Hallo, der greift mich an, warum macht der das, ich will doch eigentlich gar nichts‘ (...) **Ich will einfach nur ganz normal ich selbst sein** und dort meine Maßnahmen treffen und dann ist auf einmal (...) fällt auch bei uns irgendwann mal eine Klappe, wo ich sage: ‚Bis hierher und nicht weiter!‘ Da ist mein Grenzbereich erreicht und **danach ist mir mein eigenes Leben mehr wert**, als das des anderen.“ (...) „Der Unterschied ist aber auch, sage ich immer, ob man jetzt einfach nur den Widerstand bricht, dem die Handfessel anlegt oder machen lässt, oder ob man sich dann sozusagen **seine aufgelisteten Aggressionen erst mal an dem ablässt**. Also, es gibt ja viele, die legen dann erstmal los. Da ist der Widerstand schon längst gebrochen und die sitzen immer noch dabei.“ (...) „Das kommt auf das Verhalten, das kommt auf sein Verhalten des Straftäters vorher drauf an. Also, wenn das einfach nur eine Widerstand war, im rechtlichen Sinne, sage ich jetzt mal, aber der eigentlich körperlich an einem vorüber gegangen ist, sicherlich, **dann bricht man den sozusagen mit einfacher körperlicher Gewalt** oder wie auch immer, fesselt die Menschen und das war es und geht dann in die Bearbeitung über. Aber, wenn das jetzt wirklich so ist, dass man sich wehren musste, **sich seiner Haut erwehren musste**, weil es irgendwo in diesen Kreis reinging, **wo jetzt meine Gesundheit persönlich, also nicht mehr der Polizeibeamte angegriffen wurde, die Amtsperson, sondern ich als Mensch angegriffen wurde** (...)“ [FG03: 526-539].

„(...) In diesem ganzen Handgemenge, dann hatte sie sich befreit aus diesen Handfesseln (...) Es (hat) mir dann so gereicht, die hat mich so wütend gemacht, weil die dann auch nicht aufhörte: ‚Ja, ihr dummen Bullenschweine!‘ (...), da habe ich ausgeholt, da habe ich **ihr einfach in den Arsch getreten**“ [FG05: 510-539].

„(...) Mein Mann arbeitet auch in diesem Bereich hier und die hatten einen Einsatz gehabt, Wohnung gestürmt, ganz normal, war nichts dabei, Tür auf und auf einmal war da eine geladene Waffe am Kopf von meinem Mann. Das war eine Frau unter Drogen, die dann auf ’s Revier gebracht wird. Da das Revier aber, wo mein Mann arbeitet, keine Frau hat zur Durchsuchung, wurden Untersuchungskräfte angefordert, von einer Frau, also ich. Und ich wusste das nicht, ich denke, ja gut, Durchsuchung von einer Frau, fährst du hin, machst du mal auf dem Revier und dann fährst du wieder. Da habe ich die Umstände erfahren, da habe ich so einen Hals gekriegt. Gut, da haben wir die Frau durchsucht, dann hat die mir die Ohren vollgeheult und wollte von mir noch eine Zigarette haben. Da habe ich gesagt, jetzt muss ich raus, jetzt muss ich raus, ich bringe sie um. Weil da hat man so seinen Ehemann gesehen, der am Tisch sitzt, mit der Waffe davor, die ja sichergestellt wird, fix und fertig. Das Ding war echt, es war geladen, es war echt. Und ich musste im Prinzip meine polizeiliche Arbeit machen, die durchsuchen und wusste den Umstand, und dann bettelt die mich noch voll nach einer Zigarette und ‚Der Polizist hätte doch auch schießen können!‘ und so. (...) Da habe ich auch gedacht, Adrenalin-schuss ohne Ende und dann musste ich raus. Und dann will die von mir noch eine Zigarette haben, da dachte ich nee, jetzt flippst du aus, gleich“ [FG05: 554-580].

„Also, ich kenne einen Kollegen, dem ist die Hand ausgerutscht, bei einer Situation, da ging es um ein Kind, das verprügelt wurde vom Vater und der Vater stand dann da gegen ihn, ihm gegenüber und hat gesagt: ‚Na, was willst du jetzt machen?‘ Grinste den so

For the above mentioned aspects, the following can be mentioned, which might affect the use of force:

an, und da hat der ausgeholt und hat dem eine gedonnert. Weil, der hatte dem Kind die Rippen gebrochen, die Arme gebrochen, das Kind war zwei Jahre alt. Und ich habe mir dann im Nachhinein auch überlegt, was hätte ich gemacht? Ich habe da meinen Sohn gesehen. Und, wenn das einer mit meinem Kind gemacht hätte, wahrscheinlich hätte ich auch emotional wäre ich auch da geladen gewesen, ich hätte dem auch eine gelangt, wahrscheinlich“ [FG07: 732-741].

„Jeder Mensch hat eine Grenze und das ist so eine Grenze, wo man dann irgendwann (...) das Fass überläuft. Und wenn man das dann noch, wie in dem Fall, auf sein persönliches Umfeld (überträgt), gerade bei Kindern ist das ja so, wenn man mit Kinderleichen oder irgendwas zu tun hat oder mit verprügelten Kindern (...), da ist man sehr schnell emotional (eingebunden). Weil, da geht es wirklich an die Substanz“ [FG07: 746-751].

“That happened to me with someone attacking me with a sabre, and when I thought about it, he lying on the floor: **‘He was going to kill you, he lured you in here and he intended to bump you off.’** Then it was over, hmm, don’t know, **he had rib fractures in the end.**“ [FG03: 487-501].

“But in the end it’s not police acting, it’s nothing but human acting: ‚Hey, he’s attacking me, why – I was not going to do him any harm “ (...) „**I only want to be myself and take my measures and then suddenly (...) we can’t stand any longer and I say: ‚Stop, it’s enough!’ That’s my limit and beyond it, my life is more valuable for me than the other’s life.**“ (...) „The difference is, as I always say, whether you break the resistance to handcuff someone, or whether you **let go off your pent-up aggressions on him**. There are many colleagues who jump to it. The resistance has been broken for long, but they go on.“ (...) „It depends of the attitude, the offender’s attitude before. When it’s only about resistance, in a legal sense, let’s say, but you haven’t been physically hurt - well, **you break him by simple physical force** or so, tie the persons and that’s all and then you turn to handle the case. If, however, you really had to defend yourself, **defend yourself to the last** because it came to the point **where my personal health, not the police officer was attacked, not the official, but I as a human was attacked** (...)“ [FG03: 526-539].

“(…) in this scuffle, then she escaped from the handcuffs (...) I was so fed up with it, because she did not even stop then: ‚Hey, you fucking pigs!’ (...), I swung round and **simply gave her a kick in her ass**“ [FG05: 510-539].

“(…) My husband also works in this department and they had an operation with a flat being stormed, quite normal, nothing special, the door opened and all of a sudden there was a loaded gun at my husband’s head. It was a drugged women who was taken to the police station. At the station, where my husband works, however, there is no woman to do the strip search, so they ordered a woman, me. I didn’t know that, I think, o.k., searching a woman, go and do the job at that station and then return. There at the station I got to know the whole story and I got so furious! Well, we searched the woman while she was lamenting into my ears and finally begged for a cigarette. That was the point to say I must leave, I have to leave or I’ll kill her. Because - I had seen my husband sitting at the table, completely whacked, the seized gun in front of him. It was real, it was loaded. And on principle I had to do my police job, I had to search that woman, knowing the circumstances – and she begs for a cigarette and ‘The policeman might have shot, too’ and so on. (...) Then I thought adrenaline shot again and again and I had to leave. And imagine, she asked me for a cigarette! I thought I was going to flip out.“ [FG05: 554-580].

“Well, I know a colleague who hit someone in a situation where it was about a child beaten up by the father and then the father turned towards him and said: ‘Hmm, what you’re goin’ to do now?’, grinning. Then my colleague swung at him and hit him. Because he had broken the child’s ribs and arms, a child of only two years. Later on I thought about what I would have done. I saw my son in such a situation. And if someone had done it to my child, probably I would have also – I’d have been maddened with fury, I’d have hit him, probably“ [FG07: 732-741].

“Everyone tolerates things to a certain limit, and that’s a limit, where you at a certain point (...) it’s like crossing the border. And if you (transfer) it, as in this case, to your personal environment, and you’re inclined to do so if it’s about dead or beaten up children (...), you easily get emotionally involved. Because it deeply affects you“ [FG07: 746-751].

Number of the police counterparts

According to the statements of the focus group participants excessive use of force can take place within the context of formal action¹⁴.

On the other hand, however, it is pointed out that due to the fact that two persons are in the car (or also uninvolved third parties may declare solidarity with them), this procedure may result in danger or in escalation because the police officers may be inferior in numbers. Here one could come to the conclusion that excessive use of force or encroachments do not only take place by reflex action, but that the situation is briefly considered followed by conscious action. It could be assumed that in the moment when one or several other persons are noticed, a rational consideration of possible actions takes place and (exaggerated) **force is only be used when the officers assume to be in the majority or in a stronger position**¹⁵.

Consideration of legal consequences may also play an important role¹⁶.

Role ‚police officer‘ in contrary to a private person

The following problem is getting obvious. On the one hand the officer has to act within his role frame as a police officer and in the case of a counterpart's resistance he is dominantly attacked in this role. On the other hand, some attacks may be regarded as being "personal". In this case, the police officer has to split between work and private life - which is getting more difficult with increasing (especially physical) resistance¹⁷.

¹⁴ „Wenn sie (den Grenzbereich) dann überschreiten, dann kommen normale Zwangsmaßnahmen, aber (nicht) in dem Sinne so mal eine versteckte Ohrfeige oder ein Puffer ran, sondern, dann werden sie runter auf den Boden gebracht. **Da kann man dann, sag ich mal, ein bisschen fester zupacken.** [FG05: 494-508].

*“If they cross the border, normal enforcement action will follow, I'm (not) referring to concealed slaps in the face or a push, but they are forced to the floor. **There you can, let's say, grasp them a bit more vigorously.** [FG05: 494-508].*

¹⁵ „In dieser Situation, die geschildert wird, wenn es da eskaliert, ist das ganz gefährlich, weil noch der Zweite im Wagen sitzt. Das ist vielleicht auch der Grund, warum es da nicht so eskaliert. (...) Das wäre der Grund, warum es vielleicht nicht ganz so schnell eskaliert, wegen dem Zweiten, dass sich der Kollege da noch zurückhält“ [FG01: 1183-1191].

“In this situation, as it is described, an escalation would be rather dangerous, because the other one is sitting in the car. This may be the reason why it doesn't escalate that much. (...) This could be the reason why it perhaps doesn't escalate so easily, the second one, so that the colleague restrains himself“ [FG01: 1183-1191].

¹⁶ „Man muss fairer Weise auch sagen, dass man auslotet, wie weit man rechtlich gehen kann, um die Konsequenzen dann noch zu tragen. Da brauchen wir uns nichts vorzumachen. Wenn ich jemanden jetzt eine aufs Hirn schlage, um das mal so zu beschreiben, und ich weiß, der zeigt mich an, dann ist die Schwelle natürlich sehr, sehr viel höher. Wenn ich aber weiß, es ist hier, was weiß ich, Matze..., den du jedes Wochenende schon mal hast und der sowieso gleich boxen will, dann ist die Schwelle ziemlich niedrig.“ [FG05: 586-593]

“To be fair we have to say that we check how far it is legally safe to go and to bear the. Let's be honest. If I brain someone, to put it like this, and if I know he will make a complaint about me, then the threshold is extremely high. But if I know he is Mike Whatsisname I have to deal with every weekend and who is going to punch the next moment, then the threshold is rather low.“ [FG05: 586-593]

¹⁷ „Das Paradoxe an unserem Beruf ist ja gerade, **man schlüpft in eine Rolle**, auf der einen Seite, versucht aber auf der anderen Seite Mensch zu bleiben, das ist genau der springende Punkt. (...) Wenn du jetzt einen festen Streifenbereich hast und wohnst auch noch in der Nähe. Im Dienst hast du oftmals mit den gleichen Leuten zu tun, mit dem gleichen Klientel. Da wirst du beschimpft, dienstlich halt, als Polizist, ist das so (...). Und privat, da läufst du irgendwo durch die Stadt, triffst du den auch, ganz normal und

Even if excessive use of force is evaluated as actually not acceptable, it might be the case that colleagues to whom such "faux pas" happen are quite well accepted by the other officers¹⁸.

dann kommt der an dir vorbei und sagt: ‚Schön guten Tag, Herr soundsso!‘ Und die nächste Woche drauf hat man wieder mit dem zu tun und dann geht es halt wieder los, dass man da beschimpft wird. Das ist ja diese Trennung halt“ [FG07: 797-830].

„Die beschimpfen einen als Polizisten, man nimmt es aber als Mensch wahr. Das ist das große Problem. Und solange mich wirklich nur einer beschimpft, das interessiert mich nicht, also das ist mir auch völlig egal. Weil, mein zweiter Gedanke, entweder, ich sehe ihn überhaupt nicht mehr wieder oder wenn, dann nur unter der gleichen Situation. Aber privat mit dem Weggehen, werde ich eh nie. Das ist so ein Ding, und deswegen darf man eigentlich, wenn es nur auf Beschimpfungen rausgeht, das eigentlich auch nicht persönlich nehmen. Weil er greift einen wirklich nur als reinen Polizisten an, nicht als Mensch. **Nur, dass man es halt menschlich nimmt, das ist das Problem**“ [FG07: 804-813].

„Simple Beleidigungen, lassen mich kalt. (...) Aber, (...) was ich auch schon öfters erlebt habe, wenn einer derart persönlich wird, dass es bis zur Familie hingeht, bis zu Angehörigen. (...) Denn, ich habe dienstlich was mit dem, ich habe nichts privat mit dem. Und wenn der diese Grenze überschreitet und jetzt quasi bis hin zu Drohungen gegen Familienangehörige(geht) (...): ‚Ich kenn die!‘ usw., wenn das bis dahin geht, dann (...) wird dieser Grat sehr schmal. (...) In dem Moment, wo ich diese emotionale Nähe reinbringe, mit dem Persönlichen, mit dem Privaten, da betrifft es mich dann total, mich persönlich, mich als Menschen, nicht als Polizeibeamten, sondern als Menschen. Und da wird es eng. (...) Und, (...) wenn das dann soweit ging, gab es einen kurzen Wortabschlag, und dann habe ich ganz einfach eins noch machen können, ich habe gesagt: ‚Übernehmen!‘. Ansonsten hätte ich mich da (vergessen). (...) Ich meine, ich habe dem einen das auch mal angeboten. (...) Habe die Schulterstücke (abgelegt), habe die Waffe weggelegt und habe gesagt: ‚Komm!‘ Er hat das nicht gemacht. (...) Ich hätte nicht sagen können, wie es ausgegangen wäre. (...) Er hat es ganz einfach nicht gemacht. Und dann habe ich mich aber auch wieder in den Griff gekriegt. Das war dann halt wirklich schon Matthäi am Letzten, sagen wir es mal so“ [FG07: 779-796].

“It’s the paradox of our job, **you adopt a role**, on the one hand, on the other hand you try to remain human, that’s the important point. (...) if you have your patrol area and if you are living close to it. On the job you often have to deal with the same people, with the same clientele. On the job you are abused verbally as police officer, (...). And as a private person you walk about the city, meet the same people, and they say, walking past you ‚Oh, good morning, Mr. Whatsyourname!‘ And the next week you have to deal with them again and the verbal abuse starts again. That’s this detachment in our job.“ [FG07: 797-830].

“**They abuse you as a police officer, but you perceive it as a human/private person. That’s the great problem.** If someone only abuses me, I don’t care. Because, my next thought is that I either won’t see him again or in a similar situation. But as a private person, I’ll never meet him. That’s the point and it’s why you should not, if it’s only about verbal abuse, take it personally. Because he only abuses a police officer, not a private person. **However, we do take it personally, That’s the problem**“ [FG07: 804-813].

“Simple insults leave me cold. (...) But, (...) what has happened now and then, if someone gets personal to an extent involving your family. (...) For I have to deal with him on the job, not as a private person. And if he violates this limit and starts to kind of threaten my family (...): ‘I know her!’ etc. – if it takes this turn, then (...) the path is getting narrow. (...) In a state where this emotional closeness occurs, where personal, private things are involved, I am affected as a private person, as a human, not as a police officer, but as a human. At that point it’s getting difficult. (...) And, (...) if it went so far, there was a short verbal exchange, and then I was only able to do one thing, to say: ‘Take over!’. Otherwise I’d lost my temper. (...) I mean I once suggested it to a guy. (...) (Took off) the epaulettes, put away my gun and said: ‘C’mon!’ But he didn’t. (...) I couldn’t have told, how it might have ended. (...) He simply didn’t. And then I got control over myself again. That was the very last moment, to put it like this“ [FG07: 779-796].

¹⁸ „Und, je nachdem, wie die selber dann auch reagieren, ob sie jetzt anfangen, noch mehr aggressiv zu werden, vielleicht zu schubsen, zu stoßen, beleidigend zu werden, dann könnte ich auch durchaus verstehen, ich könnte es durchaus verstehen, **wenn da eben mal ein Kollege ein bisschen derber zupackt, als es vielleicht unbedingt sein müsste.** Ich will jetzt nicht sagen, dass ich das in Ordnung finden würde, wenn sie jetzt vielleicht, was weiß ich, den Knüppel ziehen würden und die jetzt zusammenknüppeln würden. Da würde ich auch sagen: ‚Schluss, Aus, das geht zu weit!‘ Aber, wenn sie dann **eben halt mal so ein bisschen fester zupacken, könnte ich drüber wegsehen**“ (alle lachen) [FG05: 386-418]

“And it depends on how they respond, whether they get even more aggressive, maybe start pushing, insulting – if they do I really could imagine, I really could understand **if a colleague acted a bit more vigorously than necessary.** I’m not implying that it’s alright for them to – let’s say - take the truncheon and, hmm, beat them up. In that case I’d say ‘Stop it, that’s enough!’ But if they **seize them a bit more vigorously, I could ignore it**“ (all laughing) [FG05: 386-418]

Frustration

An additional point is a kind of disappointment on the officers' side when it comes to work effectiveness. This is also intertwined with the realisation of resistance and the degree of emotions playing a role. From the officers' point of view the criminal consequences for the offender after being charged or arrested are often too lax¹⁹.

Especially as far as attacks perceived as targeting the "own person", officers hope for a sort of "satisfaction" by the following punishment of the offender. If this does not take place, frustrations may be felt which, in later cases, will possibly be expressed by "taking the law into one's own hands"²⁰.

Stage 2 (German scenario part 3 + 4) = vehicle chase up to and including the youths' car crashing against the lamp post (The Chase)

Perceptions of what is going on in the situation.

In the course of the scenario the **situation becomes more critical in the participants' perception**. The more escalated the scenario is in progress, the more confused the situation is perceived by the participants. This has to do with the fact that more and more actions are necessary to get a grip on the situation and even to manage it (e.g.: to radio, to run, to request reinforcements, to pursue, to look after the injured). On top of this is the fact that the risk for the officers themselves and for others, i.e. not involved persons, increases. The reason also is that the car passengers are presumably armed and in addition had been involved in a shoot-out which took place against a backdrop of drugs. In case of getting hold of the vehicle the situation might even worsen.

Actions that the officers would or would not take.

¹⁹ „Da gibt es ein Gerichtsverfahren, vielleicht eine Anzeige wegen Körperverletzung, Widerstand, Beleidigung, lass es vier Straftaten sein, dann sitzen die vorm Richter, dann sagt der Richter: ‚Mmh, na gut, armer Junge, schlechte Kindheit, Vater damals gestorben oder ist als Soldat noch in der Türkei oder sonst wo, lebt mit sechs Brüdern, eine kleinen Wohnung, du, du, du!‘ Und das macht er sieben, acht mal, was keine Seltenheit ist und dann irgendwann kriegt er mal eine Geldstrafe und ansonsten wird das eingestellt“ [FG03: 275-283].

“There are legal proceedings, maybe a complaint for assault, resistance, verbal abuse, let's say four offenses, then they are in front of the judge, and the judge says: ‚Hmm, well, poor boy, bad childhood, Father died long ago or is still a soldier in Turkey or somewhere, is living with six brother in a small flat, you naughty boy!‘ And that happens seven times, eight times - nothing unusual, and sometime or other he may get a fine and that's all, the issue is ceased.“ [FG03: 275-283].

²⁰ „(...) Was unter dem Strich übrig bleibt, nämlich gar nichts. Und mit diesem unbefriedigendem Gefühl (geht man dann) raus aus der Geschichte, (und sagt sich): ‚Beim nächsten Mal (...) dann mach ich das einmal richtig!‘ (...) So dass ich für mich die Befriedigung habe: ‚Okay, war vielleicht nicht ganz korrekt, aber die haben das gekriegt, was sie verdient haben“ [FG07:]

“(…) What remains in the end - nothing. And (you end up) with an unpleasant feeling in this story (thinking): ‘Next time (...) I'll do (better)!’ (...) so that I'm satisfied: ‚Okay, maybe it wasn't correct, but they got what they deserved“ [FG07:]

Regarding to the now necessary action all participants agree that on the one hand the **vehicle** would be **chased** and on the other hand, in case it did not happen so far, the site with a hint regarding the now beginning chase would be radioed. The start of the chase is justified with the official mandate of law enforcement. Care should be taken during the pursuit in order not to endanger the officers or other persons.

Many focus group participants are of the opinion that a **solo action of the two officers** due to the increasing potential of danger **is no longer reasonable and too dangerous**. At rational consideration it is of importance for the future procedure (continue or giving up the pursuit) to what extent other patrol cars are already participating in the pursuit or whether meanwhile a supporting special task force could be available. In this respect the **character of the context** is of major importance. In case the pursuit takes place in an urban city, supporting forces are available much quicker than in a village. Reinforcements by additional patrol cars of special squads may be requested. In this respect a problem is referred to: Even if safety measures in the form of request for a special intervention unit are taken, it is pointed out that this unit may not be reached or that the real chance for intervention often (depending on the locations) would take too much time. So, an alternative action is required. In our example this means that the officers would initially chase the car alone.

An additional aspect mentioned as a reason for the pursuit – apart from the official mandate of law enforcement – is the so called **“hunting instinct”**. Due to the escape this instinct may be “automatically” activated. Knowing that the vehicle was involved in a shoot-out, this kind of a reflex action may be even more probable. This results in a **“compelling drive” to pursue the vehicle**. The formal, legal aspect (crimes have to be prosecuted by the police in Germany) is pushed into the background and emotional aspects, as for example wounded vanity and suffer of disgrace are getting obvious²¹. To control emotions at this stage is hardly possible. It is also critically remarked that all this again affects the pursuit, which now, due to the strong surge of adrenalin, might get very “frantic”. In this respect the **discrepancy between theory and practice** is mentioned: Many participants note, that in this case it would even make more sense to give up the pursuit due to the safety of the officers and of third parties, especially when the pursuit takes place within a city or town. However, they take it, that instead of “reason” the hunting instinct will prevail and that therefore rational considerations are not followed.²²

Also personal **experience** plays an important role regarding car chases. Experiences the officers have already made in their career (for example, successful car chases, pursuits with a negative end like those resulting in e.g. injured or even dead persons) have an influence on this decision.

²¹ „Ja, man fasst das vielleicht irgendwann mal als persönliche Beleidigung auf, wenn der abhaut und macht, was er will“ [FG08].

“Yeah, some day or other you may take it as a personal insult, when he gets away and does, what he wants“ [FG08].

²² „Ich habe (nach dem Einsatz) an der Kaffeetasse gesessen und habe gedacht: ‚Ja, was hast du für eine Scheiße gemacht?‘“ [FG07: 1250/1251].

“I sat (after the operation) with my cup of coffee and thought: ‘Oh shit, what have I done?’“ [FG07: 1250/1251].

The police officers' **knowledge of the locality** is also of importance. If they are familiar with the place and the locality, the pursuit will presumably be different and will not be stopped as if the surroundings are completely unknown to the officers.

Also the **time of day** is mentioned as a decisive factor.

Regarding the possible **giving up the pursuit** there is a conflict in which the officers might get. Even if, for rational reasons, one personally decides to give up the pursuit, a confrontation with the colleague officer might arise. In this respect, '**group pressure**' slips into the decision.²³

In case the intervention is "externally" stopped or the officer might have to stop the pursuit by himself due to not being familiar with the surroundings, **frustrations** may occur. On the one hand this is caused by **the not "satisfied" hunting instinct**, even though the stopping is regarded as "reasonable" for rational reasons. In addition the stopping is registered as **own inability**. This is especially the case when afterwards it is turning out that it was "*big fish*" [FG01: 342-348] whom one could have arrested.

Basically, however, in every focus group it is pointed out that the fleeing person is not unknown and thus his residence is known. So, the possible stop of the pursuit would not result in totally "losing" the fleeing person.

Use of force

The interpolated question, whether the participants could imagine to drive into the fleeing vehicle is controversially discussed. **Mostly such ramming is refused**. Some participants, however, could imagine this quite well or have already made use of it. In one focus group even all participants agree, that they would drive into the vehicle if possible.

In case of being alone a possible ramming is mostly excluded. After having stated that the following statement definitely has to be treated anonymously one participant said that in his/her precinct (situated on the countryside), ramming is quite well used and all this would be, though not really legally, covered, "*a matter of formally writing it down afterwards in the appropriate way*" [FG02: 363].²⁴

²³ „Dann hast du wahrscheinlich auch noch irgendeinen Konflikt auf dem Wagen, wenn du dann als Streifenpartner sagst auf dem Beifahrersitz: ‚Brich ab, brich ab!‘ (...) Dann sagt Dir der Fahrer: ‚Sag mal, bist du bescheuert, ich fahre da hinterher!‘ (...) Dann habe ich nämlich schon den Konflikt mit meinem Streifenpartner. (...) ‚Bist du noch ganz dicht? Wie kannst du das abbrechen?‘ (...) Ich meine, den Disput hat man auch noch [FG01: 492-509]

“And then you will have an argument with your partner in the car if you, as the co-driver, tell him ‘Stop it, stop it!’ (...) The driver will answer ‚Hey, are you nuts? I’LL follow them!’ (...) Then there’s the conflict with my partner. (...) ‚Are you cracked? Why do you want me to stop?’ (...) I mean, you’ve got the argument in addition [FG01: 492-509]

²⁴ „Ich arbeite in einer Landbehörde und bei uns sind die Strecken groß. Wir haben wirklich das Problem, dass wir erst alleine sind, und (wir) versuchen dann halt immer, (wenn wir merken es entwickelt sich in die Richtung), mit Straßensperren der Nachbarbehörde, das Ganze dann zu stoppen. Wenn das aber nicht klappt, (.) die an der Straßensperre vorbeifahren oder über das Feld oder wie auch immer und dann drohen, wieder abzuhaufen, und wir dann immer noch das einzige Fahrzeug sind, weil die anderen, die müssen ja erst wieder in das Auto steigen und Fahrt aufnehmen, wir rammen dann. Das ist alles eine Frage des Schreibens, wir rammen dann. Wir haben es gemacht und da kommt auch nichts nach“ [FG02: 354-365].

As far as their decision to use the car as a instrument of stopping is concerned many participants refer to the field of **training**. As far as a rational action is concerned, this has an effect on decisions for actions.²⁵ Some officers who reject the ramming admit that they would quite well use this option, provided they would have had a better driving training and in case of an “accident” they would not have to be pay for the smashed up patrol car.

Concerning their ability to drive into a car, some participants **draw a comparison** regarding their police training and the **training in the United States**, which is, according to their opinion, much more intensive – and that in addition to this police officers in the United States are provided with vehicles especially designed for such purposes.

Shooting at the fleeing vehicle is rejected by all participants. The reason given for this is the little accuracy when shooting at a driving car – and the related endangering of third parties by rebounded or deflected bullets. The potential benefit is by no means proportional to a possible endangering of third parties. Shooting should only be evaluated by Special Forces, who have appropriate training.

Justifications for the use of force

Reasons to reject a ramming are the **self endangering and the endangering of uninvolved third parties** (also possible are other passengers in the fleeing car)²⁶, a **poor**

“I’m working in a rural department and there are long distances. Actually, we’ve got the problem to be alone in the beginning and (we) always try (if we realize how it is going to continue) to stop the whole thing by means of road closures of the neighboring department. But if it doesn’t work, (.) if they pass the road closure or drive across the field or so and then there’s the risk that they escape again while we are still the only vehicle because the others – they have to get on the car and start, we are going to ram the car. It’s all a matter of writing, we’ll ram them. We did it and nothing will happen afterwards“ [FG02: 354-365].

²⁵ *„Das ist sowieso das größte Manko, (...) dass man zu wenig vorbereitet wird (...). Also, in der Ausbildung, (...) wenn man sich das überlegt, dass man ein Fahrsicherheitstraining macht, einmal in der Ausbildung und das soll dann bis zur Pensionierung (...) reichen bzw. das Schießtraining nur zweimal im Jahr, als Pflicht zweimal. Man kann natürlich öfter hingehen. (Das ist) auch ein sehr großes Manko für die Gefährdungslage die da tatsächlich hintersteckt. Also, das sind eigentlich Sachen, die wiederkehrend erfolgen müssten, um eben für solche Situationen tatsächlich objektiv und subjektiv auch gewappnet zu sein“ [FG01: 543-551].*

„Man weiß nicht, wie es geht, lernt auch keiner, glücklicherweise lernt es keiner“ [FG03: 1033].

“Actually, that’s the greatest disadvantage, (...) that we are not enough prepared (...). Well, during our training, (...) imagine, you attend an advanced driving skills training once during the training and that is to be enough until your old-age pension (...)or the shooting training only twice a year, the compulsory training, twice. Of course you are free to do it more often. (That’s) also a great disadvantage for the real degree of endangerment. Well, these are things that should be trained in recurring trainings to be prepared for situations of this kind, in an objective and in a subjective sense.“ [FG01: 543-551].

“You don’t know how it works, nobody learns it, fortunately nobody learns it.“ [FG03: 1033].

²⁶ *„(...) Also, ich würde darauf verzichten, weil man die **Folgereaktionen** kaum abschätzen kann, wenn man ein Auto rammt. Zum einen der Person selber, die man rammt, wo die dann natürlich hinfährt, oder was dann weiter passiert. Und auch selber, was mit dem Auto passiert, also, das ist nicht so leicht, wie es im Film immer aussieht. Also, ich würde davon Abstand nehmen“ [FG03: 995-1000].*

*“(…) Well, I’d drop it because you can hardly estimate the **subsequent reactions** when you ram a car. On the one hand the person you ram, where he/she goes to or what will happen then. And on the other hand you yourself, what will happen to the car, yeah, it’s not as easy as it looks like in films. So I would restrain myself“ [FG03: 995-1000].*

training²⁷ and the potentially dangerous situation after the ramming²⁸). In case of an accident it is also referred to the **disciplinary consequences** for the officers.²⁹

The participants' **understanding of their role** as police officers seems to be important for their decision for act. Though many participants reject ramming for safety reasons, those focus groups who endorse ramming unanimously would do this just for such reason. Overall, the **responsibility** of a police officer towards the citizens is given special emphasis.³⁰ When how they estimate their own risk, this is considered as secondary.³¹

²⁷ „Man (muss) dafür auch wirklich ein Fahrtraining machen, und das wird bei uns definitiv nicht für alle angeboten. Das funktioniert nicht. Man kann nicht einfach hinten ranfahren und rammen. Das kann nur nach hinten losgehen“ [FG07: 1050-1053].

“You (must) you must pass an advanced driving skills training, and actually they don't offer it for us. It doesn't work. You can't simply come from behind and ram. That will backfire.“ [FG07: 1050-1053].

²⁸ „Und dann muss man ja auch immer sich vor Augen halten, was passiert danach? Das Rammen ist ja eine Sache, aber dann ist ja nicht dieser Zustand vorbei. Und der wird nicht am Steuer sitzen und die Hände aufs Lenkrad legen“ „Dann bin ich vielleicht vor ihm mit meinem Auto und dann stehe ich da und gucke in seine Windschutzscheibe und überlege mir: ‚Na ja, blöde jetzt. Und wenn ich jetzt aussteige erschießt der mich, was mache ich denn? Mein Auto fährt auch nicht mehr, weil die Vorderräder vielleicht fehlen“ [FG03: 1042-1050].

“And you have to consider what will happen afterwards? Ramming is one thing, but the story won't be over. And he won't keep sitting and put his hands on the steering wheel“ „Maybe I'm in front of him with my car and standing and looking through his windscreen and thinking ‚Hmm, shit. If I get off now he will shoot me dead, what can I do? My car is broken because the front wheels are gone, perhaps“ [FG03: 1042-1050].

²⁹ „(...) Zum einen ist es ja eigentlich verboten, das ist ein verbotenes Hilfsmittel, jetzt nicht, wie in Amerika erlaubt, sondern das ist verboten, zu rammen, um den zu stoppen und zum anderen dann im Prinzip der Schaden der dadurch entsteht, die Arschkarte, die man damit zieht. Man weiß, da wird einem dann der Arsch abgerissen. Da ist erstmal das Geld, finanziell muss man für den Schaden aufkommen und dann vielleicht noch disziplinarrechtlich auf alle Fälle. Also macht man es nicht. Dann lass ich ihn lieber, um meine Haut zu retten“ [FG05: 825-833].

“(…) On the one hand it's forbidden, forbidden means, not allowed as in America, but ramming to stop him is forbidden, and on the other hand the damage you are causing, you are getting the shitty end of the stick. You are really in bad trouble. There 's the financial thing, you must pay for the damage, and then there's perhaps the disciplinary thing in any case. So you restrain yourself. So I prefer to let him to save my skin“ [FG05: 825-833].

³⁰ „Die Gefahr für andere Verkehrsteilnehmer ist einfach zu groß, in dem Moment. Also, er hat ja schon mehrere Gefährdungssituationen verursacht, für andere, für Unbeteiligte, und die Gefährdungslage ist zu groß, die von denen ausgeht. Und dann irgendwann muss ich mich dazu entschließen, der Geschichte ein Ende zu setzen“ [FG04: 355-359].

“The endangerment for other motorists is too big at that moment. Actually, he has already caused several dangerous situations, dangerous for others who are not involved, and the endangerment the cause is too bad. And then sooner or later I have to decide to put an end to it“ [FG04: 355-359].

³¹ „In dem Moment ist man bestrebt, die Situation in den Griff zu kriegen, die Gefahren für andere Leute abzuwehren und da macht man sich in den seltensten Fällen Gedanken darüber, was mit einem selber passieren kann. Ich gehe jetzt von mir aus“ [FG04: 361-365]. „Die Gedanken, dass mir selber was passiert, schwimmen vielleicht im Hintergrund schon mit, aber, man sieht sich einfach, (...) jetzt momentan im Streifenwagen auch ein bisschen in der Rolle des Stärkeren, der hier jetzt einfach etwas zu Ende führen muss oder will. Und ich denke, da greift man dann wirklich jedes Mittel auf, was uns zur Verfügung steht. Und wenn sich die Gelegenheit bietet, (...) wird man auch von dieser Möglichkeit Gebrauch machen“ [FG04: 369-376].

“At that moment you are anxious to get the situation under control and to avoid dangers for third persons and then you are rarely thinking about what my happen to yourself. I'm talking about myself“ [FG04: 361-365]. „Thoughts, that something may happen to myself may be present in the background, but you see yourself (...) at that moment in the patrol car a little in the role of the stronger who simply has or wants to finish the story. And I think in this case you take up every means you have. If there's the opportunity, (...) you will make use of this possibility“ [FG04: 369-376].

Regarding this, another problem emerges, which is part of everyday police work, but which becomes especially obvious in the chase: Decisions have to be made in a split of a second, without being able to think thoroughly all about pros and cons.³²

As justification for a possible ramming of the fleeing car, the activated hunting instinct is predominantly mentioned. This is presumably related to the fact, that for most participants ramming is "out of question" and that they did not have any experiences concerning such behaviour.³³ They can imagine this only in case of a non-rational action, caused by a not controllable hunting instinct. It looks like that those who have made use of the measure "ramming" already in their professional life realise the flight of the offender as obstructing the police and justify their intervention accordingly.

To ram the car - just to follow the hunting instinct or the desire for adventure³⁴ - is commented critically.³⁵ This in turn determines the opinion on the ability of the coordinating

³² „Man ist ja unter **Zeitzwang**. Man hat ja nicht, so wie wir jetzt, stundenlang Zeit oder Minuten lang Zeit, sich was zu überlegen. Man ist da drin, man ist in (die) Maßnahme eingebunden. Man muss fahren, funken, alles Mögliche, und jetzt muss auch noch eine Entscheidung kommen. Ich kann ja nicht den ganzen Tag mit dem durch die Stadt fahren“ (...) „Diese **Abwägung** muss man dann **innerhalb von Sekunden** treffen. Das ist immer das Schwere bei uns, wir müssen immer alles innerhalb von Sekunden entscheiden und dann dazu stehen“ [FG03: 1066-1072; 1128-1130].

“You see, you have to act while you **are pressed for time**. You haven't got the time, like now, to think about a solution for minutes or hours. You are in it, you are involved in the operation. You must drive, put messages out on the radio, everything – and finally you have to make a decision. It's impossible to go all day long through town after him“ (...) „This **consideration** must be done **within seconds**. That's the difficult thing in our job, we must always decide everything within seconds and then we must bear the consequences“ [FG03: 1066-1072; 1128-1130].

³³ Würde nie einer machen. Also, ich würde nicht ernsthaft auf die Idee kommen irgendwann mal einen zu rammen. Der müsste schon am Straßenrand da jeden zweiten Menschen den er sieht, müsste er erschießen und dann würde ich vielleicht mal irgendwann darüber nachdenken. Völlig unrealistisch eigentlich so eine Annahme, da jemanden zu rammen“ [FG03: 1033-1039].

“Nobody would do so. Well, I wouldn't really think of ramming someone. Maybe, if he stood by the road, shooting dead half of the people he sees, then I would perhaps take it into consideration. On principle the idea of ramming someone is absolutely unrealistic“ [FG03: 1033-1039].

³⁴ „Ich glaube, diese Autorammgeschichte ist eine Macke von jedem Polizeibeamten. Jeder sieht es in jeder bekloppten Serie, ob es nun ‚Colt Seavers‘, ‚Balko‘ oder weiß ich, was ist, ‚Die Autobahncops‘, alle rammen sie immer irgendwas von der Straße und **jeder möchte mal ein Auto rammen**“ [FG03: 1004-1007].

“I think this ramming thing is a stupid idea of every police officer. Everybody sees it in every cracked TV series, whatsoever: ‚Colt Seavers‘, ‚Balko‘ or – I don't know, ‚Die Autobahncops‘, they are all ramming something off the road and **everybody wants to ram a car**“ [FG03: 1004-1007].

³⁵ „Ich finde das höchst gefährlich. Man gefährdet sich, man gefährdet Dritte, man weiß nicht, driftet der irgendwo ab und knallt in eine Seniorengruppe rein, das weiß man ja alles gar nicht“ [FG03: 1007-1011].

“I feel it's highly dangerous. You endanger yourself, you endanger third persons, you never know, you may drift away and hit a group of old-age pensioners, you never know before what may happen“ [FG03: 1007-1011].

officer.³⁶ Nevertheless, a certain **dynamic of the situation** is consented, which makes it impossible to control the whole process.³⁷

It can be stated that the possible use of force in Stage 2 of the scenario is partly a result of rational considerations and is felt to be **justified** (i.e. ramming of a fleeing car to avoid the endangering of uninvolved third parties). Partly, however, these actions take place for emotional reasons, due to the activated hunting instinct (i.e. ramming or wild chase due to wounded vanity and just in order to satisfy the hunting instinct).

Stage 3 (German scenario part 5 and 6) = Youths get out of car and run, one of them with what looks like a gun, up to the end of the scenario (Finale)

Generally it has to be mentioned that most participants state that in spite of a long time being duty, they did not have personally experienced a scenario as described from

³⁶ „Derjenige, der am meisten Ahnung vom Sachverhalt hat, sollte eigentlich die Koordinierung (...) übernehmen, um da ein bisschen Übersicht zu behalten“ [FG07: 1189-1192].

“The person who knows most about the circumstances should take over the coordination (...) to keep track of things“ [FG07: 1189-1192].

³⁷ „Da würde gar keiner auf dich hören. Das hat ja dann eine Eigendynamik. Es gibt viele Kräfte, die melden sich an, es gibt aber etliche, die melden sich erst gar nicht an und denen ist das auch ganz egal, wer irgendwas sagt. Die fahren da einfach Undercover einfach bloß mal rum, ‚Wir gucken mal, was da so los ist und wenn was ist, dann steigen wir da mit ein.‘ Und die dann so zu steuern in der Hektik, also, da wird Hektik sein“ [FG03: 1285-1291].

„Das hat dann eine Eigendynamik, und irgendwann, wenn man jetzt nicht einen super Sprecher hat, der da auch so ein bisschen den Gesamtüberblick hat und die Kräfte auch so ein bisschen ranführt und lenkt und leitet, (...) (der) so einen globalen Überblick noch hat. Das wird der verlieren, das schafft der nicht mehr“ [FG03: 1294-1297].

„Wobei man natürlich auch sagen muss, (...) dass (sich da) natürlich auch (...) eine unheimliche **Dynamik** (...) entwickelt. (...) Nicht nur bei einem selber, sondern auch bei den Kollegen. Also, ich kann nur sagen, **auf dem Funk ist dann die Hölle los!** (...) Jeder hat so ein bisschen Jagdtrieb und das kommt dann alles geballt zusammen. Da kann durchaus eine sehr wilde Situation entstehen. Und ich kann mir auch durchaus vorstellen, dass dann auch Gedanken kommen: ‚Den halten wir jetzt mal an!‘ oder ‚Jetzt fahren wir zu zweit auf der Spur, den bremsen wir aus oder machen eine Polizeisperre!‘“ [FG03: 1057-1066].

„Da meldet sich jeder, da möchte jeder hin: (...) ‚Endlich mal wieder Action (...)!‘“ [FG03: 1190-1192].

„(...) Wenn Unterstützung Polizeibeamter angesagt ist, da fliegt dann jeder hin, jeeeder, der frei ist. (...) Dann ist da eine Polizeishow, wo es schon wieder peinlich ist“ [FG03: 1206-1210]

“Nobody would listen to you. It gets its own dynamics. There are many forces who announce themselves, but quite a few don't, and they don't care about who tells what. They drive about undercover, ‚Let's have a look what's going on and if something is going on, we'll join in.‘ And to control them in all this mess – and it will be a mess“ [FG03: 1285-1291].

“It develops dynamics of its own and sooner or later, if there isn't a super leader keeping some control and kind of leading and controlling the forces, (...) (who) still keeps the overall survey. He'll lose it, he'll fail“ [FG03: 1294-1297].

“Of course we have to admit, (...) that strong **dynamics** (...) will emerge. (...) Not only in oneself, but also in the colleagues. Yeah, I tell you, **all hell breaks loose on the radio** (...) Everyone gets a bit of hunting-fever and all this mounts up. This can create a really wild situation. And I can absolutely imagine that ideas rise like ‚We are going to stop him!‘ or ‚The two of us are going to drive on the lane and force him to slow down or set up a road block!‘“ [FG03: 1057-1066].

“Everyone announces himself, everyone wants to join in: (...) ‚There's something happening (...)!‘“ [FG03: 1190-1192].

“(...) If support of police officers is required, everyone rushes there, really everyone who is free. (...) It results in a police show - an embarrassing situation“ [FG03: 1206-1210].

Stage 3 onwards. Especially the use of weapons on duty is underlined as a very seldom event, which most of the officers hardly ever or not at all will experience in their professional life³⁸. Accordingly the following statements have to be evaluated. Apart from three exceptions, the participants developed their relevant ideas "on the green table". Correspondingly these mostly **do not** mirror own experiences of the officers.

Perceptions of what is going on in the situation.

The end of the scenario is described relatively unanimously as a "scene of horror" for each police officer involved.³⁹ Particularly if the offender stops in the mall, turns round and has a gun in his hand. At this point in addition to the already described dangers a use of weapon may come on top of this. An action which was out of question because of the big risk for third persons may now turn out as unavoidable.

Additionally, a situation escalating like this is seen as a "professional mistake". Being unable to manage the situation in a different way may therefore lead to frustrations.⁴⁰

The offender turning around with a weapon in his hand is seen as special situation of risk for the officer, because he is most visible to the offender because of his uniform and might therefore attract the bullet.⁴¹

³⁸ In a given year, one out of 50 to 70 police officers in Germany make use of their gun – but in over 99% of these cases, the gun is used not against a human being (Feltus 2003 – Lisboa-lecture).

³⁹ „Das ist **für jeden Polizisten**, den es irgendwo auf der Welt gibt (...) **das Schlimmste, was ihm passieren kann, ja. Kann man fast so pauschal sagen**“ [FG01: 957, 959/960].

“For every police officer, wherever in the world, (...) it’s the worst thing to happen to him, yeah. You can say so, almost generalized” [FG01: 957, 959/960].

⁴⁰ „Man muss auch mal damit leben können, dass man halt mal irgendwann nichts mehr machen kann als Polizist. Das fällt einem immer schwer, weil man ja vom Ego dann auch so ist, man will ja was machen. Man will ja kontrollieren in der Situation, aber man kann es einfach nicht mehr“ [FG03: 1551-1555].

„Das ist aber eine extrem unbefriedigende Situation. Wenn man als Polizist erkennt, ich bin jetzt hilflos oder machtlos, in welcher Situation auch immer. Also, egal, was ich mache, es führt nicht zum Ziel oder zu irgendeinem positiven Ziel. Das ist als Polizist natürlich sehr ungewohnt, weil man in dieser Rolle fast nie ist. Man hat immer Möglichkeiten oder man versucht immer irgendwas“ [FG03: 1566-1573].

“We have to cope with the fact that there are situations where we as police officers can’t do no more. It’s always hard because your ego is like that, you want to do something. You want to get control of the situation, but it’s impossible.” [FG03: 1551-1555].

“It’s an extremely dissatisfying situation. When you, being a police officer, realise: I’m helpless or powerless, whatever the situation may be. Well, no matter what I do, it’s in vain, it doesn’t have a positive result. That’s highly uncommon for a police officer, because he is hardly ever in this position. There are always possibilities or you always try something.” [FG03: 1566-1573].

⁴¹ „Also, ich würde (...) die Verfolgung abbrechen. Einkaufsstraße, andere Leute, Querschläger, Munition. Meine Waffe einstecken, die hätte ich die ganze Zeit in der Hand, das ist Fakt beim rennen durch den Garten. Das ist das erste, was ich mache, wenn ich aus dem Streifenwagen (steige). Und dann in dem Moment, würde ich gucken, dass der mich nicht mehr sieht. Ich habe Uniform an, wir sind keine Zivilbeamten“ [FG04: 603-609].

„Es geht auch um mich, wie gesagt, wir sind Zielscheibe, in Uniform in einer Fußgängerzone. Also, er sieht uns besser, als wir ihn“ [FG04: 628-630].

Actions that the officers would or would not take.

Initially it is pointed out that the fleeing persons now actually become less important, as the police officers have to take care of the injured person. However, it is admitted, that even though the possibly injured persons should be in the focus, the hunting instinct will presumably will become dominant. The pursuit may be continued. As in the meantime several patrol cars have participated in the pursuit, it is taken that the medical care of possible injured persons can be left to a following patrol team. Also **the kind of accident** and the way the car looks like (kind of damage) may influence the decision to follow the fleeing persons or to take care for the passengers first. Provided the **several patrol cars** take part in the pursuit, **no injured persons** are in the casualty car and the **locations** are **known** to the officers, the pursuit is continued with high probability.

At the now probably following pursuit it may happen that the patrol team separates. However, this is regarded as being extremely dangerous.⁴²

Juridical orders are cited which may have a not-intended counter effect, i.e. leaving a person to pursue alone: The co-driver, possibly inspired by the hunting instinct, jumps out of the car and pursues the fleeing person, whereas the driver is actually bound to lock the patrol car. This might result in an endangering of the colleague as he is suddenly left alone pursuing the fleeing person.⁴³

In this context the importance of coordinating of the patrol team with regard to the intended action is pointed out.⁴⁴ Also the advantages of **co-operation as a long standing patrol team** is emphasised (e.g. an officer knows how his/her colleague will react in

“Well, I’d (...) break off the chase. Shopping precinct, people, ricochet, ammunition. Storing away my gun which I would have held in my hand, actually, running through the garden. That’s the first thing to do getting off the patrol car. And then, that moment, I’d see to it that he doesn’t see me any more. I’m wearing uniform, we’re not plain-clothes officers“ [FG04: 603-609].

“I must also take good care of myself, as I said, wearing uniform in a pedestrian precinct, we are target. So he will see us more easily than we see him“ [FG04: 628-630].

⁴² *„Nie allein hinterherrennen! Ich habe es erlebt, dass der Kollege abgestochen worden ist. Nie machen. Das ist so drin. (...) Wenn ich in einer Schlägerei drin bin, kann das wohl sein, aber so einfach jemandem hinterher rennen? Ist es das wert? Da kommen solche Erfahrungen von früher. Das hält individuell vielleicht jeder Kollege anders. Das habe ich auch schon erlebt, dass da ein Kollege einzeln hinterher gerannt ist und du denkst, ‚Was macht der für einen Schwachsinn, was macht der da?‘“ [FG04: 514-521].*

“Never pursue someone alone! I’ve seen how a colleague was stabbed. No, never. It’s in my mind, irrevocably. (...) If I’m involved in a fight - alright, but simply chase someone? Is it worth it? Things I experienced years ago come into my mind. Maybe it’s different for any individual colleague. I was in situations when a colleague pursued someone alone and you are wondering ‚What a nonsense, what is he doing?‘“ [FG04: 514-521].

⁴³ *„(Sonst) kommt nämlich noch der Unbekannte Dritte und klaut mir den BMW von der Stelle weg“ [FG07: 1187/1188].*

“(Or) Mr. X will come and filch my BMW from the spot“ [FG07: 1187/1188].

⁴⁴ *„Das ist auch der Vorteil bei einem Team, wenn die sich kennen. (...) Mir ist es auch schon passiert, mit einem Kollegen, mit dem ich lange gefahren bin. Aber in der Regel stellt sich diese Frage nicht und man konzentriert sich auf einen. Das ist eine ganz kurze Absprache“ [FG04: 522-527].*

“It’s the advantage of a team, when they know each other. (...) It happened to me, too, with a colleague I had been patrolling with for years. But normally this question doesn’t come up and you concentrate on one fugitive. It’s a very quick agreement“ [FG04: 522-527].

certain situations).⁴⁵ In addition to this, the importance of homogeneous fitness of both patrol partners is mentioned – in order to be able to “run together”.⁴⁶

Probably the hunting instinct will get in the foreground again and hamper the rational action, especially when the fleeing person is still within sight of the officers. However, also in this case no clear choice was made by the participants.

The action is determined by factors like the **surroundings**⁴⁷ and possibly **affected persons**.

All participants agree, that after the decision for a continued pursuit, a **certain distance** towards the fleeing person should be maintained in order to minimise putting third parties and the officers at risk and, additionally, to avoid an escalation of the situation.⁴⁸ An

⁴⁵ „Die **Erfahrung mit dem Kollegen**, mit dem ich schon mehrfach gefahren bin, das ist entscheidend. (...) Ich kann eine Situation zum eskalieren bringen, mit Leuten, die sonst eigentlich immer ganz friedlich und lieb sind. Die können plötzlich dort zum Tier werden“ [FG07: 1336-1340].

„Aber es gibt auch Kollegen, die man suchen muss“ [FG04: 528].

“**The experience with the colleague** I’ve patrolled with often, that’s the important point. (...) I can make a situation escalate, with people who are normally nice and peaceful. They may suddenly go berserk there“ [FG07: 1336-1340].

“**But there are also colleagues who are not easy to find**“ [FG04: 528].

⁴⁶ „Was auch ganz gefährlich ist, wenn du einen Kollegen auf dem Streifenwagen hast, der eine kann schnell rennen, der andere nicht. Und der erste rennt los, rennt dem hinterher und der andere bleibt 50m zurück. (...) Das ist auch schon gefährlich, dass man sich dann trennt in der Situation. (Das ist) nicht unwahrscheinlich, aber das darf eigentlich auf keinen Fall passieren, dass man sich in so einer Situation trennt (...)“ [FG01: 713-715]. „Wenn du die vor Augen hast, und die sind, du meinst, du könntest die kriegen (...) dann bleibst du nicht stehen und wartest auf deinen Kollegen, bis der angetrabt kommt“ [FG01: 721/722, 724/725] ... „oder bis er den Bauch hinter dem Lenkrad rausgewuchtet hat“ [FG01: 726].

„... der jetzt schon 120 kg auf den Rippen hat oder ob das jetzt hier noch ein 30-jähriger Kollege ist, der in seiner Freizeit Fußball spielt und noch relativ normal gebaut ist.“ (...) „Da kommt es erstens darauf an, wie sportlich ist mein Kollege, also, wie sportlich bin ich selber, wie sportlich ist mein Kollege oder meine Kollegin in dem Fall. Können wir beide hinterher rennen oder bin ich nach 400 m alleine?“ [FG07: 1100-1118-].

“There is another dangerous situation, if you are with a colleague in the patrol car and the one can run fast, the other can’t. The first one starts pursuing him and the other one lags behind 50 meters. (...) It’s dangerous when they separate in this situation. (That’s) not unlikely, but actually it must not happen that the partners separate in such a situation (...)“ [FG01: 713-715]. „You see them just in front of you and they are – you feel you could catch them (...) then you won’t stop and wait for your colleague to catch up“ [FG01: 721/722, 724/725] ... „or to heave his potbelly from behind the steering wheel“ [FG01: 726].

“... who weighs 120 kg or whether he’s 30 and plays football in his free time.“ (...) “First, it depends on how athletic my colleague is, then, how athletic I am. Can the two of us run after them or am I alone after 400 m?“ [FG07: 1100-1118-].

⁴⁷ „Das wäre jetzt interessant, was das für eine **Umgebung** ist, wie viele Leute sind da. Dann entschlöße ich mich vielleicht mal während der Verfolgung auch schon mal, (...)einen **Warnschuss** abzugeben“ [FG01: 849-852].

“The kind of **environment** would be interesting now, **how many people** there are. Maybe I decide during the chase to fire a **warning shot**“ [FG01: 849-852].

⁴⁸ „Du provozierst eine Geisellage, wenn du dem zu nahe kommst. (...) Also, in der Situation, wenn die auf eine **Fußgängerzone** zulaufen bzw. sich in der Stadt bewegen, **kann man nicht schießen**“ [FG01: 774; 844/845].

“You are provoking hostage taking if you come too close to them. (...) Well, in a situation when they are approaching a **pedestrian precinct** or are moving in town, **you can’t shoot**“ [FG01: 774; 844/845].

Escalation is probable when the offender sees “no way out” anymore.⁴⁹ In order to increase the officers’ safety besides rational considerations also instinctive protective measures (e.g. taking cover when a weapon is noticed) play a role.

In the moment the officers notice the weapon in the hand of the offender, nearly all participants agree to stop the pursuit for reasons of safety. The more the situation escalates, the more rational considerations vanish. With the officer seeing the offender’s weapon, the aspect of protection of the officer’s life (and action connected with that) starts to dominate.

Use of force

Initially the **use of weapons** is out of question for all participants. Among others, predominantly the **endangering of third parties**⁵⁰ and the possible **juridical consequences for the officers** is considered.

Most participants pointed out, that the pursuit should be stopped immediately after the weapon has been noticed in the hand of the fleeing person. Especially the high potential of danger which is involved in the described situation determines the future action. Nevertheless, this is discussed absolutely controversially. Whereas some participants want to take cover immediately in order to save their own lives and because of legal consequences⁵¹, others want to manage and solve the situation due to public expectations of

⁴⁹ „Aber ich denke nicht, dass die Beamten von sich aus anfangen würden zu schießen, zumindest nicht zu dem Zeitpunkt. Da er zwar die Waffe in der Hand hat, aber offensichtlich noch nicht geschossen hat. Weil möglicherweise durch einen Schusswaffengebrauch seitens der Polizei riskieren sie tatsächlich, dass er auch das Feuer eröffnet“ [FG04: 663-668].

„Mit dem hinterher rennen treibe ich die Täter, (so dass diese möglicherweise) zur Geiselnahme gezwungen werden“ [FG07: 1196/1197].

„Er ist auf der Flucht. Er fühlt sich in Bedrängnis. So einem Täter ist dann vielleicht (...) irgendwann alles egal, wenn er (eine) bestimmte Schwelle (überschritten hat). Er hat nichts mehr zu verlieren“ [FG03: 1332-1335].

“But I don’t think that the officers would start a shooting, not at that time at least. When he is holding a gun in his hand, but evidently hasn’t shot yet. Because, they possibly run the risk, by police use of guns, that he, too, opens fire.“ [FG04: 663-668].

“Chasing the criminals (they may) feel forced to take hostages“ [FG07: 1196/1197].

“He’s on the run. He feels pressed. Sooner or later such an offender possibly does no more(...) care about anything when he (has crossed) (a) certain threshold. He has nothing to lose anymore“ [FG03: 1332-1335].

⁵⁰ „Aber schießen in der Fußgängerzone ist nicht drin“ [FG01: 867].

“But shooting is impossible in a pedestrian precinct“ [FG01: 867].

⁵¹ Ich muss in Deckung gehen. Ich kann jetzt keine Schießerei anfangen. Wenn ich Dritte treffe, Unbeteiligte, dann ist die Hölle los. Der Schusswaffengebrauch ist dann nicht gerechtfertigt“ [FG03: 1332-1338].

“I must take cover. I can’t start a shooting now. If I hit third persons who are not involve, there will be an uproar. The use of guns isn’t justified then“ [FG03: 1332-1338].

what a police officer in such a situation should do.⁵² Again others presume that they would directly shoot at the offender, which on the other hand most participants consider as too dangerous and therefore plead for an immediate stop of the pursuit.⁵³

In the moment when the offender possibly turns round and has the weapon in his hand, the use of weapons is regarded as inevitable.⁵⁴ To **safeguard your own life due to the highly endangering situation** is mentioned as an important aspect which would in this situation possibly result in the use of a weapon.⁵⁵

⁵² „Die meisten Kollegen haben sicherlich so den Gedanken: ‚Irgendwas muss ich machen. Ich kann jetzt nicht einfach sitzen und nichts machen, irgendwas muss ich jetzt machen. Weil ich bin nun mal hier der Polizist, der jetzt hier was machen muss. Also, wenn nicht ich was mache, wer dann?‘, sage ich mir persönlich dann. Denn vom Bürger kann ich es nun nicht erwarten, dass der nun da losrennt oder irgendwas macht. Weil dem ja auch diese Situation noch nicht bewusst ist oder der nicht das Wissen hat, was ich habe. Also irgendwas, denke ich, muss man da machen, wie auch immer. Wie das dann hinterher aussieht, ist eine Extremsituation, kann ich immer nur sagen, einer wird so reagieren, der nächste so“ [FG03: 1517-1527].

„Also, mein Schwerpunkt würde echt bei den Unbeteiligten liegen. Klar, das sage ich jetzt einfach, weil ich hier am Tisch sitze. Mein Leben ist natürlich, wie alle anderen auch schon sagten, sehr wichtig, aber wenn ich da wirklich überall Kinder und Frauen und ältere Damen und junge und hübsche rumlaufen sehe, dann würde ich vielleicht, wenn ich noch alleine vor Ort wäre vielleicht beruhigend trotzdem den Fokus auf mich richten wollen. Weil, wenn der wirklich da anfängt zu ballern...“ [FG03: 1374-1381].

“I’m sure most colleagues think: ‚I’ve got to do something. I can’t simply sit and do nothing, I must do something. Because I’m the police officer here who has to take action. So, if I don’t, who else?’ is what I personally think. For I can’t expect citizens, to start or do something. Because they haven’t realized the situation yet or they haven’t got the information I have. So anything, I think, has to be done, whatsoever. What it looks like in the end – it’s an extreme situation, that’s what I feel, the one will react like this, the other one differently“ [FG03: 1517-1527].

“Well, my focus would really be on the persons not involved. Yeah, sitting here at the table it’s easy to say. As the others put it already, one’s own life is of course very important, but if I see everywhere children and women and elderly ladies and young and beautiful ones walking about, maybe I’d nevertheless prefer, in case I’m still alone in that place, to focus myself trying to deescalate the situation. Because, if he really starts banging...“ [FG03: 1374-1381].

⁵³ „Geiselnahme könnte da mit reinkommen, Freiheitsberaubung, alles Mögliche ist da mit drin. Sofortiger Abbruch“ [FG02: 479/480].

“It might result in hostage taking, deprivation of liberty, anything may happen. Breaking off immediately“ [FG02: 479/480].

⁵⁴ „In dem Augenblick, wenn ich mich persönlich in der Situation befinden würde, dass sich ein bewaffneter Täter sich mir gegenüberstellt, die Flucht abbricht und sich hinstellt und sagt: ‚So Polizist, jetzt komm!‘ und dann noch Anstalten macht, dass er die Hand, in der sich die Schusswaffe befindet bewegt. Also, **tut mir leid, dann lieber er als ich**“ [FG01: 919-923].

„(...) Du (hast) zwei Möglichkeiten: Du bleibst stehen, guckst dumm und stirbst oder du schießt“ [FG05: 1225/1226].

“That moment when I personally were confronted with an armed criminal breaking up his flight, facing me and saying: ‚**Hey policeman, c’mon!**‘ and then he even gets ready to move his hand holding the gun. Well, **sorry - rather him than me**“ [FG01: 919-923].

“(…) There are two possibilities for you: you stop, look silly and die or you shoot“ [FG05: 1225/1226].

⁵⁵ „In dem Augenblick, wo der seine Hand auch nur einen Zentimeter anhebt, in der sich die Schusswaffe befindet, **wird der umgelegt, tut mir leid**. Also das ist dann natürlich **die absolut fatale Situation**, ich bin die ganze Zeit drangeblieben, jetzt bleibt der auf einmal stehen, dreht sich um und ist bewaffnet, hat eine Schusswaffe. Das ist **eine derart hohe Gefährdungslage**, in dem Augenblick, **wenn der anfängt, den Arm zu bewegen**, würde, das klingt doof, aber **würde auf den geschossen werden**, würde das Feuer eröffnet werden, **gezielt**“ [FG01: 918-923].

“That moment when he lifts his hand holding the gun only as much as one centimeter, **he’s bumped off**, I’m sorry. Well, that’s of course **the absolutely fatal situation**, I’ve been chasing him, now he suddenly stops, turns round and is armed, he has a gun. That’s **so high a degree of endangerment**, that moment,

Therefore, we have controversial discussions whether and how the weapon should be used. On the one hand, the own safeguarding is taken into account, on the other hand also the juridical basics are considered which justify the use of weapons or the non-use. The discussions of the focus groups make clear that the relevant decision is a mixture of juridical orders, self guarding, perception of the situation and experience - and thus the individual decision can be completely different.

Although the use of a weapon may be inevitable and justified by law, it is still seen as "the last resort" of self defence.⁵⁶ Accordingly, shooting at a person running away does not find any support.⁵⁷

Two aspects are decisive for the decision to shoot – or not: First, there are disciplinary consequences that might result in endangering your whole career as a police officer.⁵⁸ Second, the psychological stress after shooting (PTSD) is mentioned especially when

when he starts to move his arm, he would – it sounds silly– but he would be shot, fire would be opened, well aimed“ [FG01: 918-923].

⁵⁶ „Man möchte es auch nicht, man möchte es auch nicht. Das stellt echt die Ultima Ratio dar und man will es auch nicht. Man möchte die Lage irgendwie anders auf die Reihe kriegen. Man möchte sie irgendwie anders lösen“ [FG04: 722-725].

„Nach dem Fall hier, die rechtliche Möglichkeit zum Schießen, die ist da, die ist gegeben. Aber, die meisten von uns, die wir hier sitzen, würden, selbst, wenn die rechtlichen Möglichkeiten gegeben wären, nicht schießen, weil sie einfach wirklich einfach aus persönlichen Gründen sagen, ‚Ist es das überhaupt wert?‘“ [FG04: 755-761].

„Für mich persönlich, Schusswaffengebrauch sowieso nur in einer Notwehrsituation“ [FG06:1319/1320].

„Als allerletztes Mittel“ [FG06: 1321].

“You don’t want it, you really don’t want it. It represents the utmost remedy and you don’t want it. You want to get control of the situation in another way. You want to solve it differently“ [FG04: 722-725].

“Considering this case, the laws provide for shooting. But most of us sitting here would not shoot even if the laws allowed it, because they simply wonder for personal reasons ‘Is it worth that at all?’“ [FG04: 755-761].

“For me personally, use of guns only in a situation of self-defense“ [FG06:1319/1320].

“As the very last means“ [FG06: 1321].

⁵⁷ „Hinter einem Flüchtenden her schießen, kommt für mich nicht in Frage. Das ist für mich indiskutabel für mich persönlich“ [FG06: 1322/1324].

“Shooting after a fugitive – that’s out of the question for me. That’s absolutely impossible for me personally“ [FG06: 1322/1324].

⁵⁸ „Die Existenz ist das ja mehr oder weniger. Weil man manchmal so davon ausgeht: ‚Ich habe nichts anderes gelernt.‘ Also, bei mir ist es so. Ich habe nichts anderes gelernt, und ich kann nicht, wenn ich hier bei der Firma als Maurer rausgeschmissen werde, kann ich mich nicht bei der nächsten bewerben. Also, so läuft das nicht. Und, wenn ich in meinem Job Scheiße baue, dann geht es wirklich um meine Existenz. Und, dann muss ich mir auch sagen, wenn es jetzt um eine Körperverletzung geht, dann mache ich mir keinen Kopf, ob dem das wehgetan hat oder so was, das interessiert mich wirklich überhaupt nicht. Weil, ganz ohne Grund wird es nicht passiert sein, das ich ausgetickt bin und dann geht es wirklich nur noch um mich. Wie kriege ich meinen Arsch auch wieder an die Wand irgendwo“ [FG07: 1675-1686].

“It’s more or less your existence. Because you sometimes proceed from the idea: ‚I haven’t learnt anything else.‘ Well, I do. I haven’t learnt anything else and I can’t – like a bricklayer who is fired - apply for the next job. Well, it’s impossible. And if I make a mess of things in my job, my existence is endangered. And I must keep in mind if it’s about bodily injury, I won’t rack my brains over it, whether he had pain or so, I’m not interested at all. Because I wouldn’t have lost control without a reason, and so I only must look after myself. How to get my ass out of these troubles“ [FG07: 1675-1686].

someone was injured or shot dead,⁵⁹ even when shooting was legally justified.⁶⁰ These are considerations, weighted as unrealistic by others.⁶¹

⁵⁹ „(...) Ich lehne die (Todesstrafe) ab. Es gibt ja Leute, die sind dafür. Aber ich erkläre mir das zum Beispiel so, dass ich mir sage: ‚Ein unschuldig Hingerichteter auf tausend zu recht Hingerichteter rechtfertigt die Todesstrafe nicht. Und hier sehe ich das genauso. Selbst wenn der flüchtet, selbst wenn der bewaffnet ist, ich möchte mich nicht nachher unter Umständen sogar mit der Tatsache auseinandersetzen, dass ich jemanden mit einer Schreckschusswaffe erschossen habe. (...) Wenn sich dann rausstellt, dass der wirklich nur eine Schreckschusswaffe unter Umständen noch nicht mal geladen hat, dann habe ich nachher das Problem, egal, wie ich betreut werde, von der Krisenintervention oder irgendwas“ [FG06: 1331-1353].

„Das Erlebnis ist in dir drin und das geht nie wieder weg“ [FG06: 1365].

„Wir haben ja gute rechtliche Grundlagen. Die sind ja bis ins letzte (...) da. Und es steht ja klipp und klar drin, (bei) Gefahrenabwehr (...) darf ich ja schießen, wenn es mich betrifft, wenn es andere betrifft. Ich darf sogar in eine Menschenmenge reinschießen, ich darf sogar auf Kinder schießen, wenn mein Leben gefährdet ist. Die Möglichkeiten habe ich ja. Und ich darf sogar auf Flüchtende schießen, wenn sie dann diese bestimmten Grundlagen haben, Explosivmittel dabei usw. oder Verdächtige eines Verbrechens. Also, die rechtlichen Grundlagen habe ich ja dann“ [FG06: 1508-1517]. „Es kann ja aber auf dem Papier nicht stehen, wenn du das und das machst, rechtliche Voraussetzungen da sind, beruhigt dich dein Gewissen. Das steht nirgends. Und deshalb, rechtliche Grundlagen sind genug da, wie er schon gesagt hat, nur das Gewissen, da (hat) man (für) sich alleine“ [FG06: 1519-1523].

„Dadurch, dass ich ja schon mal gegen einen Menschen geschossen habe, (sehe ich das nicht so). Der richtige Schuss, ersetzt nie die Schießausbildung. (...) Diese emotionalen Gedanken, die einem im Nachgang dann durch den Kopf gehen, unmittelbar nach dem Schusswaffengebrauch, die hast du in der Schießausbildung nicht, und die wirst du nie erreichen...“ [FG07: 1360-1366].

„Es (...) geht ja nicht nur um den Polizisten alleine. Es hat ja auch Auswirkungen auf seine Umgebung, (...) was er hinterher noch aushalten muss. Und die Leute, die drumrum sind, die verstehen den rechtlichen Aspekt nicht. Die können sich auch ganz schlecht in das Wesen oder in die Situation reindenken. Die haben dann mehr so ein bisschen (...) Sympathien (...) für das Gegenüber oder den, der dort erschossen worden ist. Denn da sagen sie, dafür haben wir nun gar kein Verständnis, das hätte nicht passieren dürfen, hätte und hätte und hätte. (...) Die haben ihren Standpunkt und das ist ganz schwierig, (die) davon weg zu (be)kommen. Derjenige hat jeden tag damit zu kämpfen. Wenn er einkaufen geht, seine Kinder in den Kindergarten bringt oder sonst noch irgendwas. Das ist das, was man eigentlich gar nicht so sieht. Der wird vielleicht daheim noch bedroht, der wird angerufen, seine Frau wird angerufen oder sonst irgendwas. (...) Irgendwo hat jeder eine Grenze. (...) Wenn es gegen mein Umfeld geht, dann hätte ich die Grenze und dann knallhart. (...) Das sind die Probleme, mit denen man zu kämpfen hat. Sicherlich wird sich bemüht und meistens auch erst, wenn irgendwas passiert. Dann wird sich bemüht (...) (mit) Psychologen (...) die sich drum kümmern. Aber vorher eigentlich nicht“ [FG07: 1433-1463].

“(…) I oppose (the capital punishment). There are people who are in favor of death sentences. But I make it clear to myself saying: ‚One executed person not guilty per one thousand rightly executed people does not justify the capital punishment. And in this case I see it from the same point of view. Even if he runs away, even if he’s armed, I wouldn’t want to deal with the fact that I have shot dead someone carrying a blank cartridge pistol possibly. (...) If it turns out that he actually had only a blank cartridge pistol, maybe not even loaded, then I have got a problem, no matter how I’m looked after by the crisis intervention team or so “ [FG06: 1331-1353].

“You have experienced this thing and it sticks to you“ [FG06: 1365].

“We’ve got a good legal basis. It’s detailed to the bottom(...). And it says quite clearly (in case of) avoiding danger, (...) I may shoot if I’m in danger, if others are in danger. I even may shoot in a crowd, I even may shoot at children, if my life is endangered. These possibilities are given. And I even may shoot at fugitives, in case they fulfill these certain conditions, explosives on them etc. or being suspects of a crime. So I’ve got the legal basis“ [FG06: 1508-1517]. „But it can’t be written on a paper that if you do this or that, if the law stipulates the statutory provisions, your conscience will be calm. That’s written nowhere. And so – legal provisions are sufficient, as he has mentioned, but your conscience – that’s your own problem“ [FG06: 1519-1523].

“As I have already shot at a person (I see it in a different way). The correct shot never replaced the shooting training. (...) These emotional thoughts crossing through your mind afterwards, immediately after you have shot – you don’t know them from your training, and you can never train them...“ [FG07: 1360-1366].

“It’s not only about the police officer himself. There are also effects on his environment, (...) and he has to stand it. Other people don’t understand the legal aspect. They can hardly imagine themselves into him or the situation. They are more inclined to have a linking (...) for the counterpart or the shot person. Now they say, we have no understanding, it shouldn’t have happened, should, should, should. (...) They’ve got their point of view and it’s very difficult to convince them. He who has shot has to tackle the situation every day. When he goes shopping, takes his children to the kindergarten or whatsoever. That’s what other people

However, it is also pointed out that in this situation the **use of weapons might be extremely dangerous** – as probably the target, in this case the armed person could be missed. This is explained by the **situation of pressure**, which it is divided into **physical strain** (due to the pursuit)⁶² and **mental strain** (due to the dangerous situation itself)⁶³.

Additionally the distance between the officers and the fleeing person is mentioned as a criterion for decision.⁶⁴

The more the situation escalates, the less aspects which determine the **context** like surroundings, number of pedestrians, and the structure of buildings serve as justification for

don't see, it happens underneath. Maybe he's even threatened by phone, his wife is phoned or (...) Everyone has his own limit. (...) For me, the limit is where my surroundings are threatened, and then very tough. (...) These are the problems you have to face. Surely, efforts are made, in most cases no sooner than when something has happened. Then efforts are made (...) (by) psychologists (...) who take care. But before - no" [FG07: 1433-1463].

⁶⁰ „Ich denke, da spielt beides mit hinein. Auf der einen Seite fühlt man sich natürlich im Recht, weil man ist ja die Instanz, die unter diesen Umständen vielleicht auch schießen dürfte, man fühlt sich im Recht, natürlich. Aber auf der anderen Seite, hat man vielleicht auch im Kopf: ‚Menschenskind, was kommt so im Nachhinein noch auf mich zu, psychisch?‘ und Vorwürfe von den anderen. Also, ich denke, das ist auch ganz individuell“ [FG04: 728-734].

“I think both is true. On the one hand you feel to be right of course because you are the authority to be entitled to shoot under these circumstances, you feel to be right, of course. But on the other hand, there's perhaps also the idea: ‚Good Heavens, what am I going to face afterwards, psychologically?‘ and the reproaches by others. Well, I think, it's very individual“ [FG04: 728-734].

⁶¹ „(...) Dass ich mir Gedanken mache über die rechtliche Seite, was passiert mit mir hinterher oder auch das Psychologische, ‚Hilfe, ich habe einen Menschen auf dem Gewissen!‘ ich glaube, das ist in dem Moment absolut sekundär“ [FG04: 762-766].

“(…) Thinking about the legal problems, what will happen to me or the psychological side ‚Oh God, it's my fault that this guy is dead!‘ I think that's absolutely secondary at that moment“ [FG04: 762-766].

⁶² „Aber ich denke, das ist auch **von jedem persönlich wieder abhängig**, weil (...) du hattest eine **sportliche Anstrengung** vorher, du bist **voll unter Dampf**. (...) Der eine (...) hat sich, nachdem er stehen geblieben ist, (...) wieder unter Kontrolle und spricht den noch an und sagt: ‚Leg die Waffe hin!‘ und macht das vielleicht noch ein zweites Mal und der andere schießt sofort (...) Das ist wieder **menschlich abhängig, von jedem persönlich**“ [FG01: 892-994, 896-900].

„Und man wird 200er Puls haben. Also, wir trainieren das ab und zu mal mit Liegestütze oder ein bisschen Laufen oder so. Also, da hat man eine recht große Trefferfläche, da ist es besser bald, wenn man das Ding wirft“ [FG03: 1488-1491].

*“But I think, it **depends on the individual** because (...) you have gone through a **physical exertion**, you're **fuming**. (...) The one (...) can control himself again after he has stopped running, (...) and addresses the counterpart, saying: ‚Drop the gun!‘, maybe even a second time, whereas another one shoots immediately (...) It **all depends on the individual, on every individual**“ [FG01: 892-994, 896-900].*

“And you are going to have a pulse of 200. Well, we train it now and then by press-ups or some jogging or so. You know, the hit scattering is enormous then, so it would be better to throw the gun“ [FG03: 1488-1491].

⁶³ „Wir reden hier über die extremste Situation, die überhaupt passieren könnte, überhaupt in einem menschlichen Leben, nämlich ein Angriff gegen sein eigenes Leben durch einen anderen Menschen. (...) Das ist ein Ausnahmezustand hoch zehn“ [FG07: 1609-1613].

“We are talking about the most extreme situation that could happen at all in a human's life, i.e. an attack against his/her own life by another human. (...) That's the utmost state of emergency“ [FG07: 1609-1613].

⁶⁴ „Der Abstand ist auch ganz entscheidend. Wenn ich da auf einer Entfernung auf 40m oder so bin, wenn ich dann nach dem Sprint versuche, den dann zu treffen, dann gehe ich lieber in Deckung, als wenn ich da zurückschieße“ [FG01: 940-943].

“The distance is essential, too. If I'm at a distance of 40m or so, trying after the sprint to hit him, then I'd rather take cover than shoot at him“ [FG01: 940-943].

action⁶⁵. The **main protagonists** (police and fleeing person) are brought into focus.⁶⁶ Finally the acting is only focussed on the self protection of the officer who is frightened and, in order to safe his own life, will make use of the weapon.⁶⁷ Even disciplinary effects are neglected in this stage of the scenario.⁶⁸

⁶⁵ „Wieviel Leute sind da? Davon hängt mein Handeln ab. Wenn das abends ist und ich sage mal unbelebt, die Einkaufspassage, dann würde man den ansprechen. Und dann liegt es an ihm, wie er da raus kommt. (...) Aber ansonsten, ich glaube, ab dem Zeitpunkt, würde man, wenn da Leute wären, würde man das abbrechen, weil dann hat man eine Situation, die ist unkontrollierbar und da kann man nur Schaden haben“ [FG05: 1112-1118].

“How many people are there? That’s decisive for my action. If it took place in the evening and, let’s say, in an empty shopping center, he would be addressed. And then it’s up to him how to respond. (...) But if things were different, I think they would, if there were people, they would break up because that would be a situation that can’t be controlled and in the end the damage would be enormous“ [FG05: 1112-1118].

⁶⁶ „(...) Wenn die Waffe auf mich gerichtet ist, von ihm, oder wenn er Anstalten macht, die hochzuheben, (sehe ich zu), dass ich mein Leben schütze. Und ich würde es immer wieder tun. Denn das ist mir wichtig, um mich zu schützen. Wenn ich keine Möglichkeit habe, weg zu springen, in eine Deckung, dann sehe ich vielleicht auch diese Ladenpassage dann nicht mehr. Das sieht man sowieso nicht mehr, man sieht nur die Person. Also, ich habe nur diese Person gesehen, ich habe nichts mehr wahrgenommen, außer ihm dann. Und was drumrum war, war weg. Es waren auch die Schmerzen weg, die ich hatte. Der hat mich vorher mit einer Eisenstange bearbeitet. Das war alles weg. Ich weiß es nicht, wie sich die zwei Kollegen da entscheiden. Ich würde, wenn es gegen mein Leben geht, auf jeden Fall (...) versuchen, das zu schützen, bis zum Gehtnichtmehr“ [FG07: 1517-1529].

“(…) If he points his gun at me or if he gets ready to lift it, (I see to it) that I protect my life. And I’d do so again if it were necessary. For it’s important for me to protect myself. If there’s no possibility to jump aside, into a cover, maybe I won’t realize the shopping center anymore. You don’t see it anyway, you only see that person. Well, I only saw this person, I didn’t realize anything else beyond. Everything beyond was kind of gone. And so was the physical pain I suffered from. Before he had beaten me with a iron bar. I didn’t realize it. I don’t know how the two colleagues will decide. If it went against my life, I would try to protect it in any case (...), until the utmost“ [FG07: 1517-1529].

⁶⁷ „Das ist ganz gefährlich. (...)Ich denke auch, sobald der die hochhebt, **hast du gar keine andere Wahl mehr**“ [FG01: 930-932].

„Da kannst du nur noch schießen“ [FG01: 933].

„Man kann das schlecht sagen. Das ist so eine Situation, ich weiß nicht, aber ich hätte richtig Angst auch, auch richtig Angst, dass der mich da abknallt, ganz klar, weil so einem Täter, dem ist alles egal und ich hätte richtig Angst, dass der irgendeinen anderen abknallt“ [FG03: 1390-1394].

„Der schießt auf dich, geht um dein Leben, dann ist dir sowieso alles egal“ [FG03: 1480/1481].

„Also, wenn er sich umdreht und schießt. Aber, ich denke mal, das wäre schon ein scheiß Gefühl, wenn du da stehst...“ [FG06: 1325/1326].

„Und da hat man schon Angst um sein bisschen Leben“ [FG07: 1600].

„Jeder versucht, seinen Arsch zu retten, ganz einfach, um es ganz trivial auszudrücken“ [FG07: 1629/1630].

“That’s very dangerous. (...)I, too, think **you haven’t got a choice** as soon as he lifts it,“ [FG01: 930-932].

“The only thing you can do is shooting“ [FG01: 933].

“It’s not easy to say. That’s a situation – I don’t know, but I’d be scared, really scared that he may shoot me dead, of course, because this kind of criminals doesn’t care about anything and I’d be really scared that he may shoot someone dead“ [FG03: 1390-1394].

“He shoots at you, your life is endangered, and then you don’t care anyway“ [FG03: 1480/1481].

“Well, if he turns round and shoots. But I think it would be a fucking feeling when you are standing...“ [FG06: 1325/1326].

“And then you fear for your bit of life“ [FG07: 1600].

“Everybody simply tries to save his ass, to put it like this“ [FG07: 1629/1630].

⁶⁸ „In der Situation habe ich die rechtliche Seite nicht mehr abgeschätzt. Da bin ich egoistisch, da denke ich nur an mich“ [FG06: 1380/1381].

The participants disagree, whether the officer should shoot proactive or just reactive.⁶⁹ The proponents of an active (preventive) strike argue on the basis of “getting yours ass out of this” – which is justified as an instinctive (re)action or reflex.⁷⁰

In this respect **personal “imperfections”** are mentioned regarding the possible hitting of the target, i.e. the offender threatening to shot. Initially this refers to the above mentioned **physical strain during the pursuit**⁷¹ and the **high level of adrenalin**. For this reasons another problem was mentioned earlier in connection with the possible ramming of the fleeing vehicle: **insufficient training**. It is pointed out that police officers, due to their relatively little **shooting practice** (esp. shooting under stress) have not been well prepared for such a situation.⁷²

“In that situation I didn’t check the legal side. I’m egotistic then, I only think of myself” [FG06: 1380/1381].

⁶⁹ *„Sobald er das Feuer eröffnet, bin ich gezwungen, zurück zu schießen und dann besteht einfach die Gefahr für die Unbeteiligten“ [FG04: 625-627].*

“As soon as he opens fire I’m forced to return the fire and then third persons are endangered“ [FG04: 625-627].

⁷⁰ *„Wenn ich sehe, dass er eine falsche Handbewegung macht, ganz einfach. Also, wenn ich dann, ich kann ja nun mal nicht warten, bis er abgedrückt hat, aber, wenn ich dann wirklich denke, der hat eine Waffe in der Hand und sehe es dann, und der macht wirklich diesen hier (deutet ein Zielen mit der Waffe an), dann drücke ich ab. Und ich hoffe, ich habe vorher schon meine Waffe in der Hand gehabt, weil dazu bleibt keine Zeit“ [FG05: 1151-1157].*

„In dem Moment (...) handelst du nur noch. Da ist das Denken hier oben total ausgeschaltet. Du denkst nur noch da dran, der wird dich jetzt erschießen. Du willst deine eigene Haut retten. (...) (Angriff) auf Leib oder Leben liegt auch vor. (...) Du bist hier sogar irgendwo auf der sicheren Seite, was das Rechtliche betrifft. Aber in dem Moment, wo ich sehe, dass jemand die Waffe gegen mich hebt und vielleicht schießt (...) Ich hoffe, ich komme nie in diese Situation, aber ich denke, dann werde ich nicht mehr nachdenken, sondern werde einfach nur noch handeln, die Waffe ziehen und schießen.“ [FG05: 1182-1193].

“When I see him moving his hand in the wrong way, quite simply. Well, when I – anyway, I can’t wait until he will have shot, but if I do imagine he’s got a gun in his hand and see him moving like this (demonstrates pointing the gun), then I’ll pull the trigger. And I hope I’ll have been holding my gun already because there’ll be no time left“ [FG05: 1151-1157].

“In that moment (...) you’ll only act. You’ll have stopped thinking. You’ll only think of being shot dead. You want to save your own skin. (...) It’s (an attack) on your life. (...) In this case you are on the safe side as far as laws are concerned. But at the moment I see someone pointing a gun at me and perhaps (...) I hope I’ll never face this situation, but I think I won’t think about the situation, but simply react, draw my gun and shoot.“ [FG05: 1182-1193].

⁷¹ *„Tja, wie oft hast du das gehabt, eine Schießerei, wenn ich an das Ding in X. denke, an die Schießerei, der eine Kollege, wo der eine Kollege da hinter dem einen Räuber hinterher gerannt ist und der hat sich dann irgendwann umgedreht nach dem Sprint und hat geschossen und der Kollege hat geschossen. **Das ging aus, wie das Hornbergerschießen.** (...) Keiner hat getroffen, aber auch nicht annähernd. **Es wurden alle Bäume getroffen in der näheren Umgebung**“ [FG01: 976-980, 982/983].*

*“Well, how often has it happened, a shooting - I remember the story in X., the shooting, the one of our colleagues - when the colleague pursued one of the robbers who turned round after the sprint and shot and the colleague shot, too. **It ended all in smoke.** (...) Nobody hit, not even approximately. **They hit all the surrounding trees**“ [FG01: 976-980, 982/983].*

⁷² *„Das ist nicht leicht, nach einem Sprint, und das ist auch das, was zu wenig eigentlich geübt wird. Wir haben das auf dem Schießstand bei der Bundeswehr immer üben können, einmal rumlaufen und dann schießen, weil das ist auch das, was realistisch ist“ [FG01: 983-987].*

„Das ist auch glaube ich gerade unser Problem. Wie oft gehen wir denn im Jahr schießen? Also ich weiß, letztes Jahr war ich bloß einmal schießen und ich weiß nicht, ob man bei einmal Schießen so viel Routine entwickeln kann (...)“ [FG06: 1566-1571].

“It’s not easy after a sprint, and that’s what is not sufficiently trained. We could always train it at the shooting range of the Bundeswehr (German Federal Armed Forces), running and then shooting, because that’s realistic “ [FG01: 983-987].

In addition, **problems for official justification** may arise when the weapon is used by an officer.⁷³ It is stated that police officer's "counterpart" may also be aware of this – and acts differently as it would possibly be the case in another country.⁷⁴ German police officers may be more reluctant to shoot than officers in other countries.⁷⁵

Also in this situation again the possible request for support to a special unit is mentioned, but it is immediately admitted, that this will not help the officers on the spot at once. On the contrary the situation has to be **managed alone, which also represents a big stress factor**⁷⁶

Also controversial discussions arise regarding the meaning of **own and foreign experience** and its effect on the decision for action.⁷⁷ A procedure to ensure a heightened

"I think that's exactly our problem, too. How often do we train shooting per year? Well, I remember last year I only trained once and I doubt whether you can get routine, training once a year (...)" [FG06: 1566-1571]

⁷³ „Da ziehst du den Rock aus“ [FG02: 488].

"Then you take your leave" [FG02: 488].

⁷⁴ „Wenn es ein Berufsverbrecher ist, ist er auch entsprechend abgebrüht wahrscheinlich und guckt: ‚**Traut sich ein deutscher Polizist überhaupt zu schießen?**‘ Ich denke, in den USA oder in Brasilien, (...) da werden die weiter rennen, weil die genau wissen, der schießt gleich, der Kollege. In Deutschland kann sich das der Verbrecher schon überlegen: ‚Wenn ich aufgebe, hat er mich weiter rennen. Schießen tut der eh nicht. Und wenn ich selbst 'ne Waffe habe, bevor ich was verlier, schieße ich. **So gut schießen wie die Polizei kann ich auch.**‘“ [FG01: 964-966, 968-972]. „Vielleicht sogar besser, weil ich öfter schießen gehe. Das klingt jetzt vielleicht alles so ein bisschen nach Schwarzmalerei, aber das ist durchaus nah an der Realität, was gesagt wird“ [FG01: 973-975].

„Wenn ich mir Brasilien, Rio de Janeiro angucke, in den Slums z.B.. Wenn die da hinter einem Drogenzeugs hinterher laufen, wie läuft das da? Die fahren nicht mit einem Streifenwagen (sondern) Panzerwagen. Das ist was anderes“ [FG07: 1156-]

*"If he's a professional, he'll be rather hard-boiled and consider: ‚**Does a German police officer dare shoot at all?**‘ I think in the USA or Brazil (...) they would go on running because they do know the police officer is going to shoot. In Germany the criminal can think about it: ‚If I give up, he'll arrest me, so I go on running. He won't shoot anyway. And even if I've got a gun myself, I'll shoot instead of risking something. **I can shoot as well as the police.**‘“ [FG01: 964-966, 968-972]. „Maybe even better because I train more often. What is said here may sound a little pessimistic, but in fact it's close to reality“ [FG01: 973-975].*

"Looking at Brazil, Rio de Janeiro, in the slums e.g. ... When they are chasing drugs there, how do things proceed? They don't drive patrol cars (but) armored vehicles. That's different“ [FG07: 1156-]

⁷⁵ Also, ich könnte mir vorstellen, dass wir Deutschen (...) Polizisten halt nicht so kaltblütig sind, das ist einfach so“ [FG06: 1480-1482].

"Well, I think that we Germans (...) police officers are simply not that cold-blooded, that's it“ [FG06: 1480-1482].

⁷⁶ „Du bist alleine“ [FG01: 997]. „Du bist auf dich alleine gestellt in dem Moment...“ [FG01: 998].

"You are alone“ [FG01: 997]. "You have to decide and act on your own at that moment...“ [FG01: 998].

⁷⁷ „Aber ist es nicht auch so, (...) gerade dadurch, **dass du so etwas erfährst** (...) wirst doch **durch jeden Fall, von Jahr zu Jahr (...)** vorsichtiger, mit dem, was du tust als Kollege. (...) Ich werde **immer vorsichtiger**. (...) **Auch ängstlicher**. (...) Von dem, was ich im Dienst miterlebe. Ich werde dadurch **auch ängstlicher** und ziehe mich dann **wahrscheinlich auch manches Mal einfach eher zurück**“ [FG01: 1014-1017, 1021, 1023, 1025/1026].

„Die meisten werden von Jahr zu Jahr stumpfer. (...) Die meisten Kollegen, die jetzt in Deutschland erschossen wurden, (...) 2000 alleine (...) acht in einem Jahr. Das war natürlich das traurige Jahr überhaupt. Das waren größtenteils Kollegen, die alle langjährige Dienstfahrtung hatten. Das waren (...) die bei den Verkehrskontrollen. Nach der KFN-Studie Niedersachsen waren das zum Großteil ältere“ [FG01: 1020, 1029/1030, 1033/1034, 1037/1038].

„Bei mir ist das umgekehrt. (...) Also, bei mir ist es so, das **über die Jahre die Einschreitschwelle niedriger geworden** ist, das ich **vorher naiv rangegangen bin**“ [FG01: 1028, 1039/1040].

level of alert due to experiences is positively evaluated, but it is doubted whether such an effect will actually last.⁷⁸

It is also pointed out that a certain competition between patrol police and special units will result in patrol officers trying to manage such situation, for which Special Forces have been trained. This is a situation which is regarded as risky.⁷⁹

Also the problems are pointed out that possibly due to his behaviour in such situations an officer will find no sympathy among the colleagues and that s/he will be **smiled at as a "scared or afraid cat"**. Also this is, as already mentioned in Stage 2, an aspect which may affect the decision for action and expresses the perception of a certain group pressure.⁸⁰

„Ich meine dieses, **was du erlebt hast, dass du immer vorsichtiger wirst**. Fünfmal bist du in eine Wohnung gegangen und jedes Mal war es irgendwie immer schlimmer und du hast immer **jedes Mal wieder was mitgenommen**, wo du gedacht hast, **Mensch, da musst du nächstes Mal drauf achten**‘ (...). Nicht, dass meine **Hemmschwelle** jetzt dadurch **höher geworden** ist und ich sage: ‚Ich schreite nicht mehr ein‘, das meine ich jetzt nicht. Klar schreite ich ein, sobald ich irgendwelche Anhaltspunkte habe, nur ich ziehe mich in manchen Fällen vielleicht einfach schneller zurück oder eher zurück, als wie ich es noch mit 18 gemacht habe oder mit 19. (...) **Man wird auch irgendwo ängstlicher**, weil man irgendwie die Erfahrung gewonnen hat.“ [FG01: 1041-1049, 1063-1070, 1072/1073].

„Man hat dazugelernt“ [FG01: 1071].

“But isn’t it, (...) **just by going through this experience** (...) won’t you **become more and more careful by every case, year by year** (...) **more careful in doing things on the job**. (...) I’m becoming **more and more careful**. (...) **More fearful, too**. (...) **Caused by the things I experience on duty**. They make me **more fearful, too, and maybe I do withdraw more easily sometimes** “ [FG01: 1014-1017, 1021, 1023, 1025/1026].

“**Most of us get more and more inattentive year by year**. (.) **Most colleagues who have been shot dead in Germany, (...) in 2000 alone (...) eight in this year**. It was the saddest year. Most of them were colleagues with many years of job experience. Those (.) in routine traffic checks. According to the KFN study in Lower Saxony the majority were seniors“ [FG01: 1020, 1029/1030, 1033/1034, 1037/1038].

“It’s the other way round with me. (...) Well, I personally **have got a reduced tolerance level over the years, whereas in the beginning I tackled things naively**“ [FG01: 1028, 1039/1040].

“I mean this, **what you have experienced, that you become more and more careful**. Five times you have entered a flat and every time it has been worse somehow and you **have always kept something in mind, every time**, and you’ve thought, **Man, that’s something you must pay attention to next time**(...). That doesn’t mean that this has caused my **inhibition level to raise** and I think: ‚No, I don’t intervene‘, that’s not what I mean. Of course I will intervene if there are any clues, however, maybe I’ll simply withdraw more easily or sooner in some cases than I did when I was 18 or 19. (...) **Somehow you become more fearful** because you’ve got some experience.“ [FG01: 1041-1049, 1063-1070, 1072/1073].

“You are more experienced now“ [FG01: 1071].

⁷⁸ „Wenn der Effekt eintritt, dann ist das gut, aber die meisten Kollegen, (...) sobald die ein paar Dienstjahre haben, fangen die an, in einen **gewissen Schlendrian zu verfallen**. (...) Es gibt viele, die fallen in so einen Schlendrian rein, so Hände in den Hosentaschen bei einer Kraftfahrzeugkontrolle, bei ’ner Personenkontrolle“ [FG01: 1074-1076, 1078-1080].

“That’s a good effect, but most colleagues, (...) having done a few years on the job, start to **slide into a certain rut**. (...) There are many of them sliding into such a rut, e.g. hands in the pockets during a vehicle check or identity check“ [FG01: 1074-1076, 1078-1080].

⁷⁹ „Ach, was das SEK kann, das können wir schon lange‘ oder ‚können wir auch“ [FG01: 1052-1055].

“Oh, we are as good as the SEK (special squad)“ [FG01: 1052-1055].

⁸⁰ „(...), dass ich dadurch einfach vorsichtiger geworden bin und ich schon mal eher sage: ‚Ich geh da nicht rein. Ich hole mir das SEK! Wo mich manch ein Kollege dann vielleicht schon auslacht und sagt, ‚**Was bist du denn für ’n Schisser?**‘. Nee, dann warte

From this an additional point is derived which deals with the different "types" of police officers – which explains a **different kind of acting with different characters**. Here a rather **reckless action** is critically looked at.⁸¹ In this respect the new training philosophy of the police is regarded as positive – which is additionally seen as a reason, why "old" colleagues possibly act differently (i.e. more careless) than young colleagues with an improved training standard. However, it is also stated, that elder colleagues accept these novelties quite well and that they reflect intensively upon their own actions.⁸²

It is getting obvious that a difference has to be made between (singular) outstanding **negative experiences on duty** or the knowledge of such experiences of colleagues on the one hand and the (collective) **basic unspectacular experience of years of service** on the other hand. Whereas the negative experiences presumably have the effect that the officers behave rather **cautious** or even **nervous**, long years of duty without spectacular experiences may result in a **kind of negligence**. Also in this case the cooperation of the team and the confidence in the team partner plays an important role.⁸³

ich lieber eine Stunde und dann soll da bitteschön das SEK reingehen. (...) und dafür habe ich die Spezialkräfte und dafür habe ich das SEK, und wenn ich die erreichen kann, dann sollen die bitteschön auch kommen" [FG01: 1046-1066].

*„Oder dass du auch teilweise sogar auch **ausgelacht wirst**, wenn du zwei Funkgeräte mitnimmst. (...) ‚Wieso willst du denn zwei Funkgeräte mitnehmen? (...) Wieso nimmst du zwei Funkgeräte mit? Willst du dich von deinem Kollegen trennen?‘ Ich sage: ‚zwei Funkgeräte, für jeden eins vielleicht‘ das sind dann alleine schon wieder solche Sachen“ [FG01: 1092/1093, 1096/1097, 1100-1102].*

*“(…), that it has made me more careful and I'm more inclined to decide: ‚I don't go in there. I'll call for the SEK!‘ Maybe some colleagues laugh at me saying, ‚**Hey, are you shitting yourself?**‘. Oh no, I prefer to wait for an hour and then, please, the SEK shall go in there (...) that's what the special forces are meant for and that's what the SEK is for, and if they are available, they shall come, please“ [FG01: 1046-1066].*

*“Or maybe you **are laughed at** when you take two wireless sets. (...) ‚Why do you want to take two sets? (...) Why do you take two sets? Are you going to split up?‘ I insist: ‚two sets, one for each one‘ - you see, that's how it is“ [FG01: 1092/1093, 1096/1097, 1100-1102].*

⁸¹ *„Nein, man muss da nicht unbedingt einen auf **Django** machen“ [FG01: 1077].*

„Vielleicht hängt das auch von der eigenen Entwicklung oder Erziehung oder sonst irgendwas ab. Also, wenn man es jetzt mal nicht auf schießen bezieht, sondern auf jemand schlagen oder sonst was, es gibt einfach Kollegen, bei denen ist die Schwelle einfach viel früher überschritten und beim anderen, der kann da noch zwei, drei Minuten bevor irgendwas passiert. Und ich denke mal, vielleicht ist das beim Schießen auch so. Der eine, der kann sich einfach noch ein klein bisschen zurücknehmen und versucht es noch mal mit einem Wort oder einem Satz oder Reden und der andere, der haut halt schneller zu“ [FG04: 822-831].

*“No, there's no need to play **Django**“ [FG01: 1077].*

“Maybe it depends on your own development or education or something else. Well, apart from shooting, but talking of beating someone or, there are colleagues whose limit is easy to cross and others who can stand two or three more minutes before something will happen. And I think it may be the same thing it comes to shooting. The one can restrain himself better and will try to control the situation by saying a word or a sentence or by talking whereas another one will more easily beat his counterpart up“ [FG04: 822-831].

⁸² *„Ich finde, das ist besser geworden, wenn ich das über die Jahre so gesehen habe. Das hängt aber auch damit zusammen, dass glaube ich die jüngeren Kollegen, wir, die jüngeren Jahrgänge, besser ausgebildet werden, (...) besser ausgebildet wurden, und dass auch inzwischen viele Ältere (...) ja, dass die gesagt haben bei einigen Sachen, ‚Ja, vielleicht ist das ja doch nicht so ganz verkehrt‘ und dass diese auch so aus dem Dienst langsam rauskommen“ [FG01: 1083-1085, 1087, 1089-1091].*

*“I feel it has improved, observing it over the years. It has to do with the fact, I think, that the young colleagues, we, the **younger colleagues, are better trained**, (...) were better trained and that many older colleagues (...) well, that they said considering some things ‚hmm, maybe it's not completely wrong‘ and that they are leaving the job.“ [FG01: 1083-1085, 1087, 1089-1091].*

⁸³ *„Das ist einfach **von den Leuten abhängig, mit denen du zusammen bist**“ [FG01: 1098/1099].*

There was a discussion in some groups whether to draw the weapon and continue the pursuit with a weapon in his hand – or not to do so. A drawn weapon might endanger the officer and third parties. Carrying a weapon hinders the actual pursuit. It is reported from experience, that there are colleagues who act in such a way. From one of the participants it is rather recommended to have the hand on the weapon, however not to draw it during the pursuit.

In this respect a discussion within the focus group refers to the **quality** of the **equipment** available to the police – equipment which does not necessarily correspond to the demands of the officers⁸⁴ and which is partly described as **out-of-date** and **defective**.⁸⁵ Here an aspect is concerned which might also affect the decision for action.⁸⁶ In addition

„Wenn du dann so eine Flitzpiepe mit auf dem Wagen hast, wo du sagst, ‚OK, mit dem brauch ich gar nicht erst rausfahren, bei dem habe ich ja mehr Angst, als bei jedem Straftäter‘, so nach dem Motto“ [FG01: 1102-1105].

„Es ist das schlimmste, was dir passieren kann, wenn du einen Kollegen neben dir hast, auf den du dich nicht verlassen kannst und wenn du schon mit dem Situationen erlebt hast, wo du dich nicht drauf verlassen kannst“ [FG01: 1106-1108]. „Dann brauchst du mit dem auch nicht mehr rausfahren“ [FG01: 1109]. „Also, mit dem würde ich dann wahrscheinlich keine Alarmfahrt wie in diesem Fall machen“ [FG01: 1110/1111]. „Ja, auch Blockintern, auch wenn es Stress gibt, innerhalb der Kollegenschaft, das ist mir wurst. Wenn ich einen Kollegen habe, bei dem ich merke, dass ich mit dem in gewissen Situationen nicht zurechtkomme bzw. dass er nicht viel von der Eigensicherung hält, dann fahre ich mit dem nicht mehr raus“ [FG01: 1112-1116].

“In fact it depends on the people you are working with“ [FG01: 1098/1099].

“If are with such a numskull in the patrol car that you think ‚Well, it’s no use to go on patrol with him, he scares me more than any criminal, to put it this way“ [FG01: 1102-1105].

“The worst thing that may happen is that you are on patrol with a colleague you can’t rely on and if you have experienced situations with him where you couldn’t rely on him“ [FG01: 1106-1108]. „Then you needn’t patrol with him again“ [FG01: 1109]. „Well, I probably wouldn’t go on an operation like this with him“ [FG01: 1110/1111]. „Yeah, also within the department, even if it caused trouble with the staff, I wouldn’t care. If I’ve got a colleague and I realize that I don’t get on with him in certain situations or that he doesn’t care much for steps for our own safety, I won’t go again on patrol with him“ [FG01: 1112-1116].

⁸⁴ *„(...) Die neuen Holster (...) kann man einstellen von (...) diesem Druck, den man rausziehen muss. (Und) (...) wenn du die Waffe hast, da musst du ein bisschen üben. Da haben wir Kollegen dabei gehabt, die haben auf dem Schießstand gestanden und haben die Pistole aus dem Holster nicht rausgekriegt. Da habe ich nur gedacht: ‚Stell dir mal vor, du musst die Waffe ziehen. Dann stehst du da, ziehst zehn Sekunden lang, bis du irgendwann den Winkel mal gefunden hast, bis du die Waffe rauskriegst“ (...) [FG06: 1623-1631].*

“(…) The new holsters (...) can be adjusted (...) this pressure you have to release. (And) (...) if you’ve got the gun you must train a little bit. I’ve seen colleagues standing at the shooting range who failed to get the gun off the holster. And I thought: ‚Imagine this – you have to draw the gun. You are trying, ten long seconds, until you finally find the correct angle to take it off“ (...) [FG06: 1623-1631].

⁸⁵ *„Also, es ist so, die Sachen müssen wir uns nicht selber kaufen, Holster etc. die kriegen wir geliefert, da sind z.T. so alte Holster bei, die sind so ausgenudelt, da kann man schon zwei Waffen reinstecken. Und das hatte ich auch. (...) (Ich) wollte mich vorbereiten, weil wir haben auch einen Straftäter verfolgt und hab dann schon mein Holster aufgemacht und in dem Moment hat mich meine Waffe dann überholt und flog ein paar Meter vor mir. Und das ist dann wieder das alte Holster“ [FG01: 808-815].*

„ (...) Mit unseren Mistwaffen (...) ist da nicht wirklich ein Blumenpott zu gewinnen“ [FG03: 1505-1507].

“Well, the situation is this: we needn’t buy equipment like holsters etc. ourselves, we are equipped with them, but sometimes age-old holsters are supplied, they are so worn-out that you could put in two guns. I had got one of this kind. (...) (I) wanted to be prepared because we pursued a criminal and opened my holster and at that moment my gun overtook me, flying some meters in front of me. That was the fault of the old holster“ [FG01: 808-815].

“(…) We can’t get no bouquets (...) with these bloody guns“ [FG03: 1505-1507].

⁸⁶ *„Wenn sie dir aber schon sowieso rausfällt, weil du so ein altes Holster von der Kleiderkammer gekriegt hast, was du eigentlich in die Tonne schmeißen kannst. (...) Schund.“ „Dann solltest du zurück rennen und deine Waffe suchen“ [FG01: 801]. „Manchmal hast*

it is criticised that the equipment is not only partly out-of-date, but that there is often **no possibility to obtain new material**, unless the officers pay for it themselves.⁸⁷

Justifications for the use of force

The justification of the use of weapons mentioned in Stage 3 is mainly explained by the protection of one's own life. The weapon in the hand of the offender is regarded as attack on the officers' lives. The consequence is to draw the weapon and to shoot, being overall justified with the fear for life.

Other justifications as, for example, the guardian function, are mentioned; however they are less important than self protection.

The more the situation gets heated, the more emotional the reasons and justifications for action (i.e. shooting) become.

du so ein ausgeleiertes Holster, wenn du dich einmal bewegst, fällt die Knarre schon alleine raus“ [FG01: 802-803]. „Oder, wo der Knopf kaputt ist, wo du die nur ganz schwer aufkriegst. Wenn du da am Rennen bist, das kriegst du nicht auf“ [FG01: 804/805].

„Weil sie die Sachen auch zum Teil nicht auf dem aktuellen, technologischen Stand sind. Dass das Schund ist. (...) Ja gut, meine Pistole ist auch von 1978, aber die funktioniert trotzdem noch. Aber, wenn ich mir überlege, dass wir Funkgeräte von 1978 haben, die mehr in der Werkstatt sind, als auf dem Streifenwagen...“ [FG01: 797- -832].

“But if it falls out because the quartermaster has provided you with so old a holster which you could throw into the trash. (...) rubbish.“ „Then you should run back and look for your gun“ [FG01: 801]. „Maybe you’ve got a holster so worn-out that your gun falls off if you move once“ [FG01: 802-803]. „Or the button is broken and you can hardly open it. It’s impossible to open it if you’re running.“ [FG01: 804/805].

“Because part of the equipment isn’t up to date technologically, it’s trash. (...) Well, my gun dates from 1978, but nevertheless it still works. But when I think of the radio sets dating from 1978 and being more often in the workshop than on the patrol car... [FG01: 797- -832].

⁸⁷ *„Man muss sich dann selber z.T. irgendwoher (...) ein Holster besorgen, was mir persönlich, meinen Sicherheitsstandards genügt bzw. ein dienstlich geliefertes, was dann einwandfrei ist. Das besorgt man sich dann z.T. über, ja, dunkle private Kanäle, weil man sonst keins kriegt [FG01: 816-819].*

„(...) dass wir das alles nun geliefert kriegen und da teilweise dann ausgelutschte, (...) alte, gammelige Ausrüstungsgegenstände dabei sind, so dass viele Kollegen sich teilweise privat von ihrem eigenen Geld die Ausrüstungsgegenstände holen“ [FG01: 820/821, 823-825].

“Maybe I have to get myself (...) a holster from anywhere, which is up to my personal security standards, or a holster furnished on the job and being in perfect condition. In some cases you can only get it through, hmm, shady private ways because you don’t find it otherwise [FG01: 816-819].

“(…) that we are provided with all this and part of it is worn-out (...) old, crummy equipment so that many colleagues get part of it privately with their own money “ [FG01: 820/821, 823-825].

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