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Setting the Standard: When Peacekeepers May Shoot to Kill

Bruce M. Lawlor and Erin J. Lawlor
Cygnus Training Systems, Inc.

Infantry Forces Research Unit
Scott E. Graham, Chief

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14. ABSTRACT (<i>Maximum 200 words</i>): U.S. Army forces are increasingly called upon to engage in peacekeeping missions in settings characterized by crowded, urban environments, where ready identification of friend or foe is difficult. Rather than facing well-defined organized forces, they often confront isolated instances of hostile actions, perpetrated by persons who blend into the general population. The purpose of this report is to document a Soldier Rules of Engagement (SROE) that may be used to govern when U.S. soldiers may employ their individual weapons in self-defense against foreign citizens. Utilizing previous work with "shoot/don't shoot" standards developed by civilian police agencies, and common standard was developed for application in military settings by soldiers. This standard requires soldiers to ask three basic questions: 1) Does the threat have the ability to inflict harm? 2) Does the threat have the opportunity to inflict harm? and 3) Am I, or a fellow soldier, at risk of injury? If the answer to each of these questions is yes, then the use of deadly force is authorized. This standard is easy for the soldier to understand, remember, and apply. It is not mission dependent and will not change from one operation to another.					
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SETTING THE STANDARD: WHEN PEACEKEEPERS MAY SHOOT TO KILL

CONTENTS

	Page
INTRODUCTION.....	1
A METHODOLOGY FOR APPROACHING THE TASK.....	2
THE DECISION TO SHOOT.....	3
THE FOCUS OR SOLDIER SHOOT/DON'T SHOOT TRAINING.....	6
RULES OF ENGAGEMENT OF TASK, CONDITIONS, AND STANDARDS.....	8
THE USE OF SCRIPT THEORY AS A TRAINING TOOL.....	16
CONCLUSION.....	16
REFERENCES.....	17

LIST OF FIGURES

Figure 1: The six phase decision-making model.....	6
Figure 2: The AOR model.....	10
Figure 3: Situational Cues.....	12
Figure 4: The AOR illustrated with determinants.....	13
Figure 5: Lack of opportunity and risk of serious injuries.....	13
Figure 6: Lack of risk of serious injury.....	14
Figure 7: All conditions met.....	15

Setting the Standard: When Peacekeepers May Shoot to Kill

Introduction

If the recent past is prologue, the United States Army must prepare itself to engage in small scale contingencies and in peace support operations rather than in large scale conventional interstate conflicts (Record, 1990). Inherent in these new missions will be an expanded interface between U.S soldiers and foreign civilian populations. The Army will no longer have the luxury of bypassing urban areas in favor of grand maneuvering sweeps across a largely uninhabited battlefield.

The nature of future conflicts and the likelihood that large numbers of civilians will be present on future battlefields requires the Army to devise simple, fixed rules of engagement to govern when individual soldiers may use their personal weapons against civilian targets. This monograph proposes such standards to replace today's arbitrary, confusing and ever changing ad hoc formulations.

Future conflicts are likely to erupt over ethnic and cultural differences rather than over geographic ones. The Army will increasingly find itself playing referee in disintegrating pseudo states where its mission will be to preserve human life in an atmosphere of ethnic, cultural, racial and tribal hatred. This emerging challenge will demand that the Army engage large civilian populations in built up areas. American soldiers, trained in fire and maneuver, will be required to operate in politically constrained environments and within the confines of military-civilian relationships. To the danger of urban combat will be added the complexity and uncertainty of quasi-police operations.

The nature of urban combat places a great premium on the initiative, skill, fortitude and judgment of individual soldiers and small unit leaders. Structures such as buildings, bridges, and roads tend to separate and disconnect military formations making maneuver by larger, more cohesive groups an exception rather than the rule. As a result, soldiers are occasionally required to operate alone or as part of small, isolated units. In addition, built up areas often limit visibility and shorten fields of fire. Combat is close and often continuous, with the potential for heavy casualties. These environmental challenges produce added physical and psychological stresses on combat soldiers that affect their judgement and complicate their application of ad hoc, non-standardized rules of engagement.

How to determine when to employ deadly force against threatening but ostensibly non-combatant civilians is an enormously difficult problem for soldiers operating in built-up areas. On the one hand, making an incorrect decision to shoot can mean the loss of innocent life. On the other, making an incorrect decision not to shoot can cost the soldier his or her own.

Notwithstanding this fundamental soldier dilemma, the Army does little to train its soldiers when the use of deadly force is appropriate in civilian settings. The Army's training focus, in line with the requirements of conventional warfare, has been to teach its personnel how to use their personal weapons as opposed to when. In today's media driven public policy environment, this approach places both the Army and the individual soldier at serious risk. The

potential impact of adverse news coverage depicting a soldier's undisciplined use of deadly force carries with it the possibility of mission failure as well as the prospect of grave consequences for the errant soldier. What is needed is a published Army standard that enables soldiers to understand clearly when they are authorized to use deadly force against civilian targets and a training program to teach it. This new standard should be constant rather than "mission dependent," i.e. it should not change from operation to operation. Its purpose should be to create immutable, officially sanctioned reference points upon which soldiers can rely when making decisions about whether to shoot within the context of civilian confrontations.

A Methodology for Approaching the Task

Before suggesting standards it is important to understand the physical and psychological processes involved in an individual's decision to shoot another human being. For purposes of training U.S. soldiers, such an understanding must come from the perspective of an individual committed to order rather than to disorder, to peacekeeping rather than to law breaking. The initial question one must ask is what are the cognitive strategies used by such individuals to determine whether specific situations place them in such serious physical peril as to warrant a deadly response.

In attempting to answer this question, we relied upon a combination of individual interviews, literature searches, market surveys, and personal observations of soldier and police deadly force training. Among these, civilian police agencies proved to be the most lucrative source of information. While the culture of civilian police agencies is quite different from the combat culture of soldiers, the circumstances under which civilian police officers find themselves suddenly confronted with life threatening situations offer useful insight into the deadly force decision making process. There are several reasons for this. First, standard police procedure calls for officers to use restraint in applying deadly force. The concept of restraint – albeit not necessarily with the same degree of commitment required of civilian police officers – is central to any training program that teaches soldiers when to shoot. Second, police officers tend to operate in decentralized and autonomous urban environments. Their decisions to open fire do not normally come from non-commissioned or commissioned officers supervising the scene. In this regard, police officers tend to differ from soldiers who usually operate within the more centralized, hierarchical, decision-making climate of fire teams, squads and platoons. Third, because police officers normally patrol as individuals or in pairs, their decision-making tends to be personal in nature. They decide to shoot or not to shoot based upon their own perceptions of the situation, unaffected by group dynamics. This is important in attempting to identify common factors that occupy center stage in the decisions of individuals to shoot. Fourth, there is an abundance of published work that analyzes the decisions of individual police officers in shooting situations. The same cannot be said of the military. In the latter case, the emphasis has been upon tactics, techniques, and procedures employed by units as opposed to individuals. This emphasis on teamwork, as a function of military success, has unfortunately resulted in little effort being expended to understand crisis decision-making at the individual soldier level. Fifth, future U.S. Army missions in built-up areas are likely to take on more of the characteristics of quasi-police operations than of conventional combat missions. Finally, American police officers can be expected to possess the same moral and cultural outlook toward the use of firearms against others as would be possessed by those serving in the U. S. Army. Accordingly, while not ignoring studies and anecdotal experiences of military personnel, the

findings contained in this report and the standards that emerge from them rely heavily on the experiences of American police officers in making deadly force decisions.

The Decision to Shoot

Individuals confronted with life threatening situations inevitably make decisions. Even a choice to do nothing and accept one's fate is itself a decision. The most important element in this decision-making process is fear. Fear is an automatic emotional response to the perception of danger (Soloman, 1990). Left unchecked, fear will build until it overwhelms an individual causing uncontrollable panic that thwarts his or her ability to respond appropriately. When fear progresses to panic, the individual resorts to basic instinct – flight, fight, or freeze (Barlow, 1988). The result is poor, irrational decision-making that greatly increases the individual's risk of serious bodily injury or death.

An analysis of the cognitive strategies used by individuals in shooting incidents suggests a six-phase model for decision-making (Soloman, 1990). In each phase the individual is required to make decisions. These decisions will either propel him or her forward toward conflict resolution or backward into a spiral of panic, paralysis, inaction and likely injury. This six-phase model is particularly useful in teaching soldier decision-making because it is based on unexpected, high-intensity confrontations of short duration wherein rapid action might affect the outcome (Soloman, 1990). Such situations are precisely the kinds of encounters soldiers are likely to meet when operating in civilian dominated, built up areas.

The six-phase model is a linear description of the diverse processes that occur within seconds when one encounters a deadly threat. As such the description is artificial because the processes tend to intermingle and overlap. However, the model does accurately capture and separate out the phases of shoot/don't shoot decision-making and by doing so enables us to describe how each works regardless of whether it is done automatically, with deliberate reflection, or simultaneously with other phases. In addition, the model's discreet phasing provides a basis for identifying critical decision points against which effective decision-making standards can be applied. These standards will assist soldiers to make appropriate choices by enabling them to understand clearly when they are authorized to use their personal weapon against civilian targets. The model's six phases are as follows.

1. Here Comes Trouble. This is the model's first or alarm phase. This occurs when the individual begins to perceive that he or she is losing control, that the situation is escalating, and that the potential for injury exists. He or she becomes alert and begins to focus on the threat. The body begins to prepare itself for the challenge ahead. Soloman describes the body's response during this phase as follows:

“The heart rate and blood pressure increase. Sugar is released into the bloodstream for energy. Acid flows into the stomach to get out the nutrients. Blood clotting enzymes flow into the system to minimize damage from wounds. More blood goes to the muscles and muscle tone increases. Capillaries close down and more blood goes to the internal organs to nourish them. The part of the brain responsible for conscious control of the muscles gets priority. Vision and

hearing become more acute. Very quickly the body focuses all of its resources on enduring threats to its survival.”

The individual’s initial perception of danger and the body’s mobilization of its natural defense mechanisms mark the beginning of phase 2.

2. Vulnerability Awareness. During the second phase, the individual becomes fully aware of his or her own vulnerability and lack of control. “This phase is universally described by emergency workers in much the same way all over this country as, ‘Oh, shit!’” (Soloman, 1990). Fear wells up in the individual. He or she may also experience a sense of shock and arousal, startle and surprise, disbelief and dread, and feelings of weakness and helplessness or denial (Bandura, 1986).

The model’s second phase is arguably its most important because during this phase fear begins to contest with panic for the individual’s attention. The outcome of this contest is critical to how he or she responds. Fear, if controlled, can serve to direct the individual toward a greater awareness of the threat and toward a response that is based upon careful movements, constant observation, adherence to safety factors, and reliance upon equipment. Panic, on the other hand, will disrupt the individual’s ability to respond and lead to behavior that places the individual at greater risk (Bandura, 1986).

Individuals with little or no training tend to dwell upon their own vulnerability or lack of control and to linger in this phase. If they remain focused on these disadvantages, their fear will intensify and eventually give way to panic. If, however, they begin to focus on what they need to do to survive or to regain control of the situation, the odds of them emerging from the crises without serious personal injury or death increase dramatically.

The second phase is also important because it is here that training will have its greatest impact. Training factors heavily in determining whether the individual is able to control his or her fear or succumbs to panic. As noted, individuals with little or no training do not move quickly through this phase. Trained individuals, on the other hand, tend to react instantly and begin immediately to assess their alternatives. They move directly to the model’s fourth or survival phase and by doing so avoid fixating internally on their fears. This outward focus increases the chances of such individuals to respond successfully to the threat. For trained individuals, the question becomes not whether to respond but how to respond. This decisiveness, coupled with knowledge of what to do based upon prior learning, gives them an edge in dealing with developing crises.

3. I’ve Got To Do Something. In this phase of the model, one will usually find the untrained individuals referred to in phase 2. They have acknowledged the threat but have replaced the shock, disbelief, or denial they experienced in previous phases with a desire to act. It is during this phase that the soldier decides he or she is going to do something about the situation although what that something will be is yet to be determined. The will to live and feelings of anger often propel the individual toward tactical thinking during this phase. The soldier becomes motivated by how much he or she wants to see his or her loved ones again or by rage at the thought that someone is trying to take his or her life. These emotions cause the

soldier to begin asking; "What can I do?" For the soldier who completes this phase, inaction is no longer a viable option. The decision to do something has been made. Now he or she begins to review the alternatives. Such review is the next phase.

4. Survival. This phase of the model witnesses the soldier assessing instantaneously all of the options that it will later take minutes to articulate. His or her concentration focuses intensely on what is happening externally. The individual will track the threat, check its movement, assess fields of fire, select aiming points, anticipate options and consequences, all in the flash of a second. Prior training is critical at this juncture. Just knowing what should be done and how to do it increases dramatically the soldier's chances of survival because it reduces feelings of helplessness and replaces them with feelings of being back in control (Lazarus & Folkman, 1984). Reviewing response options provides an alternative to "doing nothing" and thereby reduces the likelihood that fear will turn into panic.

The flow of adrenaline and other chemicals to the body intensifies during this period as the individual ramps up to take action. This chemical concentration can cause visual and auditory distortions. Tunnel vision is one. The soldier focuses intensely on the threat with little or no attention paid to other stimuli. He or she is able to see the visual details of the threat with great clarity but may be unable to recall other details of the scene. Likewise, the individual may experience auditory distortions. Irrelevant sounds not connected with the threat may become diminished or even disappear (Karlson, 1998). On the other hand, sounds the individual might associate with the threat, such as sudden loud noises, might actually intensify and trigger action (Ross, 1998).

The soldier who has prepared himself/herself to respond through training and mental rehearsal techniques is likely to begin this phase of the model as soon as the threat is perceived. For such individuals, training and preparation eliminates the need to decide whether they will act. The only question is what form their response will take.

5. Here Goes. During the "here goes" phase the soldier, having reviewed his or her options, decides what to do and begins to implement the decision. All of the body's survival mechanisms focus on successfully avoiding injury or death. The result is powerful, determined action. There is also a sense of confidence. The ability to overcome fear and respond in the face of danger leads to feelings of tremendous power. Once the individual focuses on what he or she wants to do, fear can actually assist the individual in violently executing his or her plan of response (Soloman, 1988). What action is taken usually reflects whatever previous training the individual has had. The result is the model's sixth and final phase, the soldier's response.

6. The Response. The sixth and last phase of the model involves the individual's actual response. The soldier implements the course of action he or she has decided will best eliminate the threat or regain control of the situation. During this period of intense activity, fear is no longer the soldier's enemy but has become an ally by helping him or her to focus on tactics and to act decisively.

Phases 1 and 2 of the model are particularly important. Decisions made during this phase, often in a split second, move the individual quickly into the model's advanced phases. The

soldier's perceptions and assessment of the threat during these first two phases are pivotal in determining whether he or she will emerge from the situation without serious physical injury. A graphical representation of the model is depicted in Figure 1.

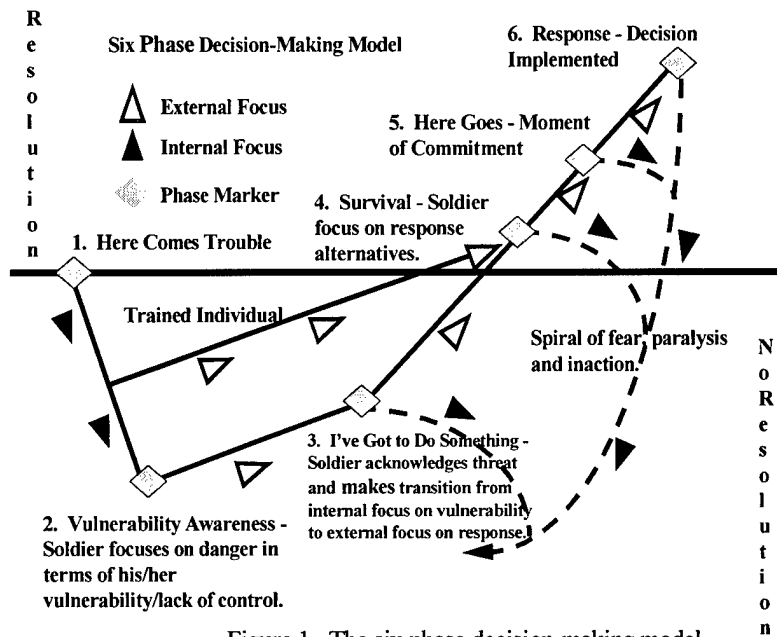


Figure 1. The six phase decision-making model.

Figure 1 underscores the role fear plays in determining whether the individual will progress successfully through the model. Fear is like a psychological net that threatens at each phase of the decision-making process to ensnare the soldier into a downward spiral toward paralysis. The emergence of fear cannot be suppressed. It will appear in the presence of life threatening stimuli regardless of personal bravery or individual experience. No amount of training can eliminate it. It can, however, be focused to help individuals mobilize for the task at hand. It can also become an important cue for action and can actually speed up an individual's ability to function, think, and process information (Bandura, 1986). Understanding its role in the decision-making process is critical to fashioning flexible, realistic shoot/don't shoot standards.

The Focus for Soldier Shoot/Don't Shoot Training

The rules of engagement that soldiers employ in urban settings must enable them to protect themselves from harm while acknowledging the principle of restraint. Restraint, however, does not mean that soldiers must exercise the same degree of reserve in deciding whether to employ deadly force as is required of civilian police officers in their dealings with the citizenry. Soldiers are not police officers and should not be viewed as such. Soldiers exist, first and foremost, to fight and win the nation's wars and they must be trained to take the initiative and be aggressive. Training them to do otherwise places the nation's defense needs unnecessarily at risk. Thus we believe it would be unwise to create a separate peace support MOS or a separate peace keeping force within the Army. Such a move would risk changing the organization's combat culture and potentially deprive it of combat capabilities it cannot presently

afford to lose. In short, the army should remain centered around combat organizations. They are adaptable to a wide variety of combat and non-combat missions. The same cannot be said of peace support units. For example, soldiers in a combat unit, with a limited amount of preparatory training time, can accept and successfully carry out peace support missions. However, soldiers trained initially as peacekeepers would not be ready, within the same amount of training time, to accept missions involving combat. The conclusion to be drawn from this is that soldiers should first and foremost be trained as combat soldiers who may be required, from time to time, to perform peace support operations. In such event they will receive the necessary training to carry out their specific mission (Scott, 1997).

Soldier rules of engagement must also be simple, fixed reference points upon which the soldier can rely in stressful situations. Unfortunately, such has not been the case. Rules of engagement frequently change from mission to mission, sometimes even from time to time within a mission. This constant modification of performance requirements presents the soldier with difficult operational problems since ever changing standards, as contained in mission specific rules of engagement, run counter to the soldier's training experience. That experience dictates that while tasks and conditions may vary, standards remain constant. However, when dealing with present day rules of engagement, nothing is constant. The soldier must apply changing standards to changing tasks and changing conditions, all in a split second when his or her own life may be on the line. Such mental agility is a lot to ask of our young people. We propose to change that.

As previously noted a soldier's response to a life threatening situation, be it a decision to shoot or to take other action, is usually determined by what he or she perceives and assesses to be the threat during phases 1 and 2 of the six phase decision-making model. These phases are important for two reasons.

First, fear emerges during these phases to complicate the decision-making process and, if dwelled upon, ultimately to paralyze the individual's ability to act. The antidote to fear is knowledge of alternatives to inaction. Persons with a clear understanding of what they can do to protect themselves and how to do it have a much greater chance of working through their fears and emerging from the situation unscathed.

Second, phases 1 and 2 are the point at which training has its greatest impact. Training provides the knowledge and understanding that serves as a counterweight to fear. Trained individuals begin to focus immediately on alternatives for action. They do not dwell on their own vulnerabilities – a risky business that can quickly lead to panic – but rather move directly to the model's survival and action phases. Untrained individuals do not possess this advantage. They tend to linger while deciding whether to act with a resultant increased risk of personal injury.

Since phases 1 and 2 represent the critical point in determining if and how a soldier will respond, the soldier's cognitive decision-making process during these two phases - not the later response itself - should be performance against which shoot/don't shoot standards are applied. Accordingly, our standards focus on the soldier's perceptions and assessment during these phases.

Rules of Engagement in Terms of Task, Conditions and Standards

Task, conditions and standards are the bedrock of the Army's training system. They provide the soldier and the trainer with information needed to prepare, conduct, and evaluate critical task training. While the conditions under which a task is performed may vary, the standards that apply to such performance do not. This stability of standards serves two important functions. First, fixed standards provide others with a means of measuring soldier performance. Second, and more important for our purposes, in shooting situations standards provide the soldier with confidence that he or she has the authority to take action in accordance with the published criteria.

Let us now turn to the job of applying task, conditions and standards to soldier decision-making in deadly force situations. For ease of discussion purposes, we will first address the task and the standards and then turn to the conditions under which they must be performed.

In its simplest form, the task is for the soldier to decide whether authority exists to shoot or not to shoot a potential civilian target. Please note that there is no requirement for the soldier to shoot or to take any other action. The task is aimed at a mental process, specifically assessment and evaluation during life threatening confrontations. If the soldier determines that authority does exist, it is permissive authority not mandatory. He or she may use other methods to eliminate the threat if he or she chose to do so. Hence, a determination that authority exists always permits the soldier to shoot. However, such a determination does not mean that opening fire is always the wisest course of action.

The standards for soldiers to employ life in life-threatening situations should be simple, fixed criteria that will enable the individual to judge quickly whether the use of deadly force is justified. They should provide undeviating reference points to which the soldier can turn during periods of high mental stress. By remaining constant, they will help the soldier deal with fear, provide knowledge of response options, and permit a clear understanding of what needs to be done. The question becomes how to devise standards that measure perceptions.

In the first instance, there are no existing standards within the Army that provide peacekeepers with guidance about when to employ their weapons. As previously stated, such guidance normally comes from mission specific rules of engagement that often change as operational circumstances change. The purpose of this monograph is to fill the void by creating simple, fixed standards for when U. S. soldiers performing peacekeeping operations may shoot in self-defense.

Likewise, the civilian police community does not provide an appropriate model for establishing military self-defense standards. In the first instance, there are no agreed upon national standards concerning how to train police officers to employ their weapons (Kitterman, 1998; Sloan, 1998). Moreover, such standards that do exist are often too imprecise for soldier training. For example, the Model Police prepared by the International Association of Chiefs of Police proposes:

“Police officers are authorized to use deadly force in order to:

- a. Protect the police officer and others from what is reasonably believed to be a threat of death or serious bodily harm; or,
- b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur” (IACP, Model Policy, 1998).

The difficulty of attempting to convert such imprecise policy statements into proper training standards for police officers is a major problem for civilian departments. Training to reduce the uncertainty created by ambiguous policies is one of four basic training areas commonly recommended by civilian police experts (Geller & Scott, 1992). In short, civilian police agencies have been unable to agree upon standards for their own community or how to implement them.

More importantly, police standards are not applicable to the military because they are based upon and presume a continuum of force. This force continuum requires that before deadly force is employed an attempt be made to control the target individual. Control options escalate from body language and oral communication, to weaponless physical control, to non-lethal weapons, to lethal measures (Geller & Scott, 1992). It is not the purpose of this paper to train soldiers on the use of control options before resorting to deadly force. Soldiers are not police officers and they are not charged with observing U. S. Constitutional mandates while performing international peacekeeping missions. Our purpose, once again, is to provide soldiers with simple, fixed self-defense standards that if met will provide them with authority to shoot.

Reference to the civilian police community is important, however, because the literature dealing with civilian police confrontations provides a wealth of information concerning shoot-don't shoot decision making. For example, a number of studies have attempted to identify the factors commonly present in police civilian shootings (Geller, 1992).

One notable study was performed by Dwyer et al. (1990). This study identified 27 factors, labeled “descriptors,” that were most often cited by police officers as playing a role in their shoot-don't shoot decision making process. By using Dwyer's methodology and reviewing the available literature that describes hundreds of police shootings, we were able to compile what we believe is a more complete list of factors, or descriptors, that most often play a role in shoot-don't shoot decision making. We organized them into three general categories that became the basis for our proposed standards.

At this point, it is important to underscore and reemphasize the performance to which these standards apply. They are not intended to measure the effectiveness of a soldier's actions in response to a life endangering threat. Rather, they are intended to measure the appropriateness of soldier decision making to determine whether, based on the standards, authority exists for the soldier to defend him/herself with deadly force. As such, they focus on the soldier's cognitive decision-making process during Phases 1 and 2 of the model. They are intended to be a method for assessing the soldier's perception and assessment of the threat and not his or her performance

of actions designed to eliminate it. With that in mind, we propose that soldiers, confronting potentially life-threatening situations involving civilian targets, should be trained to ask three questions:

1. Does the threat have the **ability** to inflict harm?
2. Does the threat have the **opportunity** to inflict harm?
3. Am I, or a fellow soldier, at **risk of serious injury**?

If the answer to each of these questions is yes, the use of deadly force is authorized. Restated as a proposition, these questions become the standard for use of deadly force.

A soldier may employ deadly force against a civilian where the civilian has: 1) the **ability** to inflict harm, 2) the **opportunity** to inflict harm, and 3) the soldier, or a fellow soldier, is at **risk of serious injury**.

As can be seen, these proposed standards rest heavily upon the soldier's individual perceptions. By doing so they provide important individual flexibility. The perceptions of a 6'3" 210-pound male facing a 110-pound enraged female may well be different from those of a 5'3" 110-pound female facing a 6'3" enraged male.

It is also important to note that the criteria are cumulative and not separate. All must be present before the soldier can shoot. If one of the elements is missing, be it **ability**, **opportunity** or **risk of serious injury**, the use of deadly force is not authorized and other methods of dealing with the situation must be employed. The acronym to describe this relationship is AOR and an equation depicting it is shown in Figure 2.

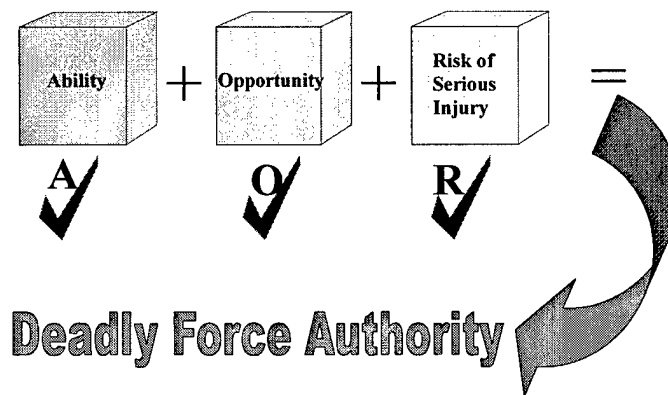


Figure 2. The AOR model.

The AOR standard is simple, fixed and universal. It is easy for the soldier to understand, remember, and apply. Furthermore, it is not mission dependent and will not change from operation to operation. Commanders may add to it, for example to provide for the use of deadly force if other civilians, as opposed to fellow soldiers, are threatened or to suppress rioting and looting. But for the soldier individually, AOR represents a permanent standard that, if present, will authorize him or her to use deadly force in self-defense even against civilian targets.

Having defined the task and established the standards for its performance, let us now turn to the conditions under which the soldier will be expected to make his or her decisions. Conditions will vary, of course, depending upon the nature of the threat and the environment in which the soldier finds himself or herself. The complexity of human interaction makes it impossible to identify all possible combinations of conditions that might exist in life-threatening situations. However, it is possible to isolate those critical indicators of danger that will impact the decision-making process and justify a soldier's decision to shoot. These indicators are called situational determinants.

Situational determinants describe a feature, attribute, element, action, or goal associated with any given situation (Dwyer, et al. 1990). For purposes of this study, they are further defined as those indicators of danger that support a soldier's use of deadly force in confrontations involving civilian personnel. The term pertains not only to indicators that in and of themselves justify a deadly response but also to those that when combined with other indicators of danger authorize the soldier to shoot.

As suggested, the term encompasses two types of danger indicators. An absolute determinant is a single indicator that by itself can drive the AOR process to its ultimate conclusion and automatically authorize the soldier to shoot. We have identified only one such indicator. It exists in situations where a civilian assailant is demonstrating a hostile demeanor and pointing a firearm directly at the soldier. In terms of the AOR standard, this scenario describes absolutes for all three elements – **ability**, **opportunity**, and **risk of serious injury**. The authority to respond is likewise absolute. The soldier need not wait until the assailant actually discharges the firearm but may take whatever action is necessary to immediately kill him or her.

Complementary determinants consist of danger indicators that may justify the use of deadly force if when combined with other complementary indicators satisfy the AOR standard. We have identified three groups of complementary indicators - one for each element in the AOR standard. Within each of these groups there may exist numerous indicators that characterize the group as a whole. The three complementary determinant groups are as follows:

- ➡ **Weapon** – Satisfies the AOR element of **ability**. This complementary determinant asks; does the potential civilian assailant possess some sort of a weapon? A weapon does not have to match traditional views of weaponry. Indeed, if other elements of the AOR standard are present, a weapon may consist of anything from feet to a frying pan.

- ➡ **Distance and/or Orientation** – Satisfies the second element of the AOR standard. Distance and/or orientation determine whether the potential civilian assailant has the **opportunity** to effectively bring the weapon to bear upon the soldier. For example, if the subject is too far away to effectively use the weapon, such as a knife, and/or is pointing it away from the soldier, than obviously the opportunity to cause harm is greatly lessened. On the other hand, if that same individual is within the weapon's striking distance and/or the weapon is pointed at or near the soldier the opportunity to use it effectively greatly increases.

➔ **Appearance and/or Threatening Demeanor** - This discretionary determinant is more subjective than the other two and pertains to **risk of serious injury**. In its simplest terms, its purpose is to ascertain whether the potential civilian assailant is engaging in verbal or non-verbal conduct such as to suggest a hostile intent toward the soldier. It is difficult to define precisely, however, absent a situational context because every soldier will have a different level of apprehension and fear relating to his or her risk of serious injury. As previously suggested, a 6'3" 210-pound enraged male poses a very different threat to a 110-pound female than vice versa. We have identified six situational cues (see Figure 3) that impact a soldier's subjective determination of whether this complementary determinant is present. The greater the number of cues contained in the situation, the more likely it threatens the soldier with a risk of serious injury. These cues are:

- Physical size of the threat in relation to the soldier
- Whether the soldier is outnumbered by potential assailants
- The soldier's mission and hence his level of expectation of danger
- The presence of a startling noise
- Age of the threat
- Sex of the threat

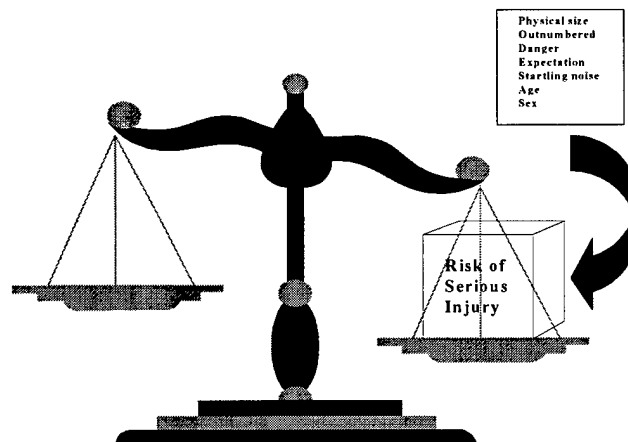


Figure 3. Situational cues.

The nature of complementary determinants is that they cannot stand alone as justification for the employment of deadly force against civilian targets. Each determinant, representing one element of the AOR standard, must be present in the situation for the standard to apply. A visual representation of the discretionary determinant model is shown in Figure 4.

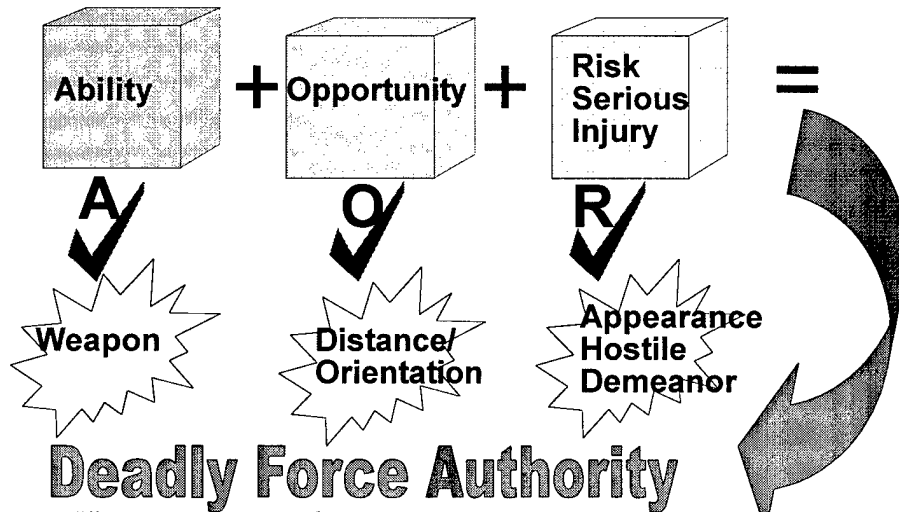


Figure 4. The AOR illustrated with determinants.

To better illustrate complementary determinants let us develop some examples. A 25-year-old man carrying a large knife in his hand approaches a soldier and stops approximately 40 feet away. Clearly the man has a weapon that could inflict serious injury; however, because he is 40 feet away the opportunity to do so is very limited. He could throw the knife from that distance, but doing so would probably be ineffective. While he has the ability, none of the other AOR elements are present. Neither opportunity nor risk of serious injury is apparent from the facts of the situation. The AOR standard has not been met and the use of deadly force would not be appropriate under the circumstances. See Figure 5.

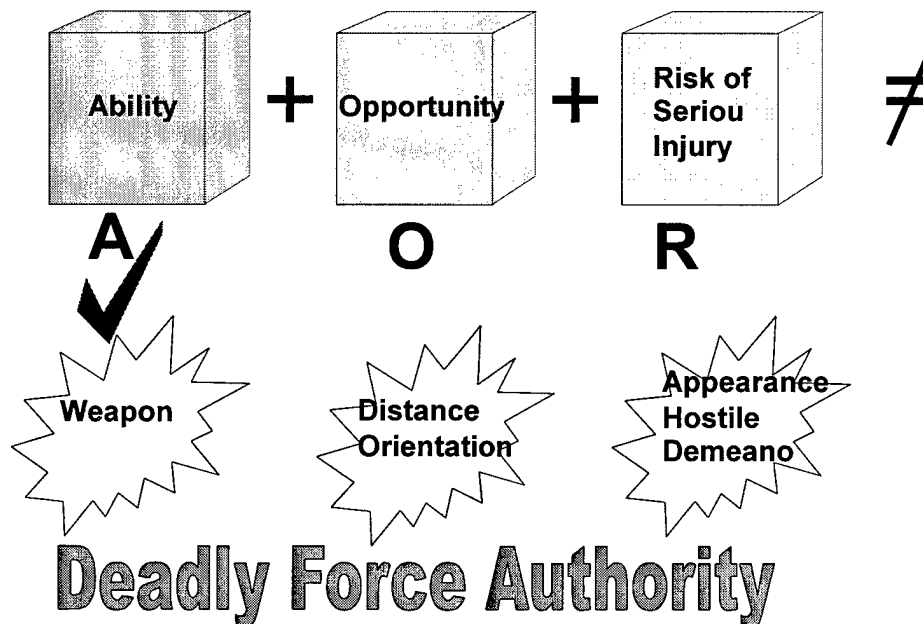


Figure 5. Lack of opportunity and risk of serious injury.

Suppose the man is 10 feet away but is skinning a fish and talking about the weather. The distance has changed from the first example to a distance that is now cause for concern as the man has moved within striking distance of the soldier. Now both ability (weapon) and opportunity (distance) are present, but the man's non-combative demeanor fails to meet the risk of the serious injury element. Again, the soldier would not be justified in using deadly force. See Figure 6.

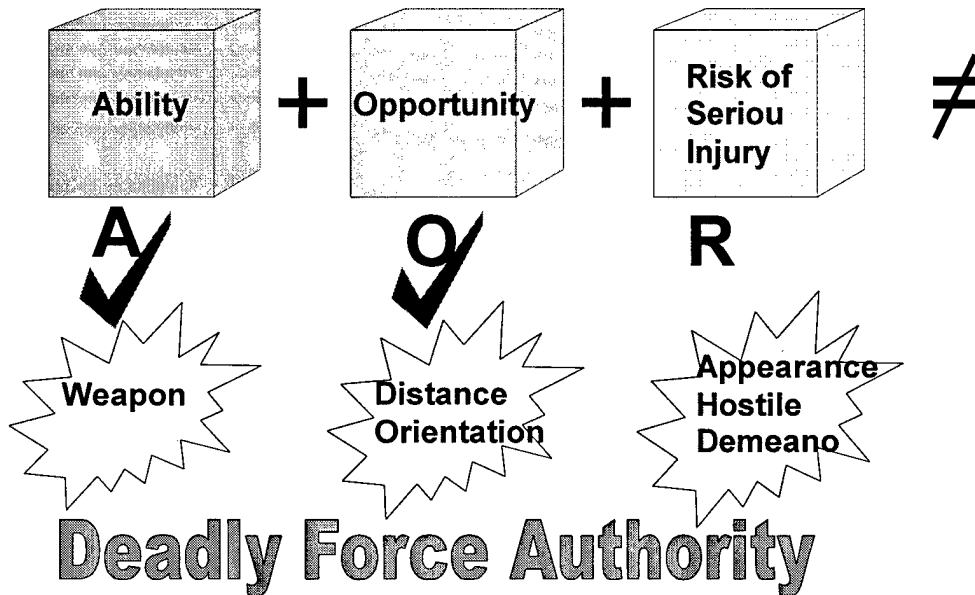


Figure 6. Lack of risk of serious injury.

Now, let us say that the man positions the knife as if getting ready to strike at the soldier and begins shouting obscenities. Clearly this situation is cause for alarm. Not only is the man standing five feet away with a knife, but he is also demonstrating obvious signs of hostility. In this situation all three elements of AOR are met. The subject has a weapon (ability); he is close enough to effectively use it (opportunity); and his demeanor indicates a hostile intent. (risk of serious injury). The AOR standard has been met and the soldier is now authorized to employ deadly force. Figure 7 illustrates this situation.

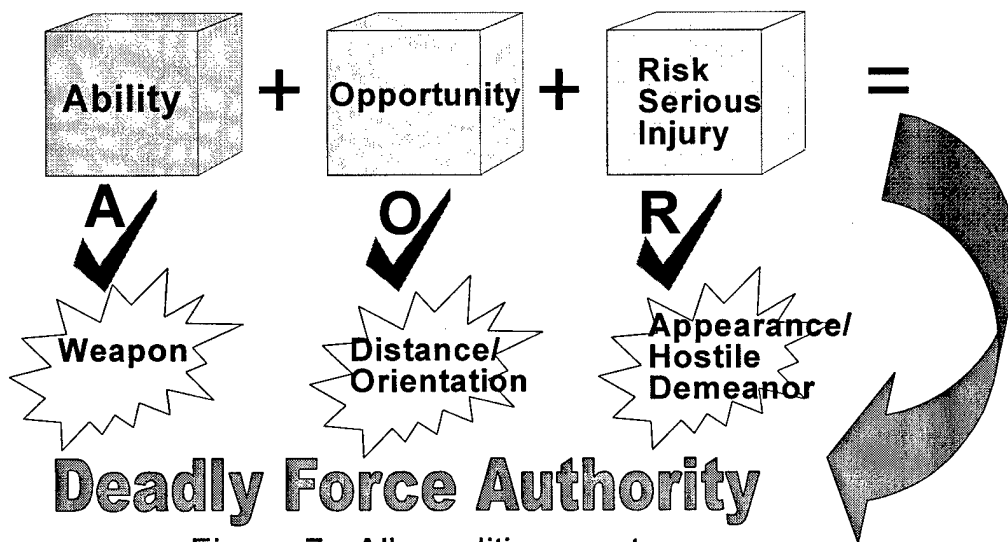


Figure 7. All conditions met.

Let us pose a slight twist to the last situation. Assume everything is the same except that instead of a 25-year old man waving the knife, it is now a 75-year old woman. The subject has a knife, i.e. the ability to inflict harm, and she is five feet away, a position that permits her to effectively use it. The only question remaining is whether the soldier is at risk of serious injury. Assuming a typical soldier and a typical 75-year old woman, the answer is not likely, although one might conjure up circumstances where it is possible. The assailant's age and sex are important factors in determining risk. The same would be true if the assailant was of a very young age, or very small compared to the soldier. So also would it be true if there were multiple assailants whose individual strength might not present a risk but whose combined strength represent a significant danger. This flexibility makes the AOR model widely applicable.

As with everything there is an exception to the AOR construct. Vehicles represent a special category because in and of themselves vehicles are benign. However, when operated by a person with hostile intent, they can quickly become lethal weapons. Moreover, their size and mobility enables them to change from benign to deadly in the blink of an eye. Authority to use deadly force under the AOR standard will likely turn on the soldier's assessment of risk of injury as manifested by the hostile intent of the vehicle's driver and/or passengers. For example a vehicle ¼ mile away operating at normal speed probably poses no threat. However, if it suddenly swerves toward the soldier or the driver is perceived to be angry as demonstrated by his/her facial expressions or even the vehicle's movements, then the soldier is authorized to use deadly force to stop it. However, just because the soldier is authorized to shoot does not necessarily mean that taking such action the best solution. Shooting the driver of a vehicle does little to reduce the risk. Now the soldier is faced with a car that is totally out of control and totally unpredictable. The existence of the authority to shoot notwithstanding, a better decision might be to simply get out of the way.

The complementary determinants, i.e. the presence of a weapon, distance and/or orientation, and the threat's appearance and/or hostile demeanor are the common indicators linking hundreds of documented individual shootings (Dwyer, et al. 1990; Cruse, 1973; Smith, 1987; Smith & Visher, 1981; Geller & Scott, 1992). As such they comprise critical stimuli that

triggered justifiable decisions to use deadly force against a human target. Let us now turn to a training method to recognize when they are present.

The Use of Script Theory as a Training Tool

Psychological script theory involves the creation of a scenario that provides a framework for thinking about a problem based upon the existence of certain stimuli within the scenario that defines the problem (Abelson, 1981). When viewed by the trainee, a script permits him or her to use past experience to quickly comprehend the situation, make reasonable assessments about what to expect, and reach reasonable inferences about the situation's potential outcome (Dwyer, et al. 1990). The clues or bits of information imbedded in scripts that enable us to do this are the script's situational determinants.

Scripts arise from commonly learned experiences and we all have thousands of them stored in our memory. For example, if we were to see a person step off the curb and wander inattentively across the street in the face of oncoming traffic, we would almost instantaneously understand the nature of the problem, what to expect and the scenario's likely outcome; namely an injured pedestrian. The same is equally true in deadly force situations if we know what to look for. Script theory is a method for training soldiers to recognize the absolute and complementary determinants that make up the AOR standard.

While the number of scripts that might be useful in teaching soldier rules of engagement are virtually limitless, the number of danger indicators that make up absolute and complementary determinants is relatively finite. In all cases, they will indicate the presence of some sort of weapon, within a distance and/or orientation such as to permit its effective utilization, and a hostile intent as demonstrated by the appearance and/or demeanor of the potential civilian assailant. Script theory should be used to teach soldiers to recognize each of these determinants and the danger indicators that signal their presence. Studies suggest that the use of script theory alone can enable soldiers to determine when the AOR standards have been met at least 70% of the time (Dwyer, et al. 1990). We believe that percentage can be increased significantly by reinforcing the AOR standard with practical hands on training.

Conclusion

In today's changing battlefield environment, what is needed is a simple, fixed standard that enables soldiers to understand clearly when they have the authority to employ deadly force against civilian targets in built-up areas. This standard must recognize the need for restraint while first and foremost protecting the soldier. It should be simple to remember and easy to employ. The training program to teach it should isolate, identify, and highlight those factors commonly found in shooting situations that justify the use of deadly force.

The existence of a universal standard that establishes a baseline authority for when deadly force can be employed would benefit both soldier and civilian. Soldiers increasingly find themselves serving as guardians on the frontiers between order and disorder. They are required to perform quasi police functions in areas where police authority alone is often insufficient to maintain the peace and where the requirement can quickly change from restrained response to

unrestricted combat. In this unfamiliar and dangerous territory, the individual soldier needs to know what fixed criteria will always enable him or her to fire upon a civilian threat without fear of legal retribution. The AOR standard does that.

It may also be useful in avoiding civilian casualties. The standard is simple and easy to understand. By publicizing it as the baseline authority for shoot-to-kill responses, civilians in areas in which American soldiers have been ordered to conduct peace support operations will be forewarned of the conduct likely to elicit a deadly reaction.

We believe the AOR standard provides a simple, fixed reference point upon which soldiers can rely when faced with life threatening situations. It will help them overcome the fear naturally inherent in such situations by providing them with a clear understanding of what decisions have to be made and how to make them. The result will be increased chances of soldier survivability and civilian safety.

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