

Self-Protection and Tactical Response Options Theory:

In using physical force, there are specific legal constraints placed upon citizens in a self-defence situation. It is very important to understand that when it comes to using force, one will be held accountable, both criminally and civilly for their actions.

In my opinion, the number one legal issue when using force in a self-defence situation will be; "was the amount of force used to defend yourself reasonable". The word reasonable, however, will mean different things to different people. What is a reasonable level of force to one, may not be a reasonable level of force to a judge and or jury.

Tactical Response Options brings the issue of "reasonable force" into a set of steps or continuum which you, the police, and the courts can "usually" agree upon.

What is the "Tactical Response Options Theory", it's a way that one can place any situation they find themselves in, from non-violent to extremely violent, and match it against a reasonable tactical response option that one may have to use in a self-defence situation. There are seven categories in this theory:

PRESENCE:

One's physical presence is in fact a tactical response option. Prior to any physical confrontation, a threat will usually size you up. If you are a person who keeps in good physical shape, then the attacker will more than likely leave you alone and pick an easier target. I call this "Force Presence", and if you have it you send a clear message to a possible threat that says, "pick another target".

How many times have you looked at a person who you have never seen before and said, "I would not want to mess with that guy" That is force presence. To have this tool will provide you with an added edge on the street

DIALOGUE AND COMMUNICATION SKILLS:

There are basically two ways that we communicate with others:

- a) Verbally, and
- b) non-verbally

Always remember, if the voice and body don't match, always believe the body

In most cases if you can get the threat to talk, you can convince them to walk. The problem is however, that too many people do not adequately and professionally train in this tactical response option. Because of this fact, many situations that could have been defused verbally escalate to the point of physical intervention. One's goal should always be to obtain voluntary co-operation/de-escalation through communication and dialogue skills where appropriate and reasonable to do so.

EMPTY HAND COMPLIANCE/ CONTROL TECHNIQUES:

These techniques would include:

- Balance displacement
- Superior physical strength or numbers
- Pain compliance
- Lever and joint manipulations
- Throws and takedowns
- Mechanical control techniques
- Lateral Vascular Neck Restraint (high level)

Although individual empty hand compliance techniques may offer physical control by themselves, they may also offer physical control by combining with other techniques. A good example of this would be the rear bent arm shoulder lock, which is usually used as a restraining technique. Although this hold would be characterized as a lever and joint manipulation technique, it also incorporates balance displacement, superior physical strength, pain compliance and a takedown, if required.

The degree to which empty hand compliance techniques will work to control a threat is dependent upon:

- 1) Speed and strength of application: As most empty hand compliance techniques involve some kind of grapple, it is very important that the person applying the technique does so quickly and with power. If an empty hand compliance technique is applied half-heartedly, it would surely fail and leave you in a position of physical disadvantage.
- 2) Precision of application: This is very important when it comes to pain compliance and lever/joint manipulations. In order for these two techniques to work with maximum results, you have to be target specific.
- 3) Resistance level of the subject: Empty hand compliance techniques should only be attempted on those individuals who are:
 - a) Passively aggressive, or
 - b) Stunned/distracted to the point where they are no longer actively aggressive

At no time should an empty hand compliance technique be used as a first force response option when faced with a threat who is actively aggressive or, you reasonably believe is about to become actively aggressive. To attempt such an action in a dynamic situation would place the defender in serious jeopardy unless very skilled and even then, the use of these techniques are questionable.

Lateral Vascular Neck Restraint:

This empty hand control techniques is taught only to be used in those situations where a threat is actively aggressive and needs to be immediately controlled. This restraint is not to be used as an escort or come-along technique, but rather as a tool to control a violent individual when in a position of advantage.

EMPTY HAND IMPACT TECHNIQUES:

Empty hand impact techniques are those techniques that employ punches, kicks, elbows, knees and other similar techniques that involve delivering a traumatic blow to another person. These types of techniques are usually used to:

- Close or create distance
- Distract a subject to whom it is being applied
- Enhance an empty hand control technique

The use of empty hand impact techniques can be used, when appropriate and reasonable to do, in the following ways:

- a) To cause a motor dysfunction or stunning effect: this level of force would be applied to the major muscle masses or pressure points of the limbs and torso. Application of force to these body targets usually result in no long term physical effects other than bruising
- b) To break bone or cartilage: If a motor dysfunction or stunning technique failed, or was inappropriate and unreasonable given the totality of the circumstances, this level of force would be applied to the joints and bones of the body. The defender must reasonably believe that they are in danger of serious bodily injury and that there are no other reasonable options available other than the use of these breaking techniques to defend themselves with.
- c) Deadly force: In order for the defender to use an empty hand impact technique as a deadly force response option, certain criteria must be present:

- 1) The threat must have the means to carry out the threat of death or serious bodily injury to the defender or someone under their protection. The means could include but is not limited to gun, knife, club, or any other weapon or, the attacker may be skilled fighter who has trained his ability to be deadly.
- 2) The threat has the intent to carry out the threat of death or serious bodily injury to the defender or someone under his protection
- 3) The defender feels that his life or the life of a person under his protection is in jeopardy of death or serious bodily injury, and
- 4) That other lower tactical response options had failed or were inappropriate and/or unreasonable to be used given the totality of the circumstances to have stopped the threat of death or serious bodily injury to the defender or another person under his protection

All four conditions must be present in order for deadly force to be used. If faced with these four conditions, a defender may be justified in attacking those vital targets of the body that could cause death or serious bodily injury such as the throat, or spine.

WEAPONS:

It is generally accepted that there are three categories of weapons:

- 1) Impact weapons
- 2) Edged/pointed weapons
- 3) Firearms

Impact weapons:

Impact weapons include anything that you can grab, real or improvised, which can be used to hit another person. The biggest benefits of impact weapons are:

- 1) Reach advantage
- 2) Improved striking power over empty hand impact techniques
- 3) Speed

The use of impact weapons can be used, when appropriate and reasonable to do so, in the following ways:

- 1) Implied force presence: by producing an impact weapon the situation is deescalated to the point where the attacker halts his physical attack
- 2) Mechanical control: here the defender may use an impact weapon to assist in the application of an empty hand compliance technique. E.g. the use of a pool cue to apply an arm lock
- 3) To cause a motor dysfunction: this level of force would be applied to the major muscle masses or pressure points of the limbs and torso. Application of force to these body targets usually result in no long term physical effects other than bruising
- 4) To break bone or cartilage
- 5) Deadly force:

Edged/Pointed Weapons:

Edged or pointed weapons are those tools that have a sharpened edge or point that may be used to cut or puncture the human body. Examples include, knives, screwdrivers, broken bottles.

In Canada, the definition of deadly force is any level of force which is designed to cause death or grievous bodily harm. Because of this definition, the use of a knife in a physical altercation in Canada should only be reserved for those situations in which one is in fear of death or grievous bodily injury. It is my opinion that a knife can only be used in one of two ways:

- 1) Force Presence: justified in using this level of force and by producing the blade, the situation is de-escalated to the point where the attacker halts his physical attack
- 2) Deadly Force

Firearms:

Firearms include handguns, rifles, and shotguns. Again, because of the very real threat of causing death or grievous bodily injury, the use of firearms should only take place in a deadly force self defence situation. Firearms can be used in two ways:

- 1) Force Presence
- 2) Deadly Force

When it comes to empty hand impact techniques and weapon techniques, the use of deadly force should only be used as a last resort, but must be realized by all that it may be an unavoidable necessity to protect yourself or someone you love from death or grievous bodily injury.

It is important to understand that when an individual uses deadly force their intent is to stop the threat of death or grievous bodily injury to themselves or others where lesser force response options had failed, or were inappropriate and unreasonable given the totality of the circumstances

Escalation and De-Escalation Of Tactical Response Options

When it comes to escalating your options in a self-defence situation, you do not have to start at force presence and work your way up. Escalation through tactical response options may take place because:

- A) A tactical option chosen was ineffective, or
- B) You reasonably believed, based upon the totality of the circumstances, that a lower tactical response option would be ineffective or inappropriate

There are four factors that may lead a defender to believe that lower tactical response options would be ineffective or inappropriate:

- 1) Attacker factors
- 2) Defender factors
- 3) Environmental factors
- 4) Levels of resistance

ATTACKER FACTORS:

- A) Age: is the attacker 22yrs while the defender is 55. Most people who are younger are usually stronger, faster, and more capable physically
- B) Size: Size has a definite advantage in a physical encounter. This is why in boxing they have different weight classes. In a physical combative situation, the ability to protect oneself is directly effected to a great extent, on the size difference between the attacker and the defender if all other things are equal. This is not a sure thing however
- C) Gender: this woks for women and against men in most circumstances. If the attacker is a man and the defender a woman, the courts will usually give the woman more room to escalate quicker that if the attacker/defender rolls were reversed
- D) Skills or perceived skills: What kind of combative skills and training does your attacker possess. If the attacker is skilled, a defender may have to escalate his force response options to protect himself
- E) Multiple attackers: Any time a single defender has to defend against two or more attackers, the potential for the defender to get seriously hurt is greatly enhanced
- F) Weapons: any time a weapon is brought to a physical confrontation, consider it a deadly force situation
- G) Pre-Assaultive Signs (Ritualized Combat)
- H) Mentality of the attacker: is your attacker emotionally disturbed, drunk, or high on drugs

DEFENDER FACTORS:

- A) Size: same as attacker factors
- B) Age: same as attacker factors
- C) Gender; same as attacker factors
- D) Skill level/physical abilities: what is your skill level and physical abilities.
- E) Exhaustion: as a physical encounter goes on, the ability to protect oneself is greatly effected by physical and mental exhaustion
- F) Injury: If you become injured in a street fight, your ability to protect yourself is going to be effected negatively
- G) Ground fighting: the last place you want to be is on the ground in the street, especially if you are not winning. In today's world, the issue of multiple attackers is a reality. If grounded and not in control, the likelihood of being severely injured by "having the boots laid to you" is an ugly fact
- H) Perception of threat: When it comes to a court of law, your actions will be judged upon your perception of threat. The court will then consider your actions by judging if your perceptions were objectively reasonable, in the light of facts and circumstances surrounding the incident, and whether you were acting in good

- faith. This perception of threat must be ðrealö. This is why it is so important that if your use of force becomes questionable, you ensure that you articulate your perception of threat clearly and concisely
- I) Imminent danger of death or grievous bodily injury: If you are faced with this, you must do everything in your power to protect yourself, this could include the use of deadly force
 - J) Position/time/ and distance: The need to take immediate action will place time constraints on a defenders evaluation of a potential hostile situation. A defenders distance from threat can reduce available time to react safely. The likelihood of making a wrong decision is greatly increased when there is insufficient time to make a thorough evaluation of threat.
 - K) Tactical withdrawal/ disengagement: Sometimes, if not most times, the best thing to do when faced with violence is to walk away. There are, however, times that walking is not an option, this is a call that you will have to make

ENVIRONMENTAL FACTORS:

- A) Hostile environment: if you find yourself in a hostile environment such as a rough bar or rough part of town, even if you win, you run the risk of fighting others around you.
- B) Terrain: what kind of terrain are you fighting on, and how is it affecting your footing and balance. This may have a direct effect on the kind of tactical response option you choose
- C) Weather: if you are fighting outside, the weather may also play a factor in balance, footing, and the ability to see
- D) Lighting: Lighting usually has a direct affect on personal perceptions. Because of this fact, the ability to see, or lack thereof, may effect your tactical response option choice

LEVELS OF RESISTANCE:

A potential attacker can also demonstrate various levels of potential resistance. The type of resistance from the attacker will directly influence the tactical response option that a defender will choose to defend themselves with:

- A) Non-verbal intimidation: through the use of Ritualized Combat the threat telegraphs his intent on attacking you

- B) Verbal non-compliance: this is where a threat is showing non-compliance by being argumentative or offering threats towards you. This level of resistance is usually combined with other levels
- C) Passive resistance: this is where a person does not listen to verbal attempts to de-escalate a situation. A person here will usually offer non-compliance by refusing to move but offers no direct physical assault. An example of this type of resistance is where a bouncer or doorman asks a person to leave a bar. Upon being asked, the patron says pound sand, and refuses to move from his seat
- D) Defensive resistance: This level is similar to passive resistance, but at this level a person may offer defensive resistance by holding onto people or object. Back to the bar again as an example, the patron upon being moved by the bouncer now grabs onto a table to prevent such action from taking place. At this level of resistance there is no direct physical assault-taking place.
- E) Assaultive/Actively Aggressive: this level of resistance is where a person actually offers a direct physical attack
- F) Deadly force: this level of resistance is where a person is assaultively resistant to the point where his actions may cause death or grievous bodily injury. This would also include weapons

It must be understood that the levels of resistance can change very quickly within the context of a physical altercation. A person can be passively aggressive at one point, and then two seconds later becomes assaultive in a deadly force context.

Again, a defender may escalate through their tactical response options by either:

- 1) Choosing an option and finding it to be ineffective; or
- 2) Forming a reasonable belief that lower options would be ineffective or inappropriate given the totality of the circumstances

A defender's choice as to an appropriate and reasonable tactical response option, when being threatened or attacked, will be dependant upon attacker factors, defender factors, environmental factors, and levels of resistance. Once a person chooses to become actively involved in a combative situation, they will pick one of the tactical response options as their method of physical defence.

DE-ESCALATION OF PHYSICAL FORCE:

Physical force de-escalation is based upon the level of compliance or control exhibited by the threat in which force is used. Once a defender has stopped a threat's physical resistance or assault, escalation of force should stop and de-escalation should begin.

If the defender continues to escalate his level of force even though the threat has stopped his assault or was defeated, he will be using excessive force and be found criminally and civilly liable for his actions. Remember, there is no such thing as catch up in a self defense encounter

ABOUT THE TACTICAL RESPONSE THEORY:

- 1) The theory is subjective: This theory/method allows you to apply force subjectively based upon your perception of threat
- 2) The theory is dependant upon attacker factors, defender factors, environmental factors, and levels of resistance
- 3) Confrontations are dynamic and not static: each situation has its own set of unique variables so there can be no absolute rules dictating a defenders response to specific resistance.
- 4) The Tactical Response Theory is a tool: the theory is just another tool to use in a self-defence situation just like a punch or kick. Use the theory to justify and articulate why and how you used physical force. If you follow it, and are professional in the way you defended yourself, the theory will go along way in protecting yourself on the street and more importantly in the criminal and civil liability forum that will take place years after the physical assault is over