REPOLITY
REFORMING POLICE ACCOUNTABILITY IN ITALY

Regulating Police Use of Force?

Legitimacy and Responsibility in Officers' Perceptions

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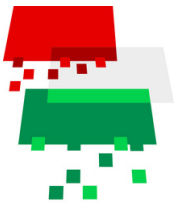

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Introduction

This report forms part of the *REPOLITY: Reforming Police Accountability in Italy project*, which investigates accountability mechanisms within Italian police forces in relation to the use of force, with particular attention to the *Polizia di* Stato and the *Arma dei Carabinieri*. The project's first report examined institutional and individual mechanisms of accountability, highlighting their structural limitations. The present report shifts the focus to the use of force itself: how it is understood, justified, and problematised by officers.

The research was conducted at a moment when questions of police use of force and accountability had returned to the centre of Italian public debate with unusual intensity. This is not an incidental circumstance, and its effects run in both directions. On the one hand, the representations circulating in public discourse and those shaping the internal professional culture of police forces mutually influence one another, helping to define the boundaries of what appears legitimate, tolerable, or controversial in the exercise of coercive powers. From this perspective, the empirical research underpinning this report has not only descriptive but also critical significance. On the other hand, the context has inevitably shaped the empirical material itself: the interviews are permeated by the ongoing debate, and the examples most frequently invoked by interviewees are often drawn from the most recent and controversial incidents involving the use of force, which fuelled public discussion during the very years in which the research was conducted. The accounts collected therefore do not capture a professional culture in a steady state, but one under strain: a culture that reacts, defends itself, and repositions itself in the face of external pressure.

Research design

The report reconstructs the main thematic clusters emerging from the qualitative analysis of a corpus of 56 interviews conducted with officers and senior officials of the *Polizia di Stato*, the *Arma dei Carabinieri* and, to a lesser extent, the *Guardia di Finanza*, as well as with external experts including lawyers, members of the judiciary, journalists, and members of international human rights bodies. The sample comprises 28 members of the *Polizia di Stato*, 11 of the *Arma dei Carabinieri*, 5 of the Guardia di Finanza, and 12 external experts. The data collection instrument is the semi-structured or discursive interview. The substantive content of the interactions was determined in advance, while the form taken by each exchange was shaped progressively in the course of the conversation, so as to open up areas that might otherwise have remained unexplored. The interview guides were calibrated to the different sub-samples and built around the main research themes: the legal regulation of the use of force, initial and continuing training, officer accountability mechanisms, professional risks, and forms of legal protection. The empirical material was analysed through a coding grid of 68 unique codes organised into 11 thematic macro-areas. The analysis presented in this report focuses on the excerpts coded under the macro-areas "use of force" and "accountability", which comprise 439 and 577 excerpts respectively, the two

thematically densest clusters in the entire corpus after “training”.

The aim is not to describe individual experiences, but to identify the recurrent structures and conceptual frameworks that characterise police officers’ discourse on the use of force and accountability. The discursive interview, as is well established, does not merely yield information about the interviewee. In responding to the researcher’s prompts, interviewees weave together narratives and arguments, establish connections of meaning between events, and articulate the reasons that lend strength to their assertions and undermine the positions they seek to contest.[1] Discourse is therefore not a transparent vehicle for pre-existing opinions, but an act through which subjects construct and negotiate their own position: in relation to the institution to which they belong, to the topic under discussion, and to the interlocutor who questions them. It is on this performative and argumentative dimension, rather than on stated opinions alone, that the analysis fucuses. This entails attending not only to what officers say, but to how they say it: to the rhetorics of legitimation they deploy, to their strategies of distancing or identification, and to the tensions between what is made explicit and what is left in the background.

Structure of the report

The report is structured around four chapters, each devoted to a different dimension of the relationship between force and accountability in officers’ professional culture. Together, they move from an analysis of the regulatory gap that characterises the governance of police use of force to a diagnosis of the consequences that follow from it.

The first chapter shows how the use of force is represented as an inherently situated practice, one that resists ex ante regulation. It demonstrates, in particular, how invocations of the principles of necessity and proportionality serve more as a form of self-presentation than as concrete action-guiding criteria, while a pervasive regulatory scepticism tends to naturalise the expansion of operational discretion. The second chapter examines this dynamic at the legal level, showing how officers tend to frame the legitimacy of coercive action almost exclusively through the lens of self-defence, thereby obscuring the vast majority of ordinary uses of force whose criterion of legitimation is operational necessity. The third chapter shifts the focus to officers’ perception of the use of force as a professional risk. It shows that what dominates officers’ concerns is not physical risk but legal exposure, whose causes are systematically attributed to external factors while internal organisational variables remain in the shadows. The demand for protection thus tends to become a demand for insulation from judicial oversight. The fourth chapter carries this trajectory to its endpoint: the claim for a broader legitimation of force, pursued not through the open rejection of the principles of necessity and proportionality, but through their gradual weakening.

The use of force and police accountability emerge as a deeply contested terrain, shaped by competing representations and demands. On the one hand, the growing public

[1] Cardano M. 2018. *La ricerca qualitativa*. Il Mulino. Bologna, p.153.

visibility of coercive incidents and the pressure exerted by civil rights movements push toward stronger oversight and accountability mechanisms. On the other, the internal dynamics of professional culture, documented throughout this report, generate structural resistance to tighter regulation and sustain claims that tend to expand the scope of operational discretion. It is within this field of tension that critical socio-legal inquiry becomes necessary: to restore complexity to a debate that too easily collapses into opposing positions, to identify the mechanisms through which professional representations produce institutional effects, and to provide analytical tools for those charged with the democratic governance of police use of force.

1. Force as ungovernable practice

The regulation of the use of force emerges from the interviews as a site of ambivalence, suspended between the rhetorical invocation of normative principles and the candid acknowledgement of broad areas of practical indeterminacy. On the one hand, interviewees tend to present the resort to force as firmly grounded in the language of legality, necessity, and proportionality, drawing on a discursive repertoire that signals institutional compliance and provides a publicly legitimate account of their actions. On the other hand, especially when the conversation shifts from abstract formulations to the description of concrete situations, there emerges a recognition that the application of these principles depends on rapid, context-bound judgements that resist standardisation. It is in this space that uncertainty comes into view, together with the weight of experience, the situated assessment of threat, and the margin of operational discretion that inevitably accompanies every decision.

1.1. Proportionality as a discursive shield

Questions about the criteria guiding the use of force tend to put interviewees on the defensive. This is one of the most sensitive aspects of operational work, and participants treated it as highly charged territory. In response, officers typically mobilise a standardised formula grounded in references to the penal code and the principle of proportionality, often in highly stereotyped form. Rather than opening up a space for reflection on the concrete logics that orient situated decision-making, such responses appear to serve primarily a self-presentational function: they reaffirm adherence to the normative framework while simultaneously marking the boundaries of what can be said in interaction with the researcher.

> Q: One of the prerogatives of a police officer's work — and of a carabiniere's too, of security sector operators more broadly — is the use of force. In this regard, I would like to ask you: what risks does the use of force entail?
>
> A: What do you mean by use of force? It's not like someone wakes up in the morning and thinks, right, today we're going to use force [*oggi facciamo forza*]…
>
> Q: No, of course, I mean the use of force in operational situations.
>
> A: As I said before, it always depends on the context and the environment. Clearly, if the context calls for it, force will be used in proportion to the person in front of me and the situation I'm facing…[2]

> As far as the use of force is concerned, it certainly has to be proportionate to the offence. I can't think of practical examples right now, but you can't respond to someone who is reluctant to show their documents by handcuffing them. When it comes to the use of

[2] Interview no. 10, excerpt no. 28.

> force, it is always considered a last resort, and in any case there has to be proportionality.[3]

> I like this expression: policing must always be oriented, centred and grounded in a principle of proportionate rigour [*rigore proporzionato*], proportionate to the situation at hand.[4]

This is not a matter of simple reticence, but of the particular moral configuration that the topic of force assumes in officers' discourse. It is in this domain, more than in any other, that legal liability and reputational risks converge for police personnel; as a result, it tends to be addressed through general, decontextualised, and normatively unassailable statements. This justificatory frame is at its most stable when the conversation turns to firearms: the domain in which normative parameters are perceived as clearest and best established, particularly with respect to the necessity and proportionality requirements that govern their use.[5]

The interviews also reveal a marked institutional drive toward self-restraint in the use of weapons, which further reinforces the tendency to confine discussion of force within a tightly controlled discursive repertoire.

> On the use of weapons, how to use them, we study from the code the lawful use of weapons; so, depending on the threat coming at you, you have to be clear-headed, prepared to give a response commensurate with the threat you are facing. Obviously, if someone has a knife in their hand you can't shoot them in the heart.[6]

The inherent dangerousness of firearms, the risk of harm to third parties, and the particular sensitivity of public opinion regarding their use lead officers to assign this instrument an exceptional status, one that calls for an especially cautious and rigorous approach. This is borne out by the interviews, in which the resort to firearms is explicitly perceived as a limiting case. Few officers report having been involved in armed confrontations. In this domain, the criteria of necessity and proportionality thus appear relatively well defined, in part because they are associated with extreme scenarios and with legitimation thresholds that are perceived as comparatively clear-cut.

The same does not appear to hold, however, for other instruments of physical coercion. The operational scenarios in which the resort to coercion is most frequently reported do not involve situations of lethal threat, but contexts in which subjects are unarmed or, in any case, do not pose an immediately deadly danger to officers or third parties. Interviewees most commonly refer to three types of situations: public order policing; stops and arrests, sometimes involving pursuits; and the management of uncooperative, agitated, or resistant individuals. It is above all in these ordinary, recurrent, and highly

[3] Interview no. 9, excerpt no. 16.
[4] Interview no. 26, excerpt no. 17.
[5] Interview no. 4, excerpt no. 38; Interview no. 5, excerpt no. 37; Interview no. 23, excerpt no. 15.
[6] Interview no. 6, excerpt no. 13.

variable contexts that the regulation of force appears least determined by clear thresholds and most dependent on practical, context-bound assessments that often resist formalisation.

1.2. The grey zone: normative indeterminacy and operational discretion

Outside the domain of firearms, where legitimation criteria tend to be perceived as relatively well defined, officers describe the standards governing force as far vaguer, more generic, and at times downright "hazy" [*fumosi*].[7] It is precisely in the ordinary contexts where coercion is most frequently deployed that the gap between the clarity of stated principles and the indeterminacy of their concrete application becomes most apparent. The rules that are supposed to guide decisions are not always perceived as fully formalised or translatable into unambiguous operational criteria; as one interviewee observes, "these rules aren't written down, it's like when there are customs and usages".[8]

It is in this space of relative indeterminacy that what interviewees themselves describe as "an extensive grey zone"[9] opens up, within which operational decisions take on a deeply contingent character. In such circumstances, the assessment of what is necessary or proportionate does not derive from the mechanical application of a rule, but from a process of practical qualification of the context, shaped by the subject's conduct, the level of tension in the interaction, the surrounding environment, and the resources immediately available. It is hardly surprising, then, that one officer describes this process by saying that "you go very much by feel" [*si fa molto a sentimento*].[10] The expression points not so much to pure arbitrariness as to the weight of embodied, largely unverbalizable forms of judgement that develop at the intersection of experience, professional socialisation, and the situated reading of the scene.

> To push it to the extreme, even the use of a weapon itself is not codified anywhere, because in the abstract there is only the principle of stopping violence or a threat. No, it is not written anywhere that one should try to hit non-vital parts of the body; though I have to say the colleagues in the crowd control units [*reparti mobili*] do know that obviously you should… That getting hit with a baton on the shoulder is different from getting hit on the head. But even there, I repeat, the grey zone, you are right… And it is also very extensive.[11]

The interviews also point to an implicit distinction between technical learning and the justificatory framework for the use of force. Training appears to concentrate primarily on the transmission of operational techniques and intervention procedures, while the

[7] Interview no. 4, excerpt no. 38.
[8] Interview no. 6, excerpt no. 35.
[9] Interview no. 3, excerpt no. 29.
[10] Interview no. 14, excerpt no. 23.
[11] Interview no. 3, excerpt no. 29. In the bureaucratic lexicon of the Italian police, crowd control units are officially designated as *reparti mobili* (literally, "mobile units").

definition of the concrete preconditions and circumstances that legitimise their use remains far more elusive. In other terms, what is taught is predominantly the "how" of intervention — how to immobilise, restrain, handcuff, respond — rather than the "when" and the "why".[12] These latter dimensions do not appear to be translated into detailed guidelines or sufficiently precise operational criteria, but are instead left to general statutory standards and their interpretation in the specific case, that is, to the situated and practical judgement of the individual officer.

> Well, during classes on operational techniques [*tecniche operative*] they explain what the legitimate way of operating is, the use of force when… Which must in any case be proportionate to the threat, and this applies to the use of weapons too; so there are all sorts of techniques for… They show us, they also have us practise, handcuffing techniques, rapid intervention, how to immobilise a subject, what the appropriate procedures are for doing so.[13]

> Let's say that in our programme this is not covered, unfortunately it is not; and having a set of guidelines for everything, as you suggest, would be important and fundamental, it would be much more transparent and clearer. But frankly I have to say that from this point of view we do not have them. At the end of the six months we give you the famous toolbox [*cassetta degli attrezzi*] because that is what we can give you, we cannot give you answers to everything; we give you the toolbox and it is up to you to pull out the right tool when the occasion arises.[14]

Training on the use of force remains only partially codified. The interviews reveal the existence of an internal circuit through which operational techniques are defined and updated: instructors meet periodically to review, harmonise and transmit procedures, which are then cascaded through training institutes and continuing professional development courses.[15] This standardisation, however, bears primarily on the technical and executive dimension of intervention rather than on the precise determination of the preconditions that justify its activation in concrete cases. Training thus provides officers with a relatively structured repertoire of tools and procedures, while leaving substantial margins of indeterminacy as to the criteria governing their legitimate use.

1.3. The opaque world of internal operational guidelines

In theory, this area of indeterminacy should be filled by extra-statutory sources such as internal regulations, operational protocols and guidelines, capable of translating the general principles on the use of force enshrined in the penal code into more specific, uniform and verifiable criteria for action. The interviews, however, paint a picture of a

[12] Interview no. 5, excerpt no. 15; Interview no. 27, excerpt no. 55.
[13] Interview no. 14, excerpt no. 15.
[14] Interview no. 27, excerpt no. 55.
[15] Interview no. 7, excerpt no. 10; Interview no. 25, excerpt no. 26; Interview no. 25, excerpt no. 27; Interview no. 26, excerpt no. 15.

conspicuous regulatory gap on precisely this front. Officers describe a situation in which intervention protocols are absent, underdeveloped, or formulated in terms too generic to provide meaningful guidance in concrete situations. The result is that the space left open by the breadth of general principles is not filled by sufficiently precise and standardised secondary regulation.

> Unfortunately, within the police administration intervention protocols largely do not exist, or where they do exist, they are very weak [*molto blandi*].[16]

> There is a real lack of precise guidance on when and how to act in certain situations; so we rely quite a bit on our own experience, our own judgement [*sensibilità*].[17]

> What is probably missing is a coherent set of binding protocols [*la disciplina dei protocolli*]: that is, a given course of conduct submitted to a judge's scrutiny may lead to one outcome, while another officer's conduct in the same situation may lead to a different one, precisely because guidelines for behaviour that hold across all contexts are very often lacking.[18]

The interviews indicate the existence of manuals and training materials concerning the use of force. Officers report receiving specific training on their basis, yet the content and normative standing of these materials remain opaque. This opacity is analytically the most consequential finding. These instruments do not fall neatly either within the sphere of technical skills transmission or within that of the formal regulation and disciplining of operational conduct. Rather, they occupy an intermediate position, where pedagogy becomes intertwined with practical orientation and professional self-discipline. In the absence of clear and binding protocols, such materials come to perform, at least in part, a surrogate regulatory function.

In the case of the Polizia di Stato, the instruments referred to by interviewees consist predominantly of training materials: manuals, synopses, e-learning platforms, and product-specific brochures relating to particular devices, such as the Taser and other restraint tools. Although formally classified as training support materials, these instruments appear to exceed a merely pedagogical function and to acquire a de facto prescriptive force. Officers report consulting them as a matter of prudence, in order to minimise the risk of legal or disciplinary consequences.[19] In this way, training material comes to operate as an implicit standard of conduct: not formally binding, yet capable of orienting action by providing a benchmark that is not only technically correct but, above all, legally defensible.

[16] Interview no. 8, excerpt no. 18.
[17] Interview no. 14, excerpt no. 23.
[18] Interview no. 18, excerpt no. 19.
[19] Interview no. 12, excerpt no. 12; Interview no. 49, excerpt no. 57.

> But it is clear that if there is a training platform with precise techniques, those are the techniques that, if the officer applies them, obviously protect the officer.[20]

In interviews with members of the *Arma dei Carabinieri*, references to "internal operational directives" [*direttive operative interne*][21] recur more frequently, as do references to the so-called *libretta*,[22] a colloquial expression used to designate the body of internal rules and guidelines for conduct. The term *libretta* may be approximated in English as *booklets*, though this rendering remains imperfect. As reflected in the interviews, the term refers not to a clearly delimited or materially identifiable set of documents, but rather to a diffuse repertoire of internal prescriptions, practical orientations, and correct modes of operation, whose normative coherence remains elusive.

> So, *libretta* is the general term we use for our internal rules, both as rules of engagement and as rules for internal management. The *libretta* is a bit like an encyclopaedia that does not really exist. There is no actual *libretta*, but when we say 'let's do things *da libretta*' [by the book], it is basically like saying 'by the manual.'[23]

Elsewhere, the same materials are described as "synopses" or "manuals"[24], indicating a considerable degree of classificatory indeterminacy. This terminological fluctuation itself suggests that these instruments have an uncertain normative status. Some interviewees also note that they may carry disciplinary weight[25], further strengthening their prescriptive character despite the absence of any formal definition.

> Let's say they have a hybrid nature, because, besides being internal regulations, they also operate as guidelines; they are also, so to speak, internal articulations within the police administration of primary legislation, or applications of international conventions incorporated into Italian law.[26]

The accounts collected reveal a significant degree of conceptual confusion. Interviewees refer to internal and ministerial circulars alongside training materials that are widely used in operational practice. What emerges is a heterogeneous and poorly systematised body of instruments, produced both by the police force concerned and by the ministry, which address legal questions but focus above all on technical and operational matters. These instruments often relate only to specific intervention contexts or to particular

[20] Interview no. 35, excerpt no. 37.
[21] Interview no. 20, excerpt no. 7.
[22] Interview no. 32, excerpt no. 46; Interview no. 32, excerpt no. 47; Interview no. 33, excerpt no. 46; Interview no. 33, excerpt no. 48.
[23] Interview no. 33, excerpt no. 48.
[24] Interview no. 33, excerpt no. 49.
[25] Interview no. 33, excerpt no. 50; Interview no. 33, excerpt no. 51; Interview no. 13, excerpt no. 14.
[26] Interview no. 33, excerpt no. 52.

coercive devices.[27] Their position within the relevant regulatory framework, however, remains undefined. In both the *Polizia di Stato* and the *Arma dei Carabinieri*, a recurrent pattern emerges: the use of force is governed through instruments that effectively perform a regulatory function; yet are not recognised as such either by the officers who use them or, presumably, by the institutions that produce them. This grey zone is the analytically most significant finding: the space separating training from prescription, and pedagogical support from standards of conduct.

A further structural element reinforces this picture: the marked inaccessibility of these materials. Access from outside the organisation is difficult, as they are often withheld from public view on grounds of operational security. Even in response to our requests for general civic access under Article 5(2) of Legislative Decree No. 33/2013, the administration refused disclosure on grounds of public order and security, invoking the need to prevent potentially hostile actors from gaining an advantage through knowledge of police operational methods. The justification advanced to deny access reproduces, in institutionalised form, an argument that also recurs in interviews with officers themselves.[28] This convergence is analytically significant: it suggests that the opacity of these materials is not merely incidental, but structurally coherent with the function they are made to perform. Secrecy, in other words, reveals that such materials are conceived less as criteria for regulating conduct in the interest of third parties than as operational resources to be protected in the service of effective intervention.

Not all interviewees, however, adhere to this logic. In some cases, an explicit critique emerges of the limited transparency of the regulatory framework, perceived as problematic both for external accountability and for the clarity afforded to officers themselves.[29] Although this critical voice remains a minority one, it deserves attention: it indicates that the tension between institutional opacity and the demand for transparency is not experienced solely from the outside, but also runs, at least in part, through the professional culture of the forces themselves.

A further noteworthy element concerns the legal status ascribed to these materials. Reflection on this point appears to be neither spontaneous nor well consolidated. In the interviews, it surfaces reactively, as an effect of the prompts built into the conversation, rather than as the product of explicit discussion at leadership level or of ordinary professional reflexivity among officers.

A particularly telling case is provided by the discursive oscillation surrounding the legal validity of training materials on operational techniques. At an earlier stage of the interview, one interviewee seems to attribute to these materials an almost justificatory function, in the sense that conformity with the techniques taught is perceived as affording protection to the officer: “a police officer who justifies themselves by citing

[27] There are, for example, explicit operational directives concerning the use of stun guns, commonly known as Tasers, irritant spray, and the need to avoid firing warning shots for intimidation purposes (see Ministry of the Interior, Circular No. 1213/A/183.B.24 of 2 July 1990, *Police Services: Use of Firearms*; Ministry of the Interior, Circular No. 559/A/2/752.M:2.5/2182 of 30 June 2008, *Use of Weapons*; Ministry of the Interior, National Centre for Specialisation and Advanced Training in Shooting, *Vademecum for Taser Operators*. Mod. X2, 2018).

[28] Interview no. 4, excerpt no. 21.

[29] Interview no. 33, excerpt no. 39; Interview no. 35, excerpt no. 38.

the training material, I imagine, is absolutely covered [*scriminato*] in their conduct."[30] The hypothetical phrasing is itself revealing: the belief invoked rests not on a clearly articulated normative basis, but on an unverified expectation. Yet later in the same interview, more explicit doubts surface: "The legal validity of our platform… Well, we can actually discuss that, but the administration takes responsibility for the techniques that are…"[31]

This movement from reliance to problematisation is not merely incidental. It shows that training material is understood at once as an operational guide, a professional standard, and a potential benchmark for ex post assessment in judicial or disciplinary proceedings, even though none of these functions is explicitly recognised or formally defined. The normative status of these instruments remains largely implicit, and their legal qualification is ultimately left to the situational judgment of individual officers.

1.4. Regulatory scepticism

A significant feature of the accounts collected is the tendency to close down or deflect discussion of the regulation of the use of force through a recurrent argument: force cannot ultimately be governed ex ante, but only self-regulated by the officer in the concrete circumstances of each situation. The variety and unpredictability of operational scenarios are invoked to support the claim that no preventive guidance can adequately encompass the full range of possible cases. As one interviewee puts it succinctly, "there is no handbook [*vademecum*], because anything can happen out there, so…".[32] Even where stronger training is envisaged, this limitation is presented as structural.

> We could run a course lasting a whole year, but it would still be difficult to provide all the answers and say what to do in every possible circumstance; what teaches you the most, without question, is experience.[33]

The regulation of the use of force is thus represented as an inherently situated practice, closer to a craft than to a codifiable body of knowledge. Using force "is not mathematics"[34]: it is understood as a competence acquired primarily through operational experience and through exchange with more senior colleagues, rather than through the study of manuals or protocols. Against this backdrop, the theme of self-training also emerges. Several interviews refer to the widespread practice among officers of training privately in gyms and practising martial arts or combat techniques, often together with colleagues, in order to compensate for the shortcomings of institutional training and to develop greater readiness for the eventual use of force in

[30] Interview no. 35, excerpt no. 37.
[31] Interview no. 35, excerpt no. 37.
[32] Interview no. 6, excerpt no. 35.
[33] Interview no. 27, excerpt no. 57.
[34] Interview no. 12, excerpt no. 25.

the line of duty.

> You learn the operational techniques [*tecniche operative*] on the course, and then you have to add something of your own; the street teaches you, operational life teaches you, what happens day by day teaches you, your work experiences… For example, when I was on patrol, I used to train a lot: I still went to the gym, I trained with two other colleagues, we tried things out among ourselves. And then having a good understanding with your patrol partner counts for a lot; often a glance is enough to know who acts, we rehearse things among ourselves, but that is how it is, it was all down to our own goodwill.[35]

> Yes, because, as I was saying, training is fundamental; the handcuffing technique is something I should probably practise, not every day, I would say, but almost, because the body gets used to those movements. I am lucky because, on my own initiative, I have practised some martial arts, such as Aikido; so there are joint locks, pressure points, a whole range of things that give me confidence, both for myself and for the person being stopped.[36]

This phenomenon emerges across several interviews without being explicitly problematised. Yet its implications are significant.[37] Officers themselves often emphasise the importance of continuous training in producing the "automatisms" [*automatismi*] required for the correct use of force. If that is so, the question arises as to what influence private training may have on the acquisition of operational habits that diverge from those officially transmitted, especially given that institutional continuing professional development appears, according to recent research, to be largely marginal or insufficient.[38] The risk, then, is that self-training in the use of force, the most sensitive dimension of police work, may come to prevail, at least in part, over institutional training, embedding in officers coercive techniques and practical orientations acquired in private gyms.

The insistence on experience points not only to a process of technical learning, but also to the cultivation of a capacity for judgement that enables officers to move within margins of normative and moral uncertainty. Particularly revealing in this regard is the image used by one interviewee: "we often travel along the razor's edge between legality—legality no, not… between the legal and the illegal. We navigate that razor's edge; if you are good you manage to stay on that… in balance! Experience is what keeps you in balance."[39] From this vantage point, operational protocols and institutionalised training are relativised. What truly counts is practice, the officer's sound judgement, and experience: a practical and tacit competence through which one learns to orient oneself

[35] Interview no. 1, excerpt no. 20.
[36] Interview no. 30, excerpt no. 45.
[37] Interview no. 2, excerpt no. 22; Interview no. 2, excerpt no. 23; Interview no. 30, excerpt no. 40; Interview no. 41, excerpt no. 9.
[38] Campesi, Giuseppe, and Michele Di Giorgio. 2026. *Costruire il poliziotto: reclutamento e formazione nella percezione degli operatori*. Report di ricerca nell'ambito del progetto "Police and Social Change: The Challenges of Gender and Ethnicity in Contemporary Italy." Bologna: Università di Bologna.
[39] Interview no. 6, excerpt no. 35.

in unpredictable and highly variable situations. The underlying idea is that what officers need is less detailed operational guidance than a grounding in general principles, to be translated into practice through situational judgement.[40]

These arguments converge into an interpretive framework that may be termed *regulatory scepticism*. It is an extremely recurrent theme in the interviews, appearing with remarkable consistency across a wide range of accounts. Decisions on the use of force are represented, almost constantly, as choices made in split seconds, under conditions of agitation, pressure, and stress so intense as to make any project of detailed ex ante regulation appear structurally inadequate.[41] From this perspective, the very idea of predetermining in detail the conditions and modalities of resort to force is dismissed as incompatible with the variability, speed, and unpredictability of operational situations. This is not merely the familiar claim that concrete reality exceeds abstract schemes, but a more fully developed representation of coercion as an inherently rule-resistant domain, structurally resistant to comprehensive preventive regulation. Hence the frequent recourse to extreme or borderline scenarios, invoked to dramatise operational uncertainty and to reinforce the view that no rule can genuinely anticipate the full range of possible cases.

> Allow me to observe that, very often, the regulation — I don't quite know how to say it — the regulatory side, the legal side of things, is one thing, and very often reality, a public-order situation, with strange emergency situations, particular ones, never seen before, is something you have to invent on the spot. And then you just have to be lucky enough not to get it wrong… The same goes for the stun gun [pistola elettrica], because in those few moments I have to decide whether to use the stun gun or my service pistol, and then the judicial authority may quite rightly say to me: 'No, you got it wrong, because you should have used one or the other.' But who, in that moment of agitation, in that moment of extreme stress, when everything comes up into your throat, can really know whether they acted correctly or not? This is not about dodging the point; it is about saying that, unfortunately, there will never be a regulation or a protocol that can anticipate every situation. And then there are borderline situations in which only the person on the ground can decide how best to act, or not to act.[42]

> So, with devices like the Taser, which is a stun gun, you basically immobilise the person straight away… Because if a two-metre-tall man comes at you holding a bar, you cannot exactly shoot him or get into a fight; we are not all supposed to be judo masters, if you see what I mean… You immobilise him, you do not kill him, and then you handcuff him; after that, he comes round, he complies… And yet it is true that they have issued these Tasers only to certain units; I suppose it is a matter of cost, who knows… Where

[40] Interview no. 28, excerpt no. 9; Interview no. 33, excerpt no. 54.
[41] Interview no. 2, excerpt no. 26; Interview no. 9, excerpt no. 32; Interview no. 9, excerpt no. 33; Interview no. 11, excerpt no. 20; Interview no. 20, excerpt no. 7; Interview no. 25, excerpt no. 28; Interview no. 28, excerpt no. 9; Interview no. 28, excerpt no. 15; Interview no. 30, excerpt no. 41; Interview no. 33, excerpt no. 64; Interview no. 34, excerpt no. 50; Interview no. 34, excerpt no. 51; Interview no. 35, excerpt no. 37.
[42] Interview no. 29. Excerpt no. 21.

> techniques [*operational techniques; editor's note*] are used, because with these weapons, techniques or no techniques, electric ones… I mean, you try to subdue, who knows… People, or a crowd coming at you, how are you supposed to manage it? Techniques or no techniques? If you are isolated, in a public-order situation where everything had been fine until that point, and then suddenly, who knows, some protesters arrive and stir everyone else up as well, and you find yourself basically trapped in an alley with a hundred people coming at you, throwing stones, throwing whatever they have, how do you… Use techniques? At that point, you just have to hope they do not kill you, that is all there is to it. Because when people are together with others, they get even more worked up! So everyone creates a situation of subjugation and dominance [*soggezione e supremazia*]… [43]

In these passages, the claim that force is inherently resistant to regulation becomes intertwined with a rhetorical construction of operational contexts heavily oriented toward extreme cases. This is particularly evident in the recurrent references to public order policing, one of the scenarios most frequently invoked when interviewees are asked to reflect on the criteria guiding the use of coercion. The picture evoked is typically one of urban guerrilla warfare, enraged crowds, and collective violence as an almost unstoppable force, against which officers act under conditions of extreme pressure and marked numerical inferiority. In this way, the exceptional case tends to establish itself as the implicit paradigm for the entire discourse on the use of force. By contrast, it is striking that ordinary cases—those in which resort to coercion arises most frequently in everyday practice—remain in the background and are rarely treated as the privileged terrain for normative reflection on officer conduct. The limiting case thus performs a precise rhetorical function: it serves not only to convey the difficulty of police work, but also, more radically, to sustain the view that such work cannot be bound ex ante by excessively detailed criteria. The exception, in other words, is mobilised to relativise the rule, while the unpredictability of the extreme scenario is invoked as a general argument against any ambition to regulate the use of force in precise and binding terms.

Yet this line of argument is marked by a significant ambivalence. To present police work as so inherently dangerous that it cannot be constrained by overly stringent rules may seem, at first glance, a matter of common sense. But precisely because officers of the *Polizia di Stato* and the *Arma dei Carabinieri* are institutionally entrusted with confronting and managing danger, and are trained accordingly, their professionalism should be assessed by their ability to govern even high-tension situations with composure and control. Seen in this light, recourse to extreme cases risks producing an ideological effect: turning into an absolute exception what, by professional definition, should fall within the sphere of preparation, competence, and institutional control. Rather than proving the impossibility of regulation, these narratives seem instead to serve in legitimising the extension of operational discretion.

[43] Interview no. 2, excerpt no. 26.

2. Force as operational necessity

The interviews reveal a marked oscillation in the way officers interpret the legal framework governing the use of force. Two distinct legal paradigms are in play. The first is self-defence (*legittima difesa*, Article 52 of the Penal Code), which governs the reactive use of force in response to an unlawful attack. The second is the performance of a duty and the lawful use of weapons (*adempimento del dovere* and *uso legittimo delle armi*, Articles 51 and 53 of the Penal Code), which govern the active use of force in the proactive execution of police functions. Officers move between these two frameworks in ways that are rarely explicit or consistent, and the oscillation is not without consequences since it bears directly on the scope of the justificatory grounds recognised for police action. When the primary reference is Article 52, the resort to force is read within a defensive logic that tends to tighten the relevant parameters and ties justification to a reaction against an ongoing attack. When the reference shifts instead to Articles 51 and 53, the justificatory scope widens. Coercion is no longer conceived solely as a response to an aggression, but as a necessary means for fulfilling an institutional duty or bringing a police operation to completion.

This second dimension is less visible in the interviews and conceptually less elaborated. Officers rarely reflect explicitly on the limits of force in the performance of duty. The prevailing interpretive framework is that of self-defence, while those situations in which force is used to overcome resistance, carry out a stop, complete an identification, or bring a police operation to its conclusion. Yet these are precisely the situations in which most ordinary uses of coercion occur. In such contexts, the regulation of force cannot be modelled on the defensive scheme of Article 52, which presupposes a reaction to an ongoing and unlawful attack. What is required instead is a different logic, namely that of operational necessity, which calls for a strict proportionality assessment between the objective pursued and the human, legal, and ethical costs of coercive action.

That this logic remains largely implicit in officers' discourse is not a marginal detail. It is precisely here that the lack of explicit thematisation has practical consequences for both the quality of decision-making and its ex post accountability. The concrete risk is that implicit reliance on the paradigm of self-defence ends up obscuring the area in which the issue is most legally and operationally sensitive: not reactions to an extreme and immediate threat, but coercive measures employed to manage resistance, compel compliance with a required act, or ensure the successful outcome of an intervention. It is in this domain—that of the ordinary, non-exceptional use of force—that the quality of regulation is truly put to the test.

> But the key point is this: what is the officer supposed to do when faced with a person who refuses to comply? If the person is to be arrested, the matter is fairly easy to resolve: one way or another, I put the handcuffs on them. But if the person is only to be checked, or searched for weapons or burglary tools, that is one case; or if they are to be taken to the station because, as in the hypothetical example we discussed, they say: 'I was here and I wasn't doing anything, so you can't identify me'… What, as a police officer, am I supposed

to do?[44]

In some interviews, there emerges, albeit in an unsystematic way, the idea that the active use of force also requires a proportionality assessment: a weighing of the operational objective pursued against the risks generated by police action.[45] Even beyond the defensive paradigm, there is some awareness that coercion cannot be justified in purely functional terms, but must be measured against the costs it entails. This issue arises with particular clarity in comments on the fatal outcome of the car chase that led to the death of nineteen-year-old Ramy Elgaml on 24 November 2024, in relation to which some interviewees explicitly invoke the need to balance the risks of pursuing a police operation at all costs against the possible consequences for the rights and safety of the person concerned.

> Because what do you do? It's not as if you want to put someone's life at risk just because you know they are a drug dealer who has made 200 euros. I mean, let's be clear: this is a matter of common sense and, above all, of proportionality.[46]

> And even if they had — just between us, as I was saying — even if they had had a block of hashish under the seat, for that block… Is a person's life worth a block of hashish? I don't think so, do you? In the sense that a trade-off was made, wasn't it, on the basis of a supposition and at the cost of risking someone's life.[47]

> I, for example, would not have risked other people's lives by driving at 150 kilometres an hour. They hadn't fired any shots; they had only fled.[48]

These formulations are significant because they indicate that, at least in some instances, proportionality is conceived not merely as the adequacy of a reaction to a threat, but as a comparative judgement between the aim pursued and the costs entailed by coercive action. What appears to guide such reflections, however, is above all the individual officer's sound judgement, rather than operational criteria formalised in conduct rules, especially in complex scenarios such as pursuits or the use of force during stops and arrests. Beyond the sensitivity of individual officers, no sufficiently structured institutional reflection seems to emerge on the question of tactical disengagement, that is, on the criteria by which an officer ought to discontinue an action when the risks and costs of coercion exceed its expected benefits.

The case of pursuits, which interviewees frequently raise spontaneously in accounts of the use of force and the criminal liability of police officers, is particularly revealing. Here,

[44] Interview no. 48, excerpt no. 56.
[45] Interview no. 4, excerpt no. 50; Interview no. 28, excerpt no. 5; Interview no. 49, excerpt no. 62.
[46] Interview no. 2, excerpt no. 32.
[47] Interview no. 36, excerpt no. 20.
[48] Interview no. 36, excerpt no. 18.

intervention is not conceived as a purely individual choice, but unfolds in coordination with the operations centre, which "authorises"[49] and directs the action by issuing the necessary "instructions to the units operating in the field."[50] The assessment of risks is therefore not formally left to the sole judgement of the directly involved officer, who may not have a complete picture of the situation or may be affected by the pressure of unfolding events. Yet no sufficiently clear and predetermined criteria appear to govern the point at which coercive escalation produces risks such as to make tactical disengagement the preferable course of action. That gap seems instead to be filled by local practices and professional cultures specific to individual offices, in a context where interrupting an action tends to be regarded as problematic rather than as a legitimate operational option.

In this context, several accounts suggest that interrupting an intervention, abandoning a pursuit, or failing to complete a stop may expose the officer to suspicion of dereliction of duty or, in any case, to a negative assessment of their conduct, including at the disciplinary level.[51] Such legal or disciplinary pressure may also be compounded by informal organisational repercussions. The interviews evoke the risk that a decision to disengage, or even a prudent proportionality assessment, may be interpreted as a sign of professional inadequacy, with consequences for internal reputation and the assignment of duties. Particularly telling, in this respect, is the reference to possible retaliatory measures of a "mobbing-like" character, with commanders potentially relegating officers deemed excessively cautious to static guard duties [*fare il piantone*][52], that is, the unprestigious task of standing guard at a building or fixed post.

In sum, the picture emerging from our interviews suggests the existence of strong institutional pressure toward action, which may encourage an inclination to regard coercion as an ordinary operational necessity rather than as an exception. In the absence of explicit criteria for weighing the values at stake, including security, operational effectiveness, and the protection of personal safety, the performance of duty tends to be interpreted expansively: police forces perceive themselves as authorised to do whatever is necessary to carry an operation through. The result is an implicitly action-oriented regulatory model, in which coercive escalation is structural, while tactical disengagement is not only absent from any explicit codification or systematic institutional reflection, but also appears to be potentially discouraged by organisational expectations that reward the ability to see an intervention through more than they value the decision to discontinue it when the costs become excessive.

[49] Interview no. 36, excerpt no. 20.
[50] Interview no. 6, excerpt no. 38.
[51] Interview no. 2, excerpt no. 32; Interview no. 12, excerpt no. 14; Interview no. 13, excerpt no. 8; Interview no. 17, excerpt no. 54.
[52] Interview no. 50, excerpt no. 41.

3. Force as professional risk

In officers' perception, the use of force is not simply an operational tool. It is also, and perhaps above all, a source of risk: an act that places those who perform it in a zone of vulnerability affecting simultaneously the body, the psyche, and their legal and professional position. This threefold exposure is structurally linked to the exercise of a prerogative conferred by the state on police officers but not consistently accompanied by an adequate normative and institutional framework of protection. The result is a form of vulnerability that is, to a large extent, institutionally produced, and that contributes to shaping how officers understand their work, assess operational situations, and position themselves in relation to accountability.

3.1. The many faces of professional risk

The first dimension of the professional risk associated with the use of force concerns the officer's physical safety. Physical risk is perceived as structural to the profession and intrinsically bound up with the resort to force.[53] The accounts collected convey a representation of the social environment as potentially threatening and hostile to police forces, in which exposure to danger is experienced not only as an ordinary component of the job, but more profoundly as a constitutive element of professional identity. Alongside physical risk, the interviews point to a second dimension of professional vulnerability: the psychological one.[54] This is associated with the management of high-tension situations, decisional uncertainty, and the possible ex post consequences of operational choices. The profession is repeatedly described as particularly exposed to "the risk of burnout and work-related stress," including in light of the notably high incidence of suicide among police officers.[55]

The risk most extensively thematised, and most clearly perceived as central, is exposure to legal liability.[56] Officers describe it as especially intense and pervasive, often experiencing it as the principal source of vulnerability connected to the use of force. Even more than danger to their own physical safety, it is the possibility of being held legally accountable for their operational decisions that lies at the centre of the concerns expressed in the interviews.

In the accounts collected, the risk of criminal liability is frequently associated with new forms of social accountability and with the growing visibility of police action.[57] Video recordings, the media circulation of images, and the perceived selectivity of public narratives are repeatedly invoked as factors that skew the public representation of

[53] Interview no. 2, excerpt no. 26; Interview no. 2, excerpt no. 33; Interview no. 10, excerpt no. 30; Interview no. 14, excerpt no. 21.
[54] Interview no. 5, excerpt no. 36; Interview no. 11, excerpt no. 29.
[55] Interview no. 5, excerpt no. 35.
[56] Interview no. 5, excerpt no. 38; Interview no. 9, excerpt no. 29; Interview no. 11, excerpt no. 28; Interview no. 13, excerpt no. 25; Interview no. 17, excerpt no. 52; Interview no. 33, excerpt no. 57.
[57] Interview no. 1, excerpt no. 36; Interview no. 28, excerpt no. 34.

incidents and foster a climate of distrust toward police forces. From this perspective, the fear of criminal liability derives not only from the outcome of the action itself, but also from the possibility that the action may be detached from its operational context, reinterpreted ex post, and subjected to a form of public judgement perceived as partial or hostile.

> In [omitted], I must have had at least 40 arrests for resisting a public official [*resistenza a pubblico ufficiale*] over two years. Not one of them was ever pursued further. Why? Because there was no journalist there filming.[58]

> There is fear, and that fear is fuelled by all this filming. You have seen how, every time a carabiniere or a police officer intervenes, there is filming; and this filming, quite rightly, broadcasts the clips that cast the police in a negative light. They do not show the footage from beginning to end, from where it all starts to where it leads; they show the clip…[59]

> You should know that, at a conference, a journalist friend of mine — an experienced journalist — said that having a police officer under investigation is good news: we run it, we put it on the front page. But when the officer is later acquitted, the story goes from a full-page spread when they are brought before the courts to three lines when they are acquitted.[60]

The perceived intensity of the reputational risk associated with the new visibility of police work appears to shape operational practices directly, to the point of raising the risk of forms of de-policing, that is, excessive caution in intervention driven by fear of judicial or disciplinary consequences.

> Because it is only natural for a colleague who feels trapped in this vice to react in that way. I would challenge anyone to feel at ease not in going too far, but simply in doing their duty, without then being immediately accused and investigated, as happens now, rather than not. There is a difference, in my view. Because, as I was saying, it is clear that a colleague may go too far, but it is equally natural that, if problems of this kind arise, that drive to go beyond diminishes somewhat.[61]

The perception of a disproportionate and excessive exposure to the risks associated with the use of force appears to arise from a combination of structural, operational, and symbolic factors, all of which bear on how officers interpret the relationship between their institutional mandate and individual accountability. This perception is particularly

[58] Interview no. 32, excerpt no. 29.
[59] Interview no. 30, excerpt no. 44.
[60] Interview no. 29, excerpt no. 24.
[61] Interview no. 12, excerpt no. 14. Also: Interview no. 17, excerpt no. 53; Interview no. 32, excerpt no. 45; Interview no. 33, excerpt no. 61.

significant when viewed against the professional identity of policing, sociologically constructed around the management of danger, uncertainty, and conflict. Yet, in the empirical material, it does not seem to derive solely from the objective intensity of those risks. Rather, it is produced by two main and intertwined sets of causes: on the one hand, operational factors that tend to foster escalation and thus increase the likelihood of resort to force; on the other, factors relating to the legal and organisational regulation of the use of force.

3.2. Operational drivers of escalation

As already noted, the contexts in which the use of force is most likely are relatively well defined: public order policing, stops and arrests, and the management of uncooperative individuals. Each of these settings presents specific operational challenges, such that inadequate tactical choices may heighten the risk of escalation and coercive incidents.

In the domain of public order policing, the interviews offer particularly significant observations on the role of planning and operational command. Personnel deployed in these contexts are not always specifically trained for them, and this has direct implications for the management of force in the field.[62] The interviews further show how both the tactical deployment of personnel and the decisions taken by the commanding officer can decisively shape the intensity and quality of force used.

> Very often, poor deployment of personnel puts them in a position where they end up operating in the wrong way. So there is a whole background to the use of force in the field [in piazza] that depends entirely on the officer in command [dirigente del servizio], because it is the officer in command who must ensure that the force at their disposal is placed in the best possible conditions to do its job; something that very often does not happen.[63]

From this perspective, individual training is not sufficient where the chain of command lacks adequate specialist competence in public order policing.[64] Some accounts also suggest that disproportionate reactions stem less from ideological motivations or any intrinsic aggressiveness on the part of officers than from poor planning, organisational deficiencies, coordination failures, and, at times, the broader political and operational climate.[65]

In cases involving stops or the management of uncooperative individuals, the central issue appears to be the limited incorporation of de-escalation techniques into ordinary operational practice. Within police forces, these skills remain largely confined to specialist roles, rather than forming part of the routine toolkit of officers engaged in everyday policing. De-escalation is therefore represented primarily as an informal

[62] Interview no. 1, excerpt no. 26; Interview no. 3, excerpt no. 30; Interview no. 15, excerpt no. 30.
[63] Interview no. 4, excerpt no. 40.
[64] Interview no. 6, excerpt no. 25.
[65] Interview no. 15, excerpt no. 23.

competence, acquired through experience. Particularly telling in this regard is the role attributed to more senior officers in tempering the impulsiveness of younger colleagues.[66] Rather than a fully professionalised technique, it remains a form of tacit knowledge, transmitted interpersonally rather than systematically codified.

Some interviewees explicitly recognise the need to strengthen training in this area, going so far as to regard de-escalation skills as more important than operational techniques themselves.

> Training is not sufficiently adequate, because, for example, during academy training you are taught personal defence and how to manage and bring an agitated person under control. But today effective communication plays an important role; communication that is appropriate to the moment, that is, negotiation. Training in negotiation could be provided to all carabinieri, not only to specialists.[67]

Particularly significant is the awareness that interaction with police forces may itself constitute a source of stress for the person involved, thereby triggering escalation dynamics that are difficult to manage. From this perspective, an officer who is already in a state of tension and has not received adequate training in communication skills is more likely to adopt a confrontational approach, aimed at securing the scene of the intervention, but also liable to intensify tension rather than reduce it.

> So there is also the management of the event itself — the ability to communicate, to manage the relationship, to look at the person, to look them in the eye while trying to convey calm rather than aggression, to be able to speak in a certain way, to choose the right moment. But then what happens? We come back to the same point: if training time is limited, how can you expect to do that kind of work and actually reach the point of properly training someone?[68]

Even where positive experiences emerge, such as the involvement of psychologists in training sessions on operational techniques, interviewees describe them as a matter of chance rather than as a systematic component of training. This is not a marginal finding. It suggests that de-escalation is neither proceduralised nor firmly institutionalised within the training curriculum but remains largely dependent on individual sensitivity and initiative. In the absence of explicit codification, the transmission of de-escalation skills depends on the availability of qualified instructors or senior officers, the culture of the unit, and, ultimately, chance.[69]

Some accounts also relate operational styles to the professional background of personnel, at times marked by a prevalence of military-style training.[70] This form of

[66] Interview no. 28, excerpt no. 9; Interview no. 14, excerpt no. 22.
[67] Interview no. 17, excerpt no. 28.
[68] Interview no. 17, excerpt no. 29.
[69] Interview no. 35, excerpt no. 30; Interview no. 35, excerpt no. 40.
[70] Interview no. 8, excerpt no. 11; Interview no. 40, excerpt no. 3; Interview no. 42, excerpt no. 1. A recent study has

training is perceived as less oriented toward negotiation and more inclined to interpret resistance or non-cooperation as a challenge to authority. Against this backdrop, de-escalation appears only weakly internalised and, in some accounts, almost alien to the prevailing operational culture. As one interviewee observes, "the police rarely make an effort to avoid the use of force, to persuade the person, calm them down, make them cooperative."[71]

A further element concerns the role played by the coercive tools available and by the operational mindset informing the intervention. Approaching a scene equipped with devices such as pepper spray or stun guns, and guided by operational approaches primarily oriented toward immediate containment, may itself foster escalation, independently of the initial intentions of individual officers. Once such a dynamic has been set in motion, the resort to force tends to appear justifiable ex post. What remains obscured, however, is the chain of tactical and organisational decisions — regarding equipment, training, and operational procedures — that helped produce the critical incident. It is at this level, rather than solely in the conduct of the individual officer, that the most significant regulatory problem emerges.

> So, a mother calls emergency services because her son has argued with his girlfriend and locked himself in his room at home with a knife, threatening to kill himself. The poor mother calls 112 and says, 'Send an ambulance, do something, my son wants to kill himself,' something along those lines… Obviously, the ambulance does not come because he is armed, so a police patrol is sent instead. The patrol arrives, bringing with it the famous padded shield [*scudo imbottito*], the one normally issued for dealing with a person armed with a knife. So the patrol goes up, reaches the flat, knocks, and tries to talk to this young man. End of story, basically: after a while they lose patience and decide to force their way into the room. The shield, the standard-issue one, is left outside — perhaps it will be useful another time. Two officers go in. What do they do? In an enclosed space… Pepper spray! All hell breaks loose. This young man, like an enraged bull, throws himself at one of the officers and strikes him. The other officer is forced to shoot and kills him. A situation of danger, perhaps, brought about by the officer himself, because he violated every rule, even though he could have… I mean, by his own prudence… He violated the internal guidelines, he failed to use the available equipment properly, and in any case put himself at risk, creating the situation that led him to… I mean, it is a case of culpable negligence [*ipotesi colposa*], if you like. And then there is the desperate mother who says, 'I called to get help for my son, and my son comes out dead.' Full stop.[72]

This account illustrates with particular clarity the weight of the erroneous tactical choices that precede the critical incident. More broadly, it raises the question of the de facto mandate entrusted to the police in the management of mental distress, despite the absence of the specific skills and professional culture genuinely required to handle crises of this kind. This must be considered alongside the material conditions under

shown the centrality of the military recruitment pool in shaping the composition of the Italian police forces (see Campesi, Giuseppe, and Michele Di Giorgio. 2026. *Costruire il poliziotto*, cit.).

[71] Interview no. 53, excerpt no. 7.

[72] Interview no. 53, excerpt no. 6.

which services are actually delivered: staffing shortages, difficulties in securing timely support, the planning of reinforcements, and the management of backup patrols. Together, these constraints may produce a kind of operational funnel, in which the resort to force comes to appear, from the officer's perspective, as the only practicable option, especially where the time or personnel required for prolonged mediation are lacking.

Despite the emergence of these critical issues, officers do not seem to develop any systematic awareness of the organisational causes of their own exposure to risk. It is rather external actors, such as the public prosecutor whose account was cited most recently, who draw attention to these dimensions. Among officers, the prevailing representation of the operational context centres on disorder, violence, and the hostility of the external environment. The dominant interpretive frame is that of a police force "under siege," engaged in confronting troublemakers and situations of permanent conflict.[73] Within this frame, the causes of the most critical incidents are systematically projected outward, onto the external operational environment, while internal organisational variables remain in the background: operational planning, training, professional culture, and resource allocation, all of which contribute significantly to the production of risk and to the intensity of the resort to force.

The paradox is that this outward projection of the causes of risk does not reduce officers' responsibility but instead intensifies it. When incidents are read as the effects of a hostile and unpredictable environment, rather than as the partial product of organisational choices, officers are led to internalise an individualised understanding of risk: the problem is located in the conduct of the individual officer, rather than in the institutional configuration that contributed to producing it.

3.3. Legal and organisational sources of vulnerability

A further factor shaping the perception of excessive exposure to the risks associated with the use of force lies in the way officers understand and represent the regulatory framework governing its exercise. Put differently, the problem may be read through what the literature describes as uncertainty of the organisational environment[74], although interviewees do not converge in their accounts of its causes.

In several interviews, a demand emerges for rules that are more precise, more detailed, and more readily translatable into operational terms, partly in order to secure greater legal protection for the officer.[75] The most explicit complaint concerns the absence of genuine operational protocols: "protocols do not exist; whoever says otherwise is lying. There are very vague lines of conduct that say everything and say nothing."[76] Elsewhere, the lack of protocols is linked to a lack of predictability in legal assessment: in the

[73] Interview no. 7, excerpt no. 11; Interview no. 8, excerpt no. 38; Interview no. 13, excerpt no. 4; Interview no. 27, excerpt no. 55; Interview no. 32, excerpt no. 29.
[74] Paoline, Eugene A. 2003. "Taking stock: Toward a richer understanding of police culture." *Journal of Criminal Justice* 31(3):199–214.
[75] Interview no. 3, excerpt no. 30; Interview no. 7, excerpt no. 22; Interview no. 11, excerpt no. 19; Interview no. 11, excerpt no. 34; Interview no. 12, excerpt no. 36; Interview no. 14, excerpt no. 24; Interview no. 49, excerpt no. 60.
[76] Interview no. 8, excerpt no. 18.

absence of shared guidelines applicable across contexts, "a given course of conduct submitted to a judge's scrutiny may lead to one outcome, while another officer's conduct in the same situation may lead to a different one."[77] What emerges, then, is the perception of a regulatory gap that produces opacity and leaves officers exposed to unpredictable forms of external scrutiny.

In some instances, finally, the demand for greater regulatory clarity is accompanied by the view that such an intervention requires a political choice, rather than being left solely to technical or professional judgement. Particularly significant in this regard is the observation that there should be "a decision-maker, and it is not necessarily the case that the decision-maker should be exclusively the technical figure, at the technical level, so I mean the Chief of Police; there should also be a minister who says let's focus on this matter."[78] The demand for clearer protocols thus points not only to a need for better internal organisation, but also to a call for the clear assumption of institutional and political responsibility in defining the rules of engagement.

Some interviews identify concrete examples of regulatory gaps: among them, the absence of protocols governing the use of dogs in public order operations[79] and, more broadly, the lack of clear rules for the management of crowd situations, an area largely left to the discretion of the officer in command.[80] By contrast, in the case of the Taser, the existence of a protocol is described as the result of an explicit demand pursued through union channels.[81] This reinforces the idea that officers perceive regulatory formalisation not only as a tool for guiding action, but also as a form of professional protection.[82]

The uncertainty produced by the absence of well-defined rules and operational protocols leads officers to perceive themselves as lacking clear points of reference for their decisions in the field, and as consequently exposed to the risk of legal consequences when the use of force goes wrong. In this sense, a great deal is "very often left to the luck of the officer."[83] In the absence of clear operational rules, both the outcome of an action and its subsequent assessment appear heavily dependent on circumstances, while any resulting consequences are borne individually. The theme of "luck" also emerges explicitly in a passage returning once again to the tragic case of nineteen-year-old Ramy Elgaml.

> If you mean those carabinieri in Milan who did this… yes, of course. I, for example, would not have risked other people's lives by going at 150 kilometres an hour. They hadn't fired any shots; they had only run away. And there is not really a clear model for that… I mean, if it had gone badly for the carabinieri — that is, if they had gone off the road and killed the woman passing by on her bicycle — the whole legal apparatus would certainly have come down on them. But, all things considered, only the person being chased died, even

[77] Interview no. 8, excerpt no. 18.
[78] Interview no. 28, excerpt no. 34.
[79] Interview no. 36, excerpt no. 22.
[80] Interview no. 8, excerpt no. 19; Interview no. 9, excerpt no. 40.
[81] Interview no. 49, excerpt no. 59.
[82] Interview no. 9, excerpt no. 33.
[83] Interview no. 36, excerpt no. 18.

> if he was a young man.[84]

In this passage, the reference to luck takes on a particularly stark meaning. It suggests that, for the same conduct — namely, the high-speed pursuit of fleeing and unarmed individuals — the assessment of the action might have been far more severe had third parties been harmed. The fact that "only the person being chased" died is implicitly presented as the element that prevented more serious consequences, revealing how, in officers' perception, the judgement on an action is shaped less by reference to a clearly defined operational model than by its factual outcome.

The possible introduction of more precise operational rules is not necessarily perceived as a factor that would reduce professional risk. On the contrary, several accounts suggest that overly detailed rules might increase, rather than limit, officers' exposure to liability. Reference is made, for example, to an attempt to introduce more detailed protocols that was ultimately not consolidated, precisely because those protocols were considered excessively rigid, difficult to apply in concrete situations, and liable to expose officers to criminal or civil liability in cases of operational deviation.[85] From this perspective, the problem is not simply the absence of rules as such, but the risk that overly specific rules may harden into rigid benchmarks for ex post evaluation.

A similar line of reasoning emerges in relation to the rules of engagement governing the Taser. These are perceived as instruments that mark out and delimit risk, but not necessarily as mechanisms of protection for the officer; on the contrary, they may heighten exposure to liability, particularly on the civil side, in cases where use departs from the prescribed procedures.[86] This wariness toward detailed regulation is expressed with particular clarity in the following remark.

> They undoubtedly exist, but there will never be an exhaustive protocol, and I am of the view that the more protocols we introduce, the more rules we lay down — like deciding that this pen goes one way rather than another — the more likely it is that someone will ask why you placed it that way and not the other, in a moment of agitation and so on. The more rules we create, the more we risk getting bogged down in relation to operational effectiveness [*ci andiamo a impantanare rispetto all'operatività*], in those few instants, those few seconds in which you have to think, and which then collide with even the best protocol in the world.[87]

In this light, the choice not to codify training materials or to assign them a clear normative status, but instead to keep them fluid, revisable, and malleable, also becomes intelligible.[88] On the one hand, this flexibility avoids excessive regulatory rigidity; on the other, it helps preserve a degree of uncertainty as to the status and binding force of

[84] Interview no. 36, excerpt no. 18.
[85] Interview no. 18, excerpt no. 21.
[86] Interview no. 29, excerpt no. 20; Interview no. 29, excerpt no. 53.
[87] Interview no. 29, excerpt no. 22.
[88] Interview no. 28, excerpt no. 14.

operational guidelines, while also allowing for strategic adjustments in relation to individual judicial proceedings.[89] The *regulatory scepticism* discussed earlier (see section 2.4) takes here on an additional meaning. It appears not merely as the expression of a professional culture that emphasises the unpredictability of police action, but also as a posture with its own strategic rationality. Overly detailed rules are perceived as potentially dangerous because they turn every operational deviation into a possible source of liability; a more flexible framework, though more uncertain, is instead experienced as more compatible with the situated and contingent character of the use of force.

A further element emerging from the interviews as a decisive factor in amplifying professional risk concerns not so much the content of the rules themselves as the way they are interpreted and applied in criminal proceedings. In particular, interviewees repeatedly refer to the heterogeneity of prosecutorial practices and the variability of judicial interpretations, both of which are perceived as bearing directly on the predictability of the legal consequences of the use of force.

> Look, there are laws regulating the lawful use of weapons, but within those laws, as we see every day, there is the famous free assessment of the judge [*libero convincimento del giudice*] and the famous obligation to open a case file against the officer [*atto dovuto*]. Within that framework, different members of the judiciary evaluate certain forms of conduct differently.[90]

> Because the interpretation a judge gives can also be completely different, even diametrically opposed. It is an interpretation of how those rules were… Of how, in their view, those rules were applied. And that then affects the investigations that are requested, how the preliminary investigation phase is conducted, and therefore whether or not someone ends up being committed to trial. I do not think we are in a phase… In a relationship with the judicial authority where one can say: no, you did your job properly, the prosecutor sees it that way… Because they know nothing, since we are dealing with unpredictable variables. And then, whether the correct application of the guidelines is recognised or not always depends on the individual person called upon to conduct and direct the investigations, to use judicial language, and on that side too I see much less clarity and much less uniformity. Because while our rules of engagement may perhaps be very clear, the way they are interpreted or measured against the individual practical case on the judicial side is much less so.[91]

From this perspective, uncertainty appears to derive not so much from the absence of rules as from the perceived lack of uniformity in their interpretation and application. The reference to the judge's "free assessment" and to the diversity of prosecutorial

[89] Interview no. 32, excerpt no. 47.

[90] Interview no. 8, excerpt no. 18. The *atto dovuto* refers to the usual registration of an officer in the register of suspects (*registro degli indagati*) following a serious use-of-force incident. This registration is a procedural formality required by law and does not in itself imply the existence of serious evidence against the officer concerned.

[91] Interview no. 33, excerpt no. 65.

approaches, described in vividly expressive terms as "unpredictable variables" [*variabili impazzite*], is framed as a source of systemic unpredictability that makes it difficult for officers to anticipate the legal consequences of their operational choices. In such a context, criminal proceedings are described as particularly burdensome at the personal level. The interviews frequently point to significant economic and professional consequences, including suspension from duty, transfers, and adverse effects on career progression, as well as to the often very lengthy duration of proceedings,[92] perceived as a source of prolonged stress and loss of peace of mind.

> Because, you see, at the moment when I am carrying out my duties and something unforeseeable happens, as occurred in Milan, and my colleague receives a notice of investigation [*avviso di garanzia*], well, he should not have to mortgage his house to pay for a lawyer, or wait perhaps twelve years for the outcome of criminal proceedings that destroy him in terms of media exposure, family life, finances, and career, only then to discover, in 94%, almost 95% of the cases involving us, that no offence was committed or that the conduct did not amount to a criminal offence [*il fatto non sussiste o non costituisce reato*].[93]

> I mean, the issue of civil and criminal liability that affects us… And I repeat, what really hurts, beyond criminal liability, because 80 to 90 per cent of criminal proceedings end up being unfounded and are dismissed on various grounds, what really hurts is basically the examination of your disciplinary position. Because after the criminal judgment there is the famous Consolidated Act on Military Organisation [*Testo unico dell'ordinamento militare*], under which they challenge the fact that certain conduct occurred… They say: 'yes, the judge dismissed the case, but it is also true that you did this thing.' But do you want to ask me why I did it? I don't know if I'm making myself clear. And so, the whole thing is very restrictive.[94]

It is at this point that an ambiguity in officers' reasoning becomes visible. Whereas, in the accounts examined earlier, judicial scrutiny was portrayed as radically unpredictable, here that representation appears at least partly revised. Criminal proceedings seem to be associated with outcomes that are less uncertain than initially suggested. The implicit assumption is that law enforcement officers act correctly in the vast majority of cases, and that this is borne out by the high number of cases that are either dismissed or end in acquittal. What emerges, then, as the problematic core is not so much exposure to criminal proceedings in the strict sense — with respect to which officers appear, all things considered, to feel relatively protected against the risk of conviction — but rather the indirect effects that the initiation of criminal proceedings may produce at the personal and professional levels. The issue thus shifts to the broader question of how exposure to criminal proceedings relates to the forms of professional

[92] Interview no. 2, excerpt no. 34; Interview no. 32, excerpt no. 29; Interview no. 32, excerpt no. 37; Interview no. 33, excerpt no. 57.
[93] Interview no. 50, excerpt no. 43.
[94] Interview no. 2, excerpt no. 31.

protection available to police officers, a theme that has become increasingly salient in public debate.

3.4. Criminal Proceedings as Professional Risk

As the preceding section has shown, the interviews suggest that the high degree of exposure to professional risk, above all in relation to criminal proceedings, generates an implicit demand for stronger forms of protection for the officer. Yet this demand is deeply ambivalent. It remains unclear whether what is being invoked are protections within such proceedings, such as stronger procedural safeguards, faster proceedings, and greater interpretive uniformity, or, more radically, safeguards against their very initiation in relation to conduct carried out in the exercise of official functions.

This ambivalence is closely tied to an equally ambivalent view of the role of the judiciary. On the one hand, the relationship between the police and the judiciary is historically fraught, and some accounts revive the familiar theme of frustration at the possible neutralisation of investigative or operational efforts.[95] In these accounts, the judiciary is at times perceived as an actor whose decisions can significantly affect the effectiveness of police work, thereby reinforcing a representation of latent institutional tension. On the other hand, the issue emerging from the interviews is deeper and more structural. It concerns not only the effectiveness of police action, but also the supervisory role exercised by the judiciary over the use of force and, more broadly, over officers' coercive activity.

3.4.1. Protection within Criminal Proceedings

A first discursive line that emerges with some clarity in the interviews is the representation of the judiciary as an ordinary and necessary actor of oversight. Recurring formulations point to the inevitability of criminal investigation, the near-automatic nature of scrutiny whenever force is used or harmful consequences occur, and the institutional impossibility of insulating police action from judicial review. In this sense, the judiciary is not portrayed as an intrusive actor, but as a routine node within the system of police accountability and oversight.[96]

This interpretive line emerges most clearly in accounts where interviewees distinguish between the necessity of judicial oversight and the need to protect the individual officer. The issue is not framed as opposition to judicial control, but rather as a demand for measures aimed at reducing its impact on the officer's professional and personal life. The solutions envisaged do not concern the elimination or curtailment of judicial oversight, but the strengthening of protections for the officer, whether through the advance payment of legal costs or through insurance-based forms of coverage.[97] Criminal proceedings are perceived as excessively burdensome even when they end in favourable outcomes, which is why the demand for economic and legal protection

[95] Interview no. 17, excerpt no. 51; Interview no. 32, excerpt no. 45; Interview no. 50, excerpt no. 44.
[96] Interview no. 29, excerpt no. 55; Interview no. 50, excerpt no. 43.
[97] Interview no. 1, excerpt no. 55; Interview no. 50, excerpt no. 43.

recurs with particular insistence. In some accounts, the reference to possible insurance coverage makes it especially clear that the risk perceived as most onerous is not necessarily that of criminal conviction as such, but rather that of having to bear the costs of legal defence or to face compensation claims brought by individuals harmed by police action.[98]

As one trade union representative explained in interview, some unions provide members involved in criminal proceedings with forms of legal assistance based on agreements concluded with specialist law firms. This solution not only guarantees legal defence in the proceedings, but also enables the officer concerned to avoid bearing the costs directly. The question of economic and legal protection thus acquires an autonomous significance: it concerns not only the possibility of mounting a defence, but also the need to neutralise, at least in part, the financial effects of a judicial exposure perceived as inherent to the profession. The possible role of insurance, however, does not appear to be fully thematised in the interviews. It surfaces only episodically and remains largely in the background; nor is it perceived by interviewees as an effective response to the excessive exposure to risk arising from the institutional mandate of the police. The analysis of the interviews shows that access to insurance coverage remains largely dependent on the personal financial means of individual officers, or at most on the support of certain unions, while the forms of insurance coverage offered by the police forces are perceived as largely inadequate.[99]

It is evident, however, that any comprehensive insurance coverage offered by the police forces would entail not only significant financial costs for those forces, but also a broader reconsideration of operational protocols. As experience in other jurisdictions suggests, insurance coverage is often accompanied by insurers' demands for more specific conduct criteria, and more explicit standards against which police action can be assessed. It is precisely here that a strong institutional ambiguity emerges.[100] On the one hand, officers demand greater protection against the personal and professional costs associated with exposure to criminal proceedings; on the other, the full institutionalisation of such protection appears to require a specification of operational rules, to which there is widespread resistance. Our research thus suggests that the fragility of existing insurance coverage reflects the difficulty of resolving this tension.

3.4.2. Protection from Criminal Proceedings

The dominant interpretive line in the interviews suggests that police officers perceive judicial oversight as particularly intrusive and experience it as an excessive and unjustified source of professional risk. Two principal variants of this critique emerge. The first is predominantly cognitive: judicial scrutiny is portrayed as incapable of grasping the complexity and specificity of police work. The second is predominantly emotional and symbolic: judicial oversight is experienced as an unacceptable sign of institutional distrust toward police forces.

[98] Interview no. 3, excerpt no. 27; Interview no. 29, excerpt no. 20.
[99] Interview no. 1, excerpt no. 55; Interview no. 8, excerpt no. 36.
[100] Rappaport, John. 2017. "How private insurers regulate public police." *Harvard Law Review* 130(6):1539–614.

In the first version of the critique, judicial oversight is not, in principle, rejected or delegitimised; rather, it is represented as inadequate to grasp the circumstances in which police action unfolds, characterised by urgency, uncertainty, and decisions taken under extreme time pressure.[101] The familiar theme of split-second decision-making[102] is frequently invoked, often alongside references to popular culture, to suggest the impossibility for judges of appreciating ex post the complexity of the circumstances in which the police officer is called upon to act.

> It is clear that… No, actually, it is not clear… But here there are two different points of view. One is the police officer's, who, ex ante, on the basis of what is happening to them, has to decide. The other — and this is the serious issue — is always the judge's point of view, who, ex post, decides what I should have done on the basis of what they have seen or been told about that incident. I have to decide ex ante, because I find myself forced to act… They decide ex post and tell me what they think I should have done, but they do so after consulting the manuals, looking at the photographs, watching the VAR! That is the point: in any case, I am subject to the criminal code.[103]

The issue is not merely the point at which judges formulate their assessment, and thus the inevitable limits of the informational picture and situational perception available ex post. The interviews also convey the idea that judges lack the technical competence necessary to properly assess the appropriateness of officers' conduct. Particularly significant, in this regard, is a shift in the argumentative register. The uncertainty and opacity that make operational guidelines empirically elusive — and in relation to which many interviewees, as the preceding sections have shown, repeatedly emphasise the need to rely on personal sensitivity and practical experience in order to fill the regulatory gap within which they operate — here appear to recede. In their place emerges the idea that those very guidelines, while existing and sufficiently clear to the officer, cannot be genuinely understood by actors external to the police forces.

> In other words, the rule of engagement as I understand it, from the standpoint of the police officer on the ground, is clear, clear to me. But the people facing us are reading the guidelines, the directive, the publication, the rule of engagement… And they are not technical experts.[104]

Here, the critique of the judiciary becomes more radical and appears to point to what is perceived as an unjustified attempt to question police professionalism without possessing the necessary knowledge and expertise to do so. What emerges, in other words, is precisely the emotional and symbolic dimension mentioned earlier, in which

[101] Interview no. 3, excerpt no. 27; Interview no. 8, excerpt no. 34; Interview no. 29, excerpt no. 21.
[102] Fyfe, James J. 2020. "The Split-Second Syndrome", in *Critical Issues in Policing: Contemporary Readings*, edited by Roger G. Dunham, Geoffrey P. Alpert, and Kyle D. McLean.
[103] Interview no. 48, excerpt no. 56.
[104] Interview no. 33, excerpt no. 66.

judicial oversight is experienced not only as technically inadequate, but also as a form of unwarranted humiliation, if not as a persecutory act. Within this frame, the category of the *atto dovuto* acquires particular force, the expression used by interviewees to refer to the registration of the police officer in the register of suspects under Article 335 of the Code of Criminal Procedure. This procedural step is clearly perceived as an unnecessary burden[105], as is also evident from the way many of our interlocutors refer to it: as the "well-known" [106], "so-called" [107], or "infamous" [108] *atto dovuto*.

> The problems lie in the law in any case, because if I am doing my job properly and something still happens, even though I have done everything in accordance with our rules, it is the notice of investigation [*avviso di garanzia*] that is the real bogeyman for police officers, it is the notice of investigation that comes from the judiciary. Because you say to yourself: I was just doing my job, I did it properly, so why do I find myself under investigation?[109]

> And then there is the *atto dovuto* — this is something that makes no sense at all! Accounts get distorted. Police officers were investigated, but nowhere is it written that they must be. One can perfectly well investigate, carry out inquiries, and allow defence experts to take part [to the inquiries] without registering them under *Modello 21*, without placing them under investigation.[110]

> It is also, in part, a matter of sensitivity, and it is something that is widely discussed within police circles. We are not protected; people often say that the law does not help us. I believe one has to face these things… In my own professional life, I have had to deal with the justice system; things went well, but a sense of unease stays with you. Because you realise… Was it really necessary? Was it really unavoidable?[111]

A possible corrective emerging from several interviews is the introduction of a presumption of good faith in relation to police conduct in cases involving the use of force. This position is not generally articulated as an explicit claim to immunity, but rather as a demand for a different alignment between substantive criminal law and criminal procedure. The underlying argument in the accounts collected is that, if the legal system recognises the lawfulness of the use of force under certain conditions, the automatic opening of criminal proceedings whenever force is exercised creates a dissonance between the supposed substantive lawfulness of the act and the procedural treatment to which the officer is subjected. From this perspective, the presumption of good faith is invoked as a procedural safeguard against the automatic

[105] Interview no. 11, excerpt no. 28.
[106] Interview no. 8, excerpt no. 18.
[107] Interview no. 13, excerpt no. 25.
[108] Interview no. 18, excerpt no. 8.
[109] Interview no. 30, excerpt no. 47.
[110] Interview no. 32, excerpt no. 37. *Modello 21* is the administrative form through which a person is entered in the Italian register of suspects [*registro degli indagati*] for the purposes of criminal proceedings.
[111] Interview no. 29, excerpt no. 24.

registration of the officer involved in the register of suspects whenever force is used. This theme is particularly salient for our interviewees and has, more recently, gained considerable resonance in public and institutional debate, leading to the tabling of several legislative proposals and, ultimately, to the adoption of Decree-Law No. 23/2026.

The interviews nevertheless reveal a certain difficulty in specifying, in operational terms, the threshold below which judicial scrutiny would cease to be necessary. Officers tend to argue that, in many cases, self-defence or the lawful use of weapons may be presumed in light of the operational context and the institutional mandate attributed to the police. Yet they rarely identify with any precision the factual indicators or objective criteria that would justify such a presumption in the absence of prior judicial inquiry. The result is a potential logical short circuit: the ex post outcome of the proceedings — often favourable to the police officer, in the form of dismissals or acquittals — is sometimes invoked as evidence that the investigation was unnecessary ab origine. In other words, the fact that the conduct is ultimately found to be lawful is retrospectively taken as proof that judicial scrutiny itself was unwarranted. What remains unresolved, however, is the central question: how to define sufficiently clear ex ante criteria for distinguishing cases in which the use of force may reasonably be regarded as prima facie lawful from those that instead require full judicial scrutiny.

> Where firearms are used, a notice of investigation [*avviso di garanzia*] is issued as a matter of course. This is justified as an *atto dovuto*, that is, as a safeguard for the officer where urgent steps need to be taken immediately, such as allowing the officer's defence counsel to attend an autopsy or any other forensic examination, including ballistic analysis, or, where an evidentiary hearing is to be held, to take part in it. Yes, it is true that these are safeguards for the officer's defence, but they are paid for out of the officer's own pocket. Yet where objective grounds of justification are present — such as the lawful use of weapons, the performance of a duty, or self-defence — what is needed, even if already provided for in principle, is a prior assessment such that, once a ground of justification is identified, one does not proceed automatically with the *atto dovuto*. If the lawful use of weapons is clear, that is, if self-defence is clear, why should the person be placed under investigation solely in order to ensure those procedural safeguards?[112]

As the excerpt quoted above itself implicitly acknowledges, the demand for a preliminary screening mechanism based on a presumption of lawfulness attaching to police conduct inevitably runs up against the need to verify the existence of grounds of justification in all their constituent elements. That verification may itself require evidentiary steps and investigative activities involving the police officer, not least in order to safeguard their own procedural position. It is therefore no coincidence that even the so-called "criminal shield" [*scudo penale*] for police forces, introduced by the Italian Government through Decree-Law No. 23/2026 for cases in which the act is allegedly committed in the presence of a ground of justification, ultimately took the

[112] Interview no. 18, excerpt no. 8.

form of a compromise solution: the creation of a “separate register”, distinct from the ordinary register of suspects, for recording the name of the person alleged to have committed the act; the extension to that person of the safeguards afforded to suspects; and the obligation to enter them in the register of suspects in the event of an evidentiary hearing. Beyond these terminological distinctions, however, the solution leaves substantially unchanged many of the negative repercussions of the *atto dovuto* described by officers, particularly the potential disciplinary consequences and the effects on service associated with the opening of criminal proceedings.

4. Expanding the boundaries of legitimate force

The ways in which officers represent the professional risks associated with exposure to criminal proceedings have a twofold effect that operates on two closely intertwined levels: one concerning officers' understandings of the legal standards governing the use of force, the other affecting the operational sphere by shaping conduct in the field. First, they produce, at least at the discursive level, a shift in the threshold at which the use of force comes to be perceived as criminally relevant. Second, those same perceptions may shape conduct in the field in ways that favour escalation and a more frequent resort to coercion. The potential outcome is therefore a gradual expansion of the boundaries of legitimate force. This is a particularly troubling development, especially given that, in the Italian legal system, the codified grounds permitting the lawful use of coercion are already relatively broad.[113]

4.1. The uncontrolled use of force

In several interviews, there emerges the idea that officers should enjoy a wider margin of tolerance in the assessment of conduct that would, at most, be sanctionable as forms of negligent excess. The issue reconnects with the broader question of the extent to which police conduct can meaningfully be subjected to review, especially when action unfolds under conditions of intense agitation, stress, and danger. Judicial scrutiny of officers' conduct through abstract standards of prudence and professional competence is perceived as potentially paralysing, and officers claim, more or less explicitly, a kind of licence for the *uncontrolled use of force*.

> Even if there is negligence, perhaps, I still need to be able to sleep soundly; I should not also have to live with the thought that I may have to sell my house and end up bankrupt.[114]

> Today, I mean… Also because, sitting around a table, we are all good at it. You have studied the issue calmly, you have had the time to work through a problem in detail… But I challenge anyone, from the great professors down to the last police officer, to deal with a problem at three in the morning, whether it is the arrest of a person or a homicide that has just taken place, without having studied the issue beforehand, without having dissected it in advance, and then to have their conduct scrutinised because they acted on impulse, because they had to act immediately… Unless we are dealing with errors that are truly inexcusable, subjecting every single officer's conduct to this kind of scrutiny is not, is not, is not so straightforward.[115]

[113] Martiello, Gianfranco. 2019. *I limiti penali dell'uso della forza pubblica: una indagine di parte generale*. Pisa: Edizioni ETS.
[114] Interview no. 1, excerpt no. 55.
[115] Interview no. 2, excerpt no. 30.

More explicitly still, physical struggle and the dynamics of police intervention are depicted as inherently chaotic and resistant to precise regulation. In such circumstances, negligent excess comes to appear almost inevitable.

> But in the end, if there is a struggle, it is obvious that a person may become somewhat more violent, perhaps striking with a punch because they are agitated, because the pressure has risen, because the other person is armed and so on. And that is where negligent excess may arise, and before you know it you find yourself having to pay damages because, during the struggle, the other person ended up with a broken arm. But you understand that I do not know exactly what happened in there. If I order you to stop and you do not stop, and then perhaps you throw away the gun but keep running off with the loot, and I manage to catch up with you, it is not as though I can say: 'Sir, please let me catch my breath and then we can continue the chase.' You understand that? In that moment, there is a state of agitation on both sides, on the part of the thief or criminal, and on the part of the police as well. So how are you supposed to manage and regulate the struggle that takes place? If he bites your ear and you slap him, and the slap ends up injuring his eye, how are you supposed to regulate something like that…[116]

This last excerpt captures the endpoint of a recurrent line of argument in the interviews. The definition of clearer standards of conduct, against which the officer's degree of professional competence in the concrete case might be assessed, is perceived as an unjustified amplification of professional risk. Any such "slippages", by contrast, should be evaluated in light of the complexity of operational contexts and referred back to the officer's good faith and the service-related reasons guiding the action.[117] Taken to its furthest implications, this position leads some interviewees explicitly to claim a kind of de-professionalisation of the police officer: the officer's conduct, they suggest, should be judged according to the standards expected of any ordinary citizen, rather than those applicable to a person specifically trained in the professional and controlled management of risk and conflict.

> Well, gross negligence… In that moment, a police officer is still a human being. They are subject to psychological strain, and in the middle of an altercation they may react. We are not machines, whatever they may say. The law says that you must behave in a certain way because you are a police officer. I understand that, but we are human beings, and in that moment each of us reacts differently in the face of danger, regardless of the training we may have had. Each of us has our own character, our own way of reading a situation, and I always say one thing: you have to be there, in that moment, to really understand what is going on.[118]

> Let's take a practical example. Suppose there is a public order situation, all right? In Rome, they smashed everything up, there were explosions everywhere, firecrackers going off all

[116] Interview no. 2, excerpt no. 31.
[117] Interview no. 28, excerpt no. 37; Interview no. 30, excerpt no. 45.
[118] Interview no. 8, excerpt no. 35.

> over the place, and so on. Why should I have to justify the fact that I grabbed one of these violent protesters and arrested him, and then he says: 'No, he kicked me'? In my view, even if I did kick him, that can happen. Because a person may also have to defend himself, if you see what I mean. It is not as though I am paid to stand there while someone smashes my face in in the name of demonstrating, if you see what I mean.[119]

Closely linked to the claim for wider margins of tolerance in the use of force under difficult and highly charged operational conditions is an underlying critique of the supposed equivalence between the aggressor and the officer under attack. This translates into what appears to be a misunderstanding of constitutional principles in criminal law. In other words, some interviews disclose a rejection of the equal value of the primary legal interests at stake, namely life and physical integrity, on the basis of the different moral qualities of the persons involved and of the disvalue of their conduct, a disvalue that is moral more than legal. These positions resonate with a broader critique of "guarantee-based" legalism [*garantismo*], perceived as operating to the detriment of police officers, whose conduct is subjected to a form of scrutiny experienced as excessive and humiliating.

> I am not saying that police officers should be immune from criminal consequences, because when a colleague makes a mistake, it is right that they should answer for the errors they commit. What I am saying, however, is that the aggressor and the person attacked should not be weighed in the same way. And this applies just as much to what happens in cases of burglary or home intrusion. When someone is the victim of an offence, when they are subjected to an attack, the law cannot judge their reaction in the same way as it judges the aggression of the person who attacked them. In my view, there should be some form, not of immunity, but of differentiated assessment between the person who is attacked and the person who defends themselves. I think the same should apply to police officers. Of course, I am not asking for immunity, no… But in my view there should be some form of protection where an officer is the victim of aggression.[120]

> So, in my view, things are moving too far in the direction of *garantismo*. It is true that the Constitution and all the laws of our state are there to protect everyone, but it cannot be right that some poor soul who is there simply to do their job in the police should have to bear all of this.[121]

Although references to the need for self-control, restraint, and responsibility in the exercise of coercive powers are not absent, especially in interviews with more senior personnel in leadership positions, including officers, commanders, and directors of training institutions,[122] the ambivalence with which our interviewees understand the role that standards of conduct might play in regulating police action, together with the

[119] Interview no. 2, excerpt no. 35.
[120] Interview no. 8, excerpt no. 36.
[121] Interview no. 2, excerpt no. 35.
[122] Interview no. 27, excerpt no. 11; Interview no. 27, excerpt no. 12; Interview no. 34, excerpt no. 49.

impatience they express toward judicial oversight, points to the consolidation of a corporatist pressure aimed at weakening the standards of professionalism against which police conduct is assessed. This claim for a wider margin of tolerance in the use of force is sustained by a professional culture strongly shaped by a sense of mission, within which the objective of fighting crime tends to generate a presumption of good faith in police conduct.

4.2. The anticipatory use of force

Another recurring theme in the interviews is the critique of proportionality understood as the graduated adjustment of police action to the level of resistance encountered. This model, commonly associated in the literature with the use-of-force continuum[123], is regarded as abstract and poorly aligned with concrete operational conditions, where uncertainty and the risks to the officer's safety would make any gradual escalation of intervention impracticable. The critique focuses on the idea that the officer must wait for aggression to become actual before a more forceful response can be justified. In some accounts, this is represented as a tactical disadvantage, one that would compel the police officer to act from an inherently defensive position. The theme recurs with marked frequency across the interviews we collected.

> But how can you know whether, while you are trying to talk to him, he is not going to smash you over the head with a stick and split your skull open? So how are you supposed to intervene in a situation like that?[124]

> It is extremely serious, because the very idea that a carabiniere should accept that he can shoot only once he is being shot at is itself serious. (…) You get in the car and, if you know a robbery has been committed, and you know it, you have to start shooting. You have to put both of them on the ground. You have to take them down! [*li devi atterrare!*] There can be no other way to… You cannot intervene, chase, and start shooting only once you have been wounded.[125]

The central issue is the perception that rules of engagement based on strict proportionality and on a precise assessment of the seriousness of the threat require officers to wait too long before securing the scene, thereby exposing them to greater risk. This gives rise to a tendency, in some situations, to regard pre-emptive intervention as legitimate, even where the threat remains only potential or abstract. What is explicitly at stake here is the idea of an *anticipatory use of force*.

[123] Trostle L. C. 1990. "The force continuum: From lethal to less-than-lethal force", *Journal of Contemporary Criminal Justice*, 6, 1, pp. 23-36.
[124] Interview no. 8, excerpt no. 35.
[125] Interview no. 32, excerpt no. 37.

> So, what happens? Pre-emptive use of force is judged negatively even when you are acting in self-defence, because the judge makes an assessment and says: 'all right, he had a knife, but why did you shoot him? He had not actually attacked you.' There may even be footage showing the person handling the knife, but then someone says: 'fine, I do not shoot, I keep trying to talk to him.' But while you are talking, he attacks you… In a fraction of a second, you have no real chance to defend yourself, which is why the use of force is an extremely complicated matter (...) I cannot wait for that person to stab me, because the moment he decides to stab me, I have no way out.[126]

The critique is not primarily framed in technical or tactical terms. It is clear, for instance, that in the scenario described in the last excerpt, the coercive incident would need to be assessed in context and in light of the tactical choices made by the officer. In other words, one would have to ask why the officer engaged in a physical confrontation with a knife-wielding individual instead of waiting for backup or buying time while containing the threat. Our interviewees seem, rather, to be raising a cultural and symbolic issue. The very idea that a police officer should always have to remain on the defensive is perceived as penalising, perhaps even humiliating. This, in turn, helps explain the appeal of more confrontational rules of engagement, or at least of rules more tolerant of the anticipatory use of force and authorising police officers to neutralise risk before it materialises. This is also linked to the prominence given to officer self-protection.

> You have to get him to the ground because you have to handcuff him, and in doing so you must always safeguard your own safety, because the officer always has to look after their own safety.[127]

> Can you really create a model in which the police officer or carabiniere is left worrying about whether the robber could have been saved? Fine, let him be saved if that is possible. But if it is a robber who has already killed a carabiniere, and is therefore armed, I cannot… In my view, he has to be brought down [*abbattuto*] immediately, if only because there is even the slightest possibility that he may have a gun.[128]

Beneath the surface, what emerges is an approach to the use of force that may be described as hyper-precautionary: first secure the situation and neutralise every possible source of risk, and only afterwards, if at all, restore a more dialogic mode of interaction. In sociological terms, this orientation approximates the paramilitary model described by Meyn[129], characterised by rapid interventions aimed at establishing tactical dominance over the scene, and therefore liable to produce immediate escalation. It is therefore unsurprising that our interviewees frequently resort to expressions such as "bring down" or "take down", which evoke a distinctly militarised operational

[126] Interview no. 8, excerpt no. 35.
[127] Interview no. 30, excerpt no. 40.
[128] Interview no. 32, excerpt no. 43.
[129] Meyn, Ion. 2021. "The Invisible Rules That Govern Use of Force." *Wisconsin Law Review* (3):593–656.

vocabulary and point to an understanding of the use of force centred on the suppression of risk rather than on its graduated management. This orientation stands in evident tension with the model underlying international standards on the use of force, which is grounded instead in the principles of graduality, de-escalation, proportionality, and strict necessity, and requires that coercion be limited to the minimum indispensable in light of the circumstances of the particular case.

4.3. Operational shortcuts

A further recurring element concerns the role that tools and equipment, particularly so-called 'less-lethal' weapons, play in reshaping the dynamics of coercive encounters. The discussion focused on the implications associated with the use of one of the most recently introduced devices, namely the electric stun gun, commonly known as the Taser, which has recently been involved in a number of fatal incidents during interventions against non-cooperative individuals resisting police stops. Officers' views on this issue are markedly ambivalent.

On the one hand, the interviews reveal a certain critical awareness of the absence of clear parameters governing the 'safe' use of the weapon.[130] However, safety is understood primarily in terms of protecting the officer from possible criminal or civil liability in the event of a critical incident.

> I have serious reservations about the use of the Taser, because the Taser is classified as though it were a weapon. The problem with the lawful use of that weapon… Is a little more blurred. Whereas you would never use a firearm, a pistol, against an unarmed person, the Taser can also be used against someone who is unarmed but particularly agitated, extremely agitated… So, in this case there is no longer a specific fact, namely a weapon on the side of the aggressor and a weapon on the side of the person attacked. What matters instead is the perception, on the part of the person under attack, in this case the police officer, of agitation, of extreme agitation, and so they make use of this weapon. And of course, that perception of the aggressor's extreme agitation is entirely personal. So there is, let us say, a very broad area of discretion as regards its use, and if something were to happen, then in my view, and in the view of our entire trade union organisation, there are no adequate legal safeguards, that is, there is no specific protocol that protects the officer.[131]

On the other hand, the use of these devices often goes largely unquestioned, since they are seen as inherently proportionate simply because they are assumed to be less lethal.[132] In the eyes of many interviewees the Taser appears as a weapon that allows for a more finely calibrated response than a firearm and therefore seems, almost by definition, to satisfy the requirement of proportionality. It is as if proportionality were

[130] Interview no. 29, excerpt no. 20; Interview no. 29, excerpt no. 53; Interview no. 36, excerpt no. 31.
[131] Interview no. 4, excerpt no. 38.
[132] Interview no. 6, excerpt no. 13; Interview no. 10, excerpt no. 29; Interview no. 32, excerpt no. 48; Interview no. 45, excerpt no. 40; Interview no. 50, excerpt no. 42.

built into the device itself, rather than depending on how it is used, the circumstances of the action, and the condition of the person subjected to it.

> Yes, yes, I think it is appropriate to use Tasers. Perhaps not the electric discharge itself, but at least the Taser, because if, let us say, the protester knows that I cannot shoot, then he does whatever he wants: he spits at me, throws paving stones at me, knowing that a gunshot would never be proportionate to the offence and so the level of aggression rises. If, on the other hand, he knows that there are… that I have the possibility of using intermediate tools, then he is probably deterred.[133]

The availability of the Taser thus encourages a flawed balancing of the interests at stake which, as one external expert observes, is "distorted at its very premise" [134], since it treats the interest in carrying out the police act as equivalent to the life and physical integrity of the person against whom force is used. From this point of view, the result is a genuine inversion of the constitutional principle of proportionality.

> The Taser carries a very high risk of definitively harming a good that a person has, the one thing they have in life, and there is no other… So, the issue is entirely different. The question I have to ask is this: 'Can I use a Taser in order to carry out an arrest that I would otherwise be unable to complete, while accepting the risk of completely annihilating a person's life?' The answer, obviously, is no.[135]

It is worth noting that the risks posed by the Taser to the person targeted are emphasised only by an external expert, in relation to a case he dealt with as a lawyer.[136] Among officers, by contrast, the dominant view is of the Taser as a high-impact device that offers an immediate operational solution, reduces the need for long and complex negotiation, and above all reduces the likelihood of having to engage in direct physical confrontation.[137] In other words, our interviewees make a significant shift in the criteria by which the use of such instruments is legitimised. Rather than being seen as instruments for protecting the person against whom force is used, by offering an alternative to firearms within a logic of de-escalation, they are conceived first and foremost as tools for protecting the officer, because they offer an operational shortcut that allows officers to avoid less forceful yet more time-consuming and demanding forms of intervention, such as hands-on engagement with uncooperative individuals.

> So, with devices like the Taser, which is an electric stun gun, you basically immobilise the person immediately. Because if a two-metre-tall man comes at you holding an iron bar, it is not as though you can just shoot him, or start wrestling with him, as if we were all

[133] Interview no. 45, excerpt no. 40.
[134] Interview no. 38, excerpt no. 10.
[135] Interview no. 38, excerpt no. 10.
[136] Interview no. 44, excerpt no. 10.
[137] Interview no. 53, excerpt no. 6; Interview no. 53, excerpt no. 7.

> supposed to be judo masters, if you see what I mean…[138]

> The point is to be able to carry out police work while minimising, as far as possible, the harm associated with physical contact, which is something we always try to avoid… These are precisely the reasons why we asked for the Taser and other such devices, namely, to avoid having to resort to physical contact.[139]

> So, if I use this, and I feel I need it because I cannot manage otherwise, why should I have to proceed in sequence and try every available means first? You are on patrol, someone is going berserk, very often a maladjusted person, a drunk, someone of that kind… In other words, the classic target of police intervention. What am I supposed to do? Entering into a physical struggle is a problem, because I might get hurt myself. Yes, I might hurt him. We are three, we have numerical superiority. But there is still a risk. I press the little gun and he is immobilised. Except that not everyone is immobilised straight away. So, it becomes a shortcut. And what does that shortcut make you lose sight of? All the principles: necessity, proportionality… and the constant reassessment of necessity and proportionality, which may be present at the outset and then diminish. In any case, it makes the officer forget what the principles governing the use of force actually are.[140]

As the final excerpt, drawn from an interview with a public prosecutor, makes clear, the supposedly 'less-lethal' nature of the device tends to serve as an implicit justification for its use, reducing the salience of the principles of necessity and proportionality that should govern any use of force. The idea that the device is somehow proportionate in itself thus encourages its anticipatory or routinised use, within a logic in which operational efficiency and officer self-protection come to outweigh a dynamic, context-specific assessment of the level of coercion that is strictly necessary.

4.4. The immunised use of force

The endpoint of this set of representations seems to be the recurrent demand for operational standards so clearly fixed as to minimise judicial discretion and establish in advance the cases in which the use of force is to be regarded as justified. Across several interviews, there emerges a clear preference for more explicit rules of engagement, grounded in predetermined thresholds that would make both operational conduct and its subsequent legal assessment more predictable.[141] Once again, the demand is explicitly linked to the overriding concern of officer self-protection.

[138] Interview no. 2, excerpt no. 26.
[139] Interview no. 11, excerpt no. 13.
[140] Interview no. 53, excerpt no. 6, emphasis added.
[141] Interview no. 8, excerpt no. 18; Interview no. 11, excerpt no. 19; Interview no. 12, excerpt no. 13; Interview no. 13, excerpt no. 4.

> What we want, first and foremost, are guarantees that we will make it home safe and sound, because we are paid to enforce the rules, but we are not paid either to die or to be beaten and come home battered. So what we are asking for are clear rules of engagement.[142]

> Rules of engagement exist in wartime, they exist… Colleagues in the army who go to war have rules of engagement. They know that if a person approaches their target, there are rules they have to follow. As I understand it, they first order them to stop, then fire a warning shot, and if they still do not stop, they fire at them. Those are rules of engagement. But for us, in police work, in law enforcement, we do not have rules of engagement, and that is what is missing.[143]

The reference to the military model points to an expectation of standardised operational scripts based on simple cause-and-effect sequences: if X happens, the response is Y. What is sought, in other words, is a set of predetermined rules that would remove a significant part of the assessment from the ex-post discretion of the judicial authorities. The demand is for operational automatisms that would build a presumption of lawfulness into coercive action itself, thereby shielding officers from possible legal consequences. Beneath this lies the idea that, if certain forms of operational conduct were codified in advance, compliance with the principles of necessity and proportionality could be treated, at least to some extent, as inherent in the predefined cases themselves. The recurring examples concern the use of force in response to failure to comply with a police order to stop, and above all in public order settings.[144] In this respect, one particularly recurrent demand is for the establishment of a 'red line' or 'buffer zone' during demonstrations, the crossing of which would automatically authorise a coercive response.

> You will certainly have seen what happens during demonstrations. People spit, throw stones… There, the solution would be simple: you can do whatever you like, you can spit at me, you can say the worst things to me, but you must not cross that line. There has to be a line separating the police from the demonstrators. If you cross that line, then I move in [*carico*], because the moment you cross it you are showing that you intend to use violence against me.[145]

> Most colleagues, and I do not want to get into a complex discussion now because I do not know what your view is… Colleagues often find themselves facing, for hours on end, situations in which they are subjected to spitting, slaps, kicks, stones, and all the rest of it. And of course, until an order is given by a superior, they do not move in, all right? So what really needs to be worked on is precisely what I was saying before: a set of rules capable of anticipating situations of this kind, so as to avoid what is, in my view, a deeply

[142] Interview no. 13, excerpt no. 4.
[143] Interview no. 14, excerpt no. 24.
[144] Interview no. 9, excerpt no. 39; Interview no. 12, excerpt no. 14; Interview no. 13, excerpt no. 4.
[145] Interview no. 8, excerpt no. 18.

> degrading situation for colleagues, while at the same time preserving the possibility of demonstrating and expressing one's views and dissent, as provided for by Articles 21 and 17 of the Constitution. That is why we are asking for what we might call buffer zones, precisely in order to avoid physical contact.[146]

The demand for clear and precise rules of engagement is ultimately tied to the hope of moving beyond the principles of necessity and proportionality, and therefore of expanding the boundaries of legitimate force. In the specific context of public order policing, the threat justifying the use of force would no longer need to be established in the particular case but could instead be presumed whenever demonstrators physically cross a given threshold or come too close to police units. This marks a significant shift: away from a situational assessment of the specific case and toward rule-based models for legitimising the use of force, in which compliance with the protocol is treated as near-conclusive proof of the lawfulness of police action, even in the absence of an actual and specifically verifiable threat. In this way, the function of rules of conduct and operational protocols is effectively reversed. They no longer function as instruments for restraining coercive action but instead become regulatory mechanisms authorising the anticipatory use of force, thereby compressing, if not altogether eliminating, the need to assess the specific circumstances against the requirements of strict necessity and proportionality.

[146] Interview no. 11, excerpt no. 19.

Conclusion

Taken together, the four chapters of this report offer a coherent account, though not without internal tensions, of an issue that runs through the empirical material as a whole: the relationship between regulation, legitimation, and control in the use of force by the Italian police. The report brings out critical issues and unresolved tensions at three interconnected levels: in the ways police officers understand and use force, in the legal framework that regulates it, and in the role of the judiciary as the institution entrusted with reviewing the legality of police conduct.

The structural under-regulation of police force

The first major finding of our research is the confirmation of a substantial regulatory gap. The use of force is governed in a fragmented manner through a heterogeneous set of instruments whose legal status remains opaque both to those who produce them and to those who apply them. Although officers invoke the principles of necessity and proportionality repeatedly, these principles seem to function more as a rhetorical language of self-presentation than as concrete guides to action. In ordinary operational situations, the criteria for legitimising the use of force remain largely entrusted to the officer's situated judgement, since no sufficiently precise body of secondary regulation fills the space left open by the codified general principles. Within that gap, training materials tend to acquire a de facto prescriptive force that is never formally acknowledged and thus come to operate as an implicit standard of conduct: technically defensible ex post, yet legally undefined.

A further gap, documented in the second chapter, concerns the marked under-thematisation of the ordinary uses of force. Officers tend to interpret the legitimacy of coercion almost exclusively through the lens of self-defence, thereby obscuring the many situations in which force is used to perform an institutional duty, overcome resistance, or carry a police operation through. Yet these are precisely the situations that arise most frequently in everyday practice, and also those in which regulation is most deficient and institutional reflection most underdeveloped. A particularly telling example is the issue of tactical disengagement: there are no predetermined criteria for deciding when a coercive action should be discontinued once the risks to the safety of those involved become excessive. At the organisational level, this absence corresponds to an institutional culture that discourages prudence and penalises those who refrain from acting. In such a context, the risk of escalation appears not as an incidental occurrence, but as a structural outcome.

This regulatory gap is not perceived as a problem to be addressed. To a considerable extent, it is actively defended. The prevailing professional culture, which we have described through the concept of *regulatory scepticism*, presents it as a structural necessity arising from the unpredictability of operational situations. The analysis makes clear that this representation is not neutral. It has definite institutional effects, helping to normalise the expansion of operational discretion and to resist any move toward a

tighter codification of police conduct.

Vulnerability as a driver of de-regulation

The second major finding concerns the way officers understand their relationship to accountability. The use of force is framed above all as a source of risk for the officer: physical, psychological, and above all legal and professional. This sense of vulnerability is not unfounded. Exposure to criminal proceedings, even when they end in dismissal, can have real personal and professional consequences. What calls for critical attention, however, is the way this vulnerability is worked through in officers' accounts.

Rather than giving rise to a demand for clearer regulation, the perception of professional risk tends to push in the opposite direction: toward reducing judicial oversight through procedural filters built around a presumption of good faith in favour of the police officer. What is striking is that the sources of this exposure to risk are consistently projected outward and attributed to a hostile environment, the unpredictability of judicial practice, or an excess of legal safeguards for offenders. What remains in the background are the internal organisational factors that play a major role in producing critical incidents: poor planning, the absence of de-escalation training, and a professional culture that rewards action and penalises caution. The result is a paradox. Vulnerability that is institutionally produced is borne individually, and this in turn fuels corporatist pressure to weaken the standards by which police action is subject to control.

Force unbound

The third finding, and perhaps the most troubling, concerns the direction in which this broader set of representations tends to lead. As the fourth chapter shows, the accounts we collected do not merely describe the difficulties of police work. Implicitly or explicitly, they also advance a claim for wider margins of legitimacy in the use of force. This claim unfolds on several levels, and in each of them the principles of necessity and proportionality are not formally denied so much as progressively stripped of practical force. All of this takes shape within a legal framework that already affords police officers relatively broad scope for the lawful use of force. Any further expansion of those margins, at the discursive, cultural, and increasingly legislative levels, risks producing a regulatory model in which the use of force is, in substance, insulated from any meaningful test of necessity and proportionality. This is a particularly troubling prospect because it would create a structural imbalance in favour of operational efficiency at the expense of the rights and safety of those subjected to coercive intervention. Their protection is not merely one value among others. It is the foundational justification for the entire system of police accountability and oversight. A regulatory model that progressively insulates the use of force from meaningful scrutiny therefore risks undermining the very purpose for which that system exists.