

CRITICAL ISSUES IN THE USE OF DIRECT COERCION BY LAW ENFORCEMENT: RESULTS FROM AN EXPERT FOCUS GROUP INTERVIEW

Ülle VANAIŠAK

Estonian Academy of Security Science
Kase str. 61, EST 12012 Tallinn, Estonia
E-mail: ulle.vanaisak@sisekaitse.ee
ORCID ID: [0009-0005-1244-3890](https://orcid.org/0009-0005-1244-3890)

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Abstract: *The article is based on a focus group interview with experts and serves as a continuation of the author's previously compiled article entitled: "The Law Enforcement Officer's Toolkit: Optimal Measures of Direct Coercion and the Competencies to Be Developed Through Training".*

This article investigates critical issues in the regulation and application of direct coercion by non-police law enforcement authorities in Estonia. Building upon previous research, the study employs a focus group methodology involving eight experts from four key sectors: rescue services, environmental protection, municipal law enforcement, and police. The findings highlight significant inconsistencies and ambiguities in the current legal framework, particularly regarding the scope and proportionality of permissible coercive measures and the fragmented regulation across various legal acts. Experts identified that the existing framework sometimes leaves public order insufficiently protected due to limited legal authority and access to modern, less-lethal means. The study provides evidence-based recommendations, including consolidating and clarifying legal provisions, expanding the list of permissible equipment, and enhancing training and standardization across agencies. These results underscore the necessity for a more coherent, flexible, and proportionate regulatory approach to direct coercion in Estonian law enforcement.

Keywords: *focus group, direct coercion, law enforcement, legal regulation, Estonia, public order, less-lethal weapon*

Introduction

The article is based on the author's previously compiled article entitled: "The Law Enforcement Officer's Toolkit: Optimal Measures of Direct Coercion and the Competencies to Be Developed Through Training". In a previous article, the author, drawing on analyses of police security tactics, proposed a suitable and necessary set of direct coercive measures for a competent law enforcement authority (other than the police) and outlined the core competencies required for their application (Vanaisak 2025, pp. 15–16). The present study builds upon the previous research and is an extension thereof, drawing on the results of a focus group interview conducted with field experts.

The implementation of the Estonian Law Enforcement Act over the past decade has nonetheless revealed several challenges, one of which concerns the use of direct coercion by law enforcement authorities other than the police (Law Enforcement Act (LEA), Section 6(2) and 75(1)). In the context of an evolving security environment and unforeseen crises, society requires well-functioning law enforcement authorities with both the legal mandate and operational capacity to independently respond to threats and address breaches of public order.

Based on the findings of the recent study, the author formulated an optimal set of direct coercive measures suitable for a competent law enforcement authority. The analysis demonstrates that, in situations involving a malicious person liable for public order, the application of physical force alone is clearly insufficient to ensure compliance. The measures employed should be effective while causing minimal harm to both parties. Based on recent

empirical studies, the use of a conducted electroshock weapon is recommended more extensively as a novel means of intervention. (see Vanaisak 2025, p. 6; Haav 2023, p. 81). The study is relevant, as the regulations governing the use of direct coercion have not undergone significant updates over the past decade. Indeed, the Ministry of Justice has acknowledged the need to amend the Law Enforcement Act, referencing international practices related to the use of conducted electroshock weapons, water cannons, and rubber bullets (Ministry of Justice 2024). However, experts working in various fields of direct coercion have not yet been involved in this discussion. The study conducted by the author addresses this important gap by identifying deficiencies in the current regulatory framework and offering expert-based recommendations for its improvement.

The key **problem** addressed in this study is the inadequacy and ambiguity of current legal provisions regulating the use of direct coercion by non-police law enforcement bodies. The **aim** of this study is to identify key issues in the use of direct coercion by non-police law enforcement authorities and to develop expert-based recommendations for improving current regulations.

The study poses the following central **research question: What problems or inconsistencies can be identified in the legal provisions regulating the use of direct coercion and in related enforcement practices?**

To address this research question, the following **research tasks** have been formulated:

- a) to identify the most common problems encountered in the use of direct coercion;
- b) to assess whether public order has remained insufficiently protected due to a lack of authority;
- c) to gather expert recommendations for improving the regulations governing the use of direct coercion.

The study draws on data collected through a focus group interview involving experts from four key sectors—environmental protection, rescue services, the police, and local government—in order to identify major challenges in the application of direct coercion and to formulate evidence-based recommendations for regulatory improvements.

Methodology

A focus group interview was conducted with eight experts across four fields – rescue services, environmental protection, municipal law enforcement and police (see Table 1).

The focus group was structured around a pre-designed questionnaire and conducted as a facilitated group discussion with a clearly defined and relatively narrow thematic focus, aiming to stimulate dialogue among participants (Vihalemm 2014). With the help of experts, the challenges surrounding the use of direct coercion are outlined, and the path from the current situation to proposed regulatory amendments is analysed.

1. Legal Preconditions and Practical Considerations for the Use of Direct Coercion in Law Enforcement

This chapter addresses the legal preconditions and practical considerations for the use of direct coercion in the field of law enforcement. It emphasises that direct coercion may only be applied in exceptional cases to enforce state supervision measures, and must be based on clearly defined authority, lawful grounds, and appropriate means. The chapter also examines shortcomings in the current legal framework and presents proposals by the Ministry of Justice aimed at updating the regulation of direct coercion and enhancing the flexibility and proportionality of special equipment use.

Preconditions for the Use of Direct Coercion in the Context of State Supervision

The primary objective of law enforcement is the prompt elimination of threats or the resolution of breaches of public order. In achieving this, an official is entitled to apply measures of state supervision that interfere with an individual's constitutional rights as little as possible. Direct coercion does not constitute a state supervision measure (such measures are defined in the LEA, Sections 26, 28, and 30–53). It may only be employed in exceptional circumstances, and solely to compel an individual to comply with a prescribed measure.

In a previous article, the author formulated the competencies required for the use of direct coercive measures, drawing on ten years of police operational tactics analysis (see Vanaisak 2025, p. 16). These detailed formulations serve as a valuable resource for the effective delivery of training on the use of direct coercion, including the development of relevant curricula.

Training in the use of direct coercion must encompass both legal knowledge and practical skills. However, in order to determine whether a law enforcement authority requires the right to use direct coercion solely for the performance of its specific supervisory function, it is essential to assess the necessity of such a measure within a broader context. For this purpose, the author constructed a conceptual **model for the application of direct coercion**:

1. The law enforcement agency is legally assigned a clearly defined state supervision function.
2. It is authorised to apply appropriate state supervision measures to fulfil this function.
3. The use of direct coercion is permitted for the enforcement of these measures.
4. The measures available for direct coercion are legally defined, diverse (i.e. not limited to physical force) and suitable for achieving the intended objective.
5. Safeguards are in place to prevent abuse, including clear rules for the selection, training and accountability of officers.

Ministry of Justice analysis and legislative amendments regarding the permissibility of direct coercion

The Ministry of Justice has conducted an analysis of the Law Enforcement Act and drawn up proposals for amendments. Regarding the use of direct coercion, the proposal suggests **removing separate references** to the right to use direct coercion under individual measures, as Section 76 of the LEA already establishes general grounds for the use of direct coercion, applicable to all measures (Ministry of Justice 2023, analysis of the LEA, pp. 11–12). The analysis also highlights the need to relax the rules **governing the use of electroshock weapons, less-lethal ammunition** (Ministry of Justice 2023, analysis of the LEA, pp. 17–18; LEA draft 8-3/5025-1, pp. 37–40, 43–44) and water cannon, in order to ensure their effective and proportionate use in law enforcement (draft LEA, p. 41).

Since 2014, the use of electroshock weapons has been equated with that of firearms, significantly limiting their deployment – even in situations where officers are under attack (LEA, Section 80). The aim of easing this regulation is to reduce escalation and the risk of injury, by lowering the classification of electroshock weapons within the hierarchy of coercion measures.

In Europe, their impact is considered comparable to pepper spray and lower than that of cold weapons, such as telescopic batons (Vanaisak 2025, p. 8; Petersen, Koper, Taylor, Liu & Sheridan-Johnson, 2024, pp. 389). The use of less-lethal ammunition, such as rubber bullets, is also proposed for regulation, as current law does not differentiate it from standard lethal

ammunition (LEA, Sections 79–81). The change would allow rubber bullets to be used where proportionate, helping to prevent more serious injury. The use of water cannon is currently restricted to situations involving a serious threat (LEA, Section 79¹). Relaxing this regulation would enable their deployment earlier in an incident, avoiding escalation to the point where firearms are required (Ministry of Justice 2023, analysis of the LEA).

The analysis further suggests keeping the **list of special equipment** under the LEA **open-ended**: “It is not reasonable for a law enforcement agency to be barred from using effective yet less harmful special equipment simply because the legislature has not yet included it in the statutory list” (Ministry of Justice 2023, analysis of the LEA, p. 19).

2. Study

Overview of the study methodology

The study uses **focus group interviews** as research method.

The **focus group interview** involved **eight experts** representing four fields: rescue, environmental protection, local government and police. Statements made during the interviews are not linked to the interviewees by name in the presentation of the research. However, interviewees are distinguished based on their field of work, using codes instead of names (e.g. expert 1 (E1), expert 2 (E2) and expert 3 (E3)). The interviews were conducted via Teams on 19 and 26 June 2023, from 14:00–16:00 and 13:00–14:30 respectively. Participants were sent the questionnaire in advance, along with references to relevant academic literature for optional reading. At the end of each session, experts answered three real-time questions via the slido.com platform (15 minutes). The discussion was moderated by the author and received technical support from Alina Gavrijaševa, educational technologist at the Estonian Academy of Security Sciences. Participants had an average of 24.3 years of experience in the internal security field; 70% held leadership positions; over 60% had teaching experience; 90% had developed more than three training curricula; and all had conducted more than three training sessions. All had higher education qualifications, with 80% holding a master’s degree. The average age was 50.

Table 1. Expert data, 2023
(compiled by the author)

Expert		Institution	Age	Education level	Experience in internal security (years)	Training curricula developed	Training sessions conducted
1	Expert 1 (E1)	PBGB Analyst, EASS Guest Lecturer	51	Higher	30	Under 3	Over 3
2	Expert 2 (E2)	PBGB Head, EASS Guest Lecturer	45	MA	26	Over 3 (both degree-level education and in-service training)	Over 3 (hundreds)
3	Expert 3 (E3)	EASS College Head	49	MA	30	Over 3	Over 3
4	Expert 4 (E4)	Environmental Board Head	55	MA	30	Under 3	Over 3

5	Expert 5 (E5)	Local government Department Head	38	MA	17	Over 3	Over 3
6	Expert 6 (E6)	PBGB Analyst	53	MA	12	Under 3	Over 3
7	Expert 7 (E7)	EASS Lecturer	60	MA	30	Over 3	Over 3
8	Expert 8 (E8)	Rescue Board Head	48	Higher	18 (+11 years in the military)	Over 3	Over 3

Results and discussion of the focus group interview

This subsection summarises the research findings. Given the article's length constraints, the findings are presented briefly and concisely, with most examples and recommendations compiled into summary tables.

Expert focus group interview results

The focus group interviews revealed three categories related to the use of direct coercion: **inconsistencies in the regulatory framework; challenges faced by bomb disposal experts and environmental inspectors; and issues in training for the use of direct coercion** (see Tables 2–4).

Expert assessments of inconsistencies in the regulation of direct coercion

According to the experts, several inconsistencies are evident in the regulations governing the use of direct coercion, affecting both the legislative framework and the specific rules for using certain means.

Experts believe that the use of **self-defence measures** should not be regulated under the Law Enforcement Act, as they are not used exclusively in connection with direct coercion but also before and after such incidents. It would be more appropriate to include these provisions in secondary legislation regulating the work of law enforcement agencies. Furthermore, in the experts' view, the list of **special equipment** in the LEA should not be exhaustive, and the **inconsistent level of detail** in regulating different measures of direct coercion is unjustified. The use of direct coercion should be based on a uniform principle of proportionality (see Table 2, codes 1, 2, 4).

The experts highlighted legal ambiguities in the regulation of **rubber bullets**, raising questions about whether their discharge from a firearm constitutes firearm use or should be considered less severe. Respondents also called for easing the conditions for using **water cannons**, arguing that current regulations are overly restrictive, allowing their use only when no other means can achieve the objective. In comparison, they suggested that water cannons could be used more broadly in rescue services, such as dispersing aggressive individuals from incident scenes (see Table 2, code 5, 6).

In their view, as technology evolves, the legal framework for the use of force must also be revised to allow law enforcement agencies to adopt modern and less harmful measures for maintaining public order. Expanding the right to use **electroshock weapons** (Tasers) is justified on the grounds of proportionality, technological advancement and the protection of human rights. Firearms represent an extreme measure with potentially fatal consequences, whereas

Tasers enable neutralising threats while preserving life. In many countries, Tasers are already integrated into police arsenals as an effective and less dangerous alternative to bladed weapons and traditional force methods (see Table 2, code 7).

The experts also noted that the regulation of law enforcement powers and coercive measures is **dispersed across various legal acts**, which reduces clarity and can create legal uncertainty. They proposed **developing a “universal law”** that would consolidate the conditions and gradations for using direct coercion into a coherent framework applicable to all law enforcement agencies. It was emphasised that, as with the police, all law enforcement agencies should have their powers of direct coercion codified in the **Law Enforcement Act**. This would help unify practices and improve legal clarity (see Table 2, code 3).

Table 2. Inconsistencies and bottlenecks in legislation according to experts
(compiled by the author)

Category 1: Inconsistencies in direct coercion regulations	
Code 1: Closed list of special equipment in the Law Enforcement Act (LEA)	4
Statements, examples: “...if a police officer seizes a club from a criminal, they would not be allowed to use it as a measure of direct coercion” (E2); “...if technology advances and we need to adopt a new measure, the law will have to be changed” (E6).	
Code 2: Varying levels of detail in the regulation of the use of direct coercive measures in the LEA	7
Statements and examples: “If Tasers, handcuffs and firearms are regulated by the law enforcement act but gas weapons, cold weapons and telescopic batons are not, that’s strange, especially since the level of danger varies drastically” (E6); “If it is permitted to use a measure in response to an imminent, serious threat, then logically it should be permitted to use the same measure in less dangerous cases as well. The same should apply to direct coercion – if deadly force is permitted, then all milder forms should also be permitted” (E2)	
Code 3: Universal law on the use of force	6
Statements and examples: “A major issue is that the gradations and proportionality of force are spread across numerous different and diffuse laws, which undermines the confidence of various units and agencies. In the future, we should consider a broader discussion on adopting a universal law addressing the use of force, coercion or the use of coercive measures by law enforcement officers more generally, a universal act on the use of force. This would provide a coherent and unified framework, with clearly defined levels and the individuals authorised to use force at each level” (E1); “A good example is how the Law Enforcement Act grants rights to the police – not by topic or special law but by clearly listing what the police may do. It would be clearer if the same were done for other agencies” (E2); “I wouldn’t limit the Environmental Board’s authority by area... I believe the Law Enforcement Act should list all law enforcement agencies alongside the police so we can access the full toolkit and choose the most effective and proportionate measure... In practice, we could use nearly all of these measures. To choose the proportionate tool to counter an unlawful act or detain a criminal, today we only have two options: handcuffs or firearms – or both in turn.” (E4); “In other sectors, the range of direct coercive measures should be broader. I see no reason why no.” (E7); “These tools should be listed in one place – in the Law Enforcement Act... If they’re listed in one law, it’s easier and clearer for inspectors too” (E8); “There should not be any rigid rule here because everything depends on the situation, which can change in seconds. One moment you need one thing, next moment another – you might even return to the first tool” (E7).	
Code 4: Removal of the self-defence tool list from the LEA	3
Statements, examples: “...the wording on self-defence measures in the LEA is confusing – these measures are used before and after the use of direct coercion, and also during it” (E2).	
Code 5: Provisions for the use of rubber bullets	3
Statements and examples: “With the legal amendment, a new concept – combat ammunition – has been introduced, but the old issue remains unresolved: if you shoot combat or non-lethal ammunition like rubber bullets from a firearm to control crowds, is that the use of combat ammunition or of a firearm? It fits both definitions simultaneously, but the law offers no clear answer. Should rubber bullets fired from a firearm be considered firearm use, or should this be more leniently regulated?” (E2).	
Code 6: Regulation of water cannon use	4

Statements and examples: *“The use of water cannons is overly restricted – police may use them only when no other weapon can achieve the goal. Comparing this with rescue services, their use should be more lenient and perhaps also permitted to firefighters”* (E2); *“...also worth mentioning is that although water cannon use is listed in the Law Enforcement Act, we’ve used it much more than police in dealing with malicious individuals. At many fire scenes, aggressive individuals have attacked rescue personnel or disrupted the response. A strong jet of water can be more effective than having police present”* (E3).

Code 7: Right to use electric shock weapons instead of firearms

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Statements and examples: *“If we are allowed to use firearms, then perhaps it’s time to think about the fact that the police forces in many countries now use Tasers, which can neutralise threats while preserving life”* (E7); *“In my view, Tasers are less dangerous than cold weapons”* (E8); *“We currently have firearms, but technology is evolving – Tasers or other less-lethal weapons are now better options for self-defence”* (E3); *“I strongly believe that in the 21st century, we should no longer be gassing or beating people with batons – Tasers are a more humane solution”* (E7).

Inconsistencies in the regulation of direct coercion for Rescue Board bomb disposal experts, Environmental Board inspectors and local government law enforcement officers

The discussion on which direct coercive measures should be available to Rescue Board bomb disposal experts, Environmental Board inspectors and local government law enforcement officers, and where such powers should be regulated, touched on several important aspects. It was argued that the focus should be on the supervisory functions of each agency as defined in special laws, followed by an assessment of the associated risks, and only then should the need for direct coercion powers be determined. It was noted that the list of direct coercive measures available to **environmental inspectors** is unreasonably limited and their conditions of use unclear across various legal acts. Instead of **firearms**, bomb disposal experts and Environmental Board inspectors should be authorised to use electroshock weapons as a less-lethal alternative. Attention was also drawn to problematic firearm regulations for bomb disposal experts and the vague provisions in the Rescue Act regarding the use of direct coercion by rescue workers. A critical issue identified was the **chaotic regulation** of direct coercion across the various special laws governing environmental supervision, which creates confusion and a **dependency on police assistance**.

The experts unanimously agreed that any law enforcement agency with the authority to apply measures that require direct coercion must have access to a broad and diverse range of direct coercive measures. A single or dual-measure approach is insufficient. The discussion concluded that the legal basis for using direct coercion should be integrated into the **Law Enforcement Act for all agencies, rather than scattered across special laws**. Multiple examples were given where universal powers similar to those of the police would be justified for officers of the Environmental Board, local government law enforcement and the Rescue Board (see Table 3, codes 1–5).

The results of the expert focus group interview revealed that, due to the lack or insufficiency of state-level supervisory measures and the authority to apply direct coercion, public order has, on several occasions, remained inadequately protected. There have been instances where law enforcement officials have been subjected to attacks. Given the limited means at their own disposal, there is a reliance on the assistance of the police, who are increasingly involved proactively in the execution of supervisory tasks (see Table 3, code 5).

Table 3. Inconsistencies in the regulation of direct coercion for Rescue Board bomb disposal experts, the Environmental Board and local government law enforcement officers
(compiled by the author)

Category 2: Inconsistencies in direct coercion provisions in laws governing the work of Rescue Board bomb disposal experts, the Environmental Board and local government law enforcement officers	
Code 1: Inconsistencies between the tools listed in the Rescue Act and those in the Law Enforcement Act (LEA)	5
<p>Statements and examples: <i>“The biggest inconsistency lies in the list of tools and the actual means available to us – this doesn’t allow us to act humanely. I don’t think physical force is even mentioned anywhere in law... Today we must first manage our own protection, and the service weapon is technically only for self-defence... Clearly, we should have options in between. We shouldn’t have to jump straight from softest to harshest – for example, a bomb disposal officer should have access to Tasers or gas”</i> (e8); <i>“Sometimes these tools are provided for a very specific niche. Take Rescue Board bomb disposal experts: they work under police or Internal Security Service supervision during bomb control, but they’re only authorised to carry a weapon for protection while transporting explosives – which is quite significant”</i> (E7); <i>“The service weapon is technically only for self-defence... Maybe it should be more than just for that. Clearly, there should be tools for intermediate situations as well”</i>; <i>“The range of direct coercion tools should also be broader for bomb technicians. We’ve already procured support weapons, which are even more extreme. We’re moving from handguns to support weapons, but we’re still missing the first step. We shouldn’t have to go into ‘battle’ straight away, maybe things could be solved more easily”</i> (E8).</p>	
Code 2: Different legal bases for the use of direct coercion by bomb disposal experts and rescue workers	4
<p>Statements and examples: <i>“From the rescue side, I’d highlight that while bomb technicians are mentioned in terms of direct coercion, rescue workers have been completely left out. For bomb technicians, the focus is on using special equipment, particularly dogs and weapons...”</i> (E3).</p>	
Code 3: The Environmental Board’s fragmented and inconsistent listing of coercion measures in special laws	4
<p>Statements and examples: <i>“Physical force alone helps us in nothing”</i> (E4); <i>“There must be a very clear and simple framework stating what can be used and when. Once you’re in a situation, you can’t stop to look things up in a regulation. At the same time, it’s important not to be afraid to use force, but also not to abuse it”</i> (E5); <i>“Physical force alone helps us in nothing if you can’t use handcuffs. You’re straddling someone and holding their arms down... how long are you meant to sit there? Applying physical force (alone) leads nowhere. In some laws we have either firearms or handcuffs, this ridiculous binary: shoot or cuff. No less severe options available”</i> (E4); <i>“Sometimes it feels like inspectors can only do their job with police assistance. It’s usually the case that for larger operations, we inform the police in advance so they can have patrols nearby – just in case we need all the options of coercion at hand. We never conduct major operations alone”</i> (E4); <i>“I sympathise with Environmental Board staff... and the people they have to deal with: drunken hunters and arrogant fishermen who come at them... trying to detain a poacher waving a stick... My view is that an Environmental Board law enforcement officer should be trained on the same level as a police officer... We won’t have enough police in the future – we already don’t now”</i> (E1); <i>“Currently every special law has a reference to either physical force or whatever. In reality, when we talk about environmental supervision, it’s worth noting that organised crime is already eyeing waste management very closely – there is a great deal of money involved. Nature conservation, cross-border wildlife trade – millions, air pollution – billions. In a field where so much money is moving, to detain a criminal we need access to all the measures. Today’s environmental inspectors must get the same level of substantive training as the police – to be ready and capable of deciding in any situation, no matter the field, which tools are tools. Take, for example, special lighting tools: salmon surveillance in the middle of the night, a flare is fired – we do this during operations. This is a special-purpose tool used for supervision. We do it, but legally, we don’t have those options”</i> (E4).</p>	
Code 4: Right to use direct coercion for local government law enforcement officers	5
<p>Statements and examples: <i>“The right to use direct coercion tools for local government law enforcement officers depends entirely on the expectations placed on them. We’re back to the same issue: if you have the authority to impose special measures, you must be able to enforce them somehow”</i>; <i>“Right now, the most topical issue is the image in the coalition agreement: granting local governments more authority to deal with intoxicated individuals. What does that require – the right to detain intoxicated persons, to transport them,</i></p>	

how to enforce these actions, what coercive measures are needed for that?" (E5); "Use of physical force is the mildest of them. Next would be handcuffs as special equipment, not firearms" (E4); "This issue could be solved using such a framework: goal – expectations, then corresponding authority, then appropriate equipment – weapons, then training and instruction. That's how we get a clear picture. Not all Environmental Board inspectors need a weapons licence, and not all local government law enforcement officers do either, especially if they're processing cases at a desk" (E1); "I believe that if people are tasked with maintaining order and stopping violations, then their rights must be reviewed. What are their duties, and what outcomes are expected? Even, for example, municipal social workers visiting social housing. They may be attacked and have nothing to defend themselves with. If people are trained and tasked, they should be provided with direct coercive measures" (E5).

Code 5: Reliance on the police for the use of direct coercion

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Statements and examples: "Sometimes it feels like inspectors can only do their job with the help of the police" (E4); "If any kind of danger arises, such as bystanders entering blasting sites, then I rather see the need for involving the police, not for using direct coercion ourselves" (E3); "If needed, we've still involved the police, who have access to the necessary measures. At the same time, the police are also busy and can't always come to help. There was a case where officers had to protect bomb technicians, but that took attention away from their main job" (E8); "I'll add this about administrative cooperation: if coercion needs to be used and our officers see that it's beyond their authority or capacity to handle the task, we call 112 and ask for police assistance (when someone's life or health is at risk)" (E5); "So is it reasonable to go and experiment on your own? The police have excellent specialists who could help"; "In the case of more serious threats, we always cooperate with KAPO (Author: The Internal Security Service) or a special unit of the PPA (Author: Police and Border Guard Board), meaning the bomb disposal expert does their job while the police provide security. It's possible that the presence of police officers has already prevented some attacks."; "In fact, it seems like a waste of resources that bomb disposal experts receive firearms training – I don't recall a single incident where it was necessary to use it. It would be reasonable, as in many European countries, for bomb disposal experts to rather be part of a police unit."; "We also have firearms stocked for assistant bomb disposal experts, but due to inadequate legislation, we aren't even allowed to provide them with firearms training." (E8); "Unfortunately, there have been quite a few cases where our officers have been attacked by offenders, and the MUPO (author: Municipal police officer) has not even had the possibility to defend themselves. In such cases, police assistance mainly consists of initiating misdemeanor proceedings afterward. There have also been situations where we've had to use immediate coercion to influence an animal or an object on private property."; "As a preventive measure, we've called on the police to assist in dealing with intoxicated individuals in public spaces, as intoxicated persons typically behave unpredictably and aggressively. There have been instances where offenders simply walk away." (E5); "To prevent attacks against officials, we have involved the police early on in operations such as raids in the fields of forestry, hunting, and fishing supervision. Large sums of money are involved in these areas, and offenders tend to defend themselves with force or even attack." (E4)

Training as a means to prevent the misuse of direct coercion

Experts agree that training in the use of direct coercion should be **regulated by law**. Most importantly, the legislation should define the general framework for training, including mandatory **degree-level** and **in-service training** and **regular skills assessments**. It was suggested that the **content** and **volume of training** could be defined in a regulation or another **lower-level** legal act, as it may vary depending on the specifics of each law enforcement agency. Comprehensive initial training was deemed essential. The training should cover both theory and practice, with equal focus on legal principles, tactical responses, techniques for using coercive measures and incident analysis. Experts emphasised that preventing the need to use coercion is the most important skill, which requires strong interpersonal communication skills, including de-escalation methods and tactics. It was also noted that well-considered recruitment

is essential, with stress resilience and conflict resolution skills recognised as necessary competencies. One expert highlighted the fact that authorising a law enforcement officer to use direct coercion inherently implies the possibility that they will indeed use it. There was consensus that basic training and continuous practice can **significantly reduce** the risks of unskilled or unjustified use of coercion, as well as potential abuse (Table 4, codes 1–3). Risk mitigation, the experts stressed, relies on high-quality training. Positive examples of systematic instruction were cited: *“It would be risk-free if we had a very targeted, adequate training system. As an example from the Police and Border Guard Board, I would mention the TORK system, which we are currently implementing in practice. Four times a year, people take their tests, drills and firearms training. If we could apply the same principles to other units, there would be no risk.”* (E1)

Table 4. Expert recommendations for direct coercion training
(compiled by the author)

Category 3: Training issues related to the use of direct coercion	
Code 1: Regulation of the obligation and regularity of training in the use of direct coercion	6
Statements and examples: <i>“This is a skill that fades and is forgotten – it absolutely needs to be practised”</i> (E2); <i>“I think the training part should be in the law that deals with direct coercion [...] Rather, it should be described in the Law Enforcement Act”</i> (E8).	
Code 2: Importance of training, risk potential and mitigation	6
Statements and examples: <i>“The ability to make the right choices comes only through experience and training. First there should be training, then experience. Then comes the matter of finding suitable officers. It begins with recruitment, continues with training, and then with practice. To mitigate risk, one should also learn from history – what has been done, how, and how it should be done differently”</i> (E8); <i>“I agree that if the system is in place, risk minimisation is possible. Within our agency, we have established a rule that all inspectors with the right to carry a weapon or special equipment must go shooting at least once a quarter [...] and they go regularly; I believe they also have to attend training rooms about once a month to practise takedowns and similar drills. Currently, we have two instructors licenced under the TORK system who run the exercises. We also plan to increase the number of TORK instructors. If we are granted broader powers and have more people authorised to use special equipment, we can begin training them immediately”</i> (E4); <i>“Another issue is that if someone has the right to use direct coercive measures, it might make it easier to resort to them. They may choose the path of least resistance and use force and direct coercion more readily, whereas in the absence of such direct coercive measures, the situation might have been resolved differently”</i> (E2); <i>“It should probably be stated somewhere that one must have completed training in the use of direct coercion and special equipment”</i> (E8).	
Code 3: Training topics in the use of direct coercion	8
Statements and examples: <i>“I would also emphasise that lifelong learning and regular training are important”</i> (E2); <i>“The best form of coercion is when someone can be persuaded with words. If it comes to physical confrontation and using equipment, then one needs the skill to use them. First comes negotiation, the psychological part, and then comes the equipment. It should be practised regularly so that it becomes automatic through muscle memory. Psychologically, you must know what to do in which situation. Mental and physical training must be in balance”</i> (E4); <i>“We should not focus solely on the use of force or the implementation of direct coercion. We should rather ensure that the situation doesn’t reach that point. If we use force, then we have, in a sense, already failed. The goal has been pushed into the background. It is better to train communication and persuasion skills”</i> (E1); <i>“I think training should consist of three components: knowing the law, understanding tactical options, and being able to ‘read’ the situation to grasp the objective. All three must be learnt and brought to the level of application – one must be able to assess the situation, know what is legally permitted, choose the right tactic, and apply it”</i> (E2); <i>“We get a subjective picture of stress tolerance through partners, direct supervisors and the people we interact with – this way attention can be focused more deeply”</i> (E1); <i>“Communication skills and conflict resolution abilities are important. There are many unknown variables when using direct coercion. One must be able to assess the situation appropriately”</i> (E7); <i>“In addition to</i>	

training in the use of direct coercion, the development of communication, negotiation and conflict resolution skills should continue so that not all resources are spent on force-related training” (E2) “When discussing conflict situations, stress tolerance is quite important [...]” (E6); “I think the training section should be included in the law that deals with direct coercion. What is all that special equipment? It should be described in the Law Enforcement Act” (E8).

Experts point out that when enforcing supervisory measures through the use of direct coercion, decisions should be based on the general analogy with threats: if the use of a firearm is permitted in a given situation, then the use of all other, less intense measures should also be considered permissible. It is not logical that the use of handcuffs, water cannons, electroshock weapons and firearms is tightly regulated, while the use of gas and cold weapons – which can be equally or more **harmful** – is not. The author concurs that when using special equipment, including gas, cold or electroshock weapons, the guiding principle should be proportionality. The legal framework should minimise discrepancies in how measures are regulated.

Experts also point to the need to relax the conditions for using **water cannons** and **electroshock weapons**, as these are considered less-lethal measures of direct coercion. In practice, rescue personnel often use water jets (water cannons) to move people away from the scene of a fire, despite the lack of a legal basis for doing so. While the legal regulation of firearms – as lethal weapons – is rightly strict, other direct coercive measures should be governed by established practices, methods and proportionality assessments. When evaluating proportionality, the focus should be on how effectively the coercive measure helped achieve the objective – not whether it was part of a stepwise escalation – and whether it caused unnecessary suffering or harm to any parties involved.

Experts in the focus group noted that the list of **special equipment** is **closed** (with the exception of the measures used to forcibly stop vehicles), and that **self-defence measures** should not be included in the LEA or the chapter on the use of direct coercion. The author agrees, arguing that there must remain some flexibility to use other measures (e.g. a bat taken from an attacker) and that the list of self-defence measures should be included in sector-specific acts regulating the work of law enforcement agencies, such as the Police and Border Guard Act or the Rescue Act, since such measures are also used before and after the application of direct coercion. According to experts, the **use of less-lethal ammunition in firearms**, such as rubber bullets for crowd control, requires more precise regulation. The same proposal has been made by Kristi Kool, who argues that the use of rubber bullets is justified for countering immediate and serious threats, as they pose a lower risk than live ammunition (Ministry of Justice 2023 pp. 18–19).

The analysis by the Ministry of Justice and the assessments of experts are aligned in the view that regulating direct coercive measures at varying levels of detail is not justified. Both the experts’ explanations (see Table 2, code 2) and the Ministry’s analysis of the LEA (Ministry of Justice 2023, pp. 11–12) support the proposal to remove references to the right to use direct coercion from the provisions concerning specific measures in order to enhance legal clarity.

The right to use direct coercion should be enshrined in the LEA for all law enforcement agencies, as is the case for the police. If an agency has the right to apply measures that presuppose direct coercion, it should also have the right to use suitable measures from a comprehensive range. A definitive solution is difficult to specify, however, since the LEA is a general act that requires the coercive powers of a special law enforcement agency to be further regulated in a special act (LEA, Section 75(1)), where the agency’s supervisory competence is also established. As the legislation applicable to special law enforcement agencies contains significant inconsistencies, these should be resolved under the current legal framework by

ensuring that the list of coercive measures is consistent and, as noted earlier, sufficiently diverse.

In general, there is broad agreement that the toolkit of direct coercive measures available to a law enforcement agency must be diverse: it is not enough to rely on one or two measures, such as physical force and a firearm. The selection should include electroshock weapons, which are considered more humane than pepper spray or batons.

Training considerations

Experts concur with the Ministry of Justice (Ministry of Justice, 2024) that effective and lawful application of direct coercive measures requires comprehensive training. In line with analysts' recommendations (see Vanaisak 2025, pp. 15–16), the competencies related to various coercive tools –ranging from physical force to firearms – should be clearly defined. Expert assessments further stress the importance of training in communication and de-escalation, as well as firearm safety and first aid (see Table 4).

Conclusions

The article "Critical Issues in the Use of Direct Coercion by Law Enforcement: Results from an Expert Focus Group Interview" investigates the challenges and inconsistencies in the legal regulation and practical application of direct coercion by non-police law enforcement authorities in Estonia.

The study builds on previous research and uses a focus group interview with eight experts from four sectors – rescue services, environmental protection, municipal law enforcement, and police – to identify key issues and propose recommendations for regulatory improvement.

The central **research question** posed was: What problems or inconsistencies can be identified in the legal provisions regulating the use of direct coercion and in related enforcement practices? To address this, the study set out to:

- Identify the most common problems encountered in the use of direct coercion.
- Assess whether public order has remained insufficiently protected due to a lack of authority.
- Gather expert recommendations for improving the regulations governing the use of direct coercion.

The study found that:

- **Inconsistencies and Ambiguities:** Experts identified several inconsistencies in the regulatory framework, particularly regarding the scope and proportionality of permissible coercive measures. The current legal provisions are fragmented across various acts, leading to ambiguity and reduced clarity for practitioners. The list of special equipment is considered too restrictive, and the regulation of certain means (e.g., rubber bullets, water cannons, electroshock weapons) is either unclear or overly stringent.
- **Insufficient Authority and Protection:** There is a consensus among experts that the current framework sometimes leaves public order insufficiently protected, as non-police law enforcement bodies lack adequate legal authority or access to modern, less-lethal means of coercion. This gap is particularly evident in crisis situations or when dealing with malicious individuals.

Experts recommend revising the Law Enforcement Act to:

- Consolidate and clarify the conditions for using direct coercion in a universal legal framework.
- Lower the legal threshold for using less-lethal means, such as Tasers and water cannons, to ensure proportionality and minimize harm.
- Improve training and unify standards across all law enforcement agencies to ensure effective and accountable use of coercive measures.

The research questions were comprehensively addressed through expert focus group discussions. The study identified significant legal and practical inconsistencies in the current regulation of direct coercion, confirmed that these issues can compromise public order protection, and provided concrete, expert-based recommendations for legislative and procedural improvements. The findings underscore the need for a more coherent, flexible, and proportionate regulatory approach to direct coercion in Estonian law enforcement.

This study opens up new avenues for further exploration.

- The potential topic for further research is the right of officers to use direct coercive measures in self-defence when attacked while performing their duties, an issue raised by Teder in 2017 but not yet comprehensively studied.
- Since the results are based on a social science study, it is important to conduct legal research – such as constitutional review of the use of direct coercion – in order to ensure better lawmaking.

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