

# Module 2

## Conflict Management



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Section 1: Introduction

Section 2: National Decision Model

Section 3: Code of Ethics for Policing in Scotland

Section 4: Stay Safe

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### Aims:

Describe the theories, principles and concepts of conflict management in relation to operational safety.

### Learning Outcomes:

Officers/staff will be able to:

- Explain the principles of the National Decision Model (NDM)
- Explain the principles of threat assessment, including dynamic risk
- Identify warning and danger signs when confronting subjects and the various human behaviours officers/staff will be presented with
- Describe Police Scotland Operational Safety Training Tactical Options Model
- Identify and explain the tactical options available
- Describe the principles of stay safe

## Section 1: Introduction

The nature of policing is such that conflict is sometimes inevitable. The appropriate police response in situations will vary greatly.

However, what is important is that the police response is Proportionate, Legal, Accountable, Necessary and Ethical, and officers can Justify their actions at all times. The primary aim in a situation will always be to control and neutralise any threat in order to maintain the peace and uphold the law as safely as possible for all concerned.

Police Scotland has approved the adoption of a single NDM. This values-based tool provides a simple, logical and evidence-based approach to making decisions in any conflict situation.

## Section 2: National Decision Model

### Introduction

Police decision making is often complex; decisions are required in difficult circumstances, often in quick time and they are open to challenge. Using the NDM will ensure a greater focus on delivering the mission of policing and acting in accordance with our ethical principles.

Understanding and practising the NDM will help officers/staff to develop the professional judgement necessary to make effective policing decisions.

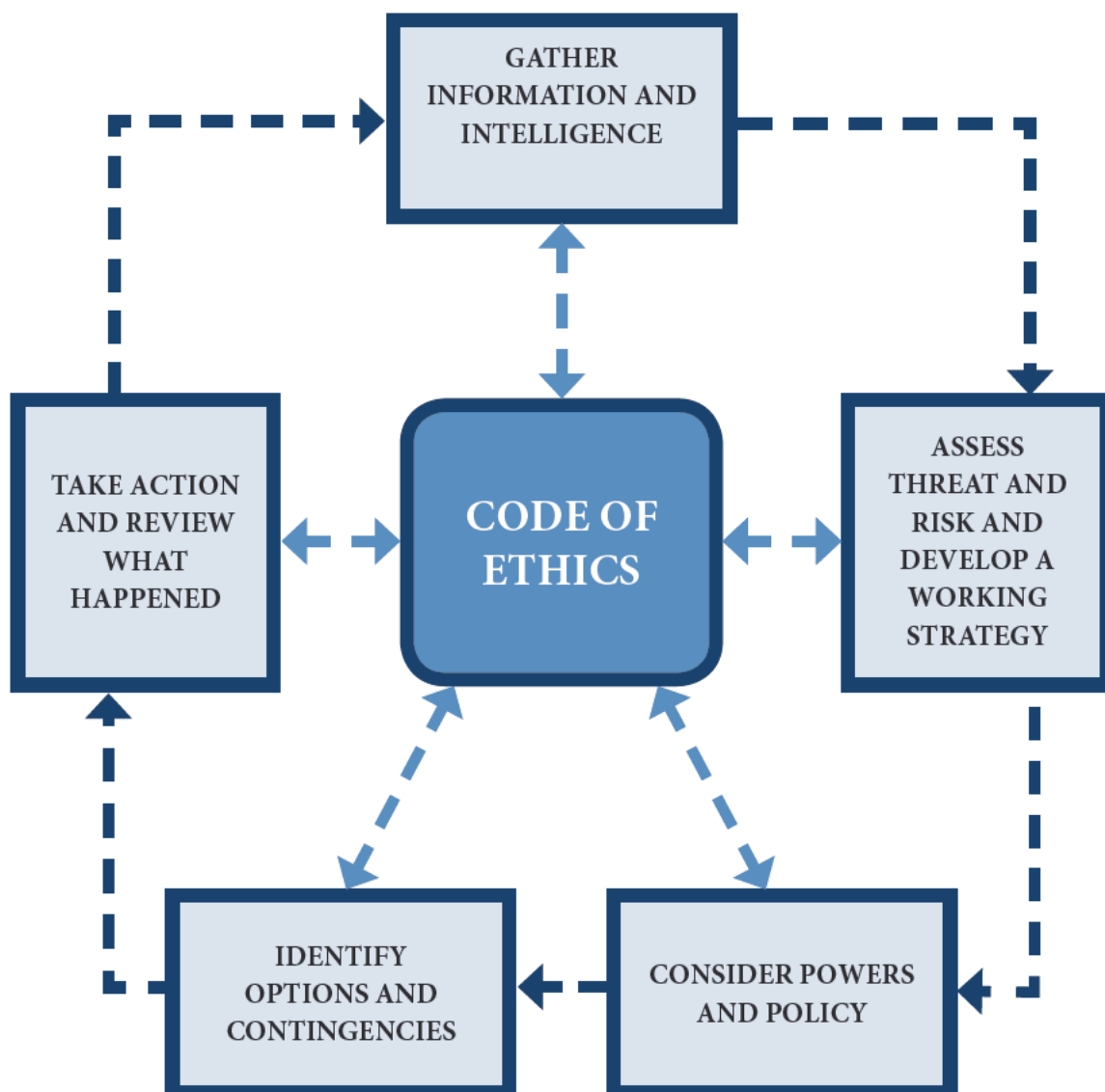
The NDM is suitable for all decisions. It can be applied to spontaneous incidents or planned operations, by an individual or a team of people, and to both operational and non-operational situations. Decision makers can use it to structure a rationale of what they did during an incident and why. Supervisors/managers and others can use it to review decisions and any actions taken. Adherence to the model will assist officers/staff when writing reports after an incident and if they are subsequently called upon to justify their actions.

The NDM has been adopted to support and assist decision making as to the most appropriate response when dealing with a situation.

## Applying the National Decision Model

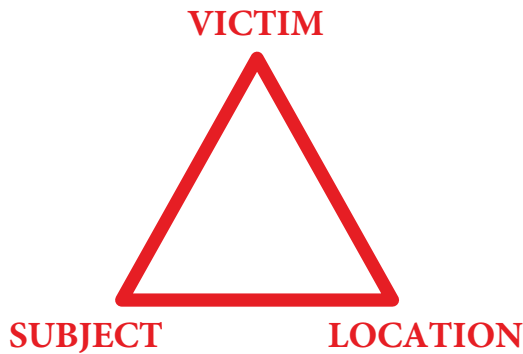
The NDM has six key elements. Each component provides the user with an area for focus and consideration. The Code of Ethics is connected to and supports the five stages of the decision making process. One step logically follows another, but the model allows for continual re-assessment of a situation and the return to former steps when necessary. This allows the officer/staff to use the model with a degree of flexibility, assisting with their dynamic risk assessment and decision making. An officer/staff may apply the NDM in any given situation both consciously and subconsciously. This may be before, during or after an incident.

## National Decision Model



### **Stage 1: Gather Information and Intelligence**

A correct and defensible decision is more likely to result from consideration of all relevant information and intelligence such as:



When gathering information and intelligence officers/staff should also attempt to establish as much information about the following in relation to the subject:

- Identity
- Capability
- Intent

This may come from what the individual officer/staff sees, hears or even feels for themselves or from what they are told by another person. Information from local circulations, experience from previous encounters or data gleaned from a use of force reporting system may also be relevant.

Gathering information and intelligence is an ongoing process.

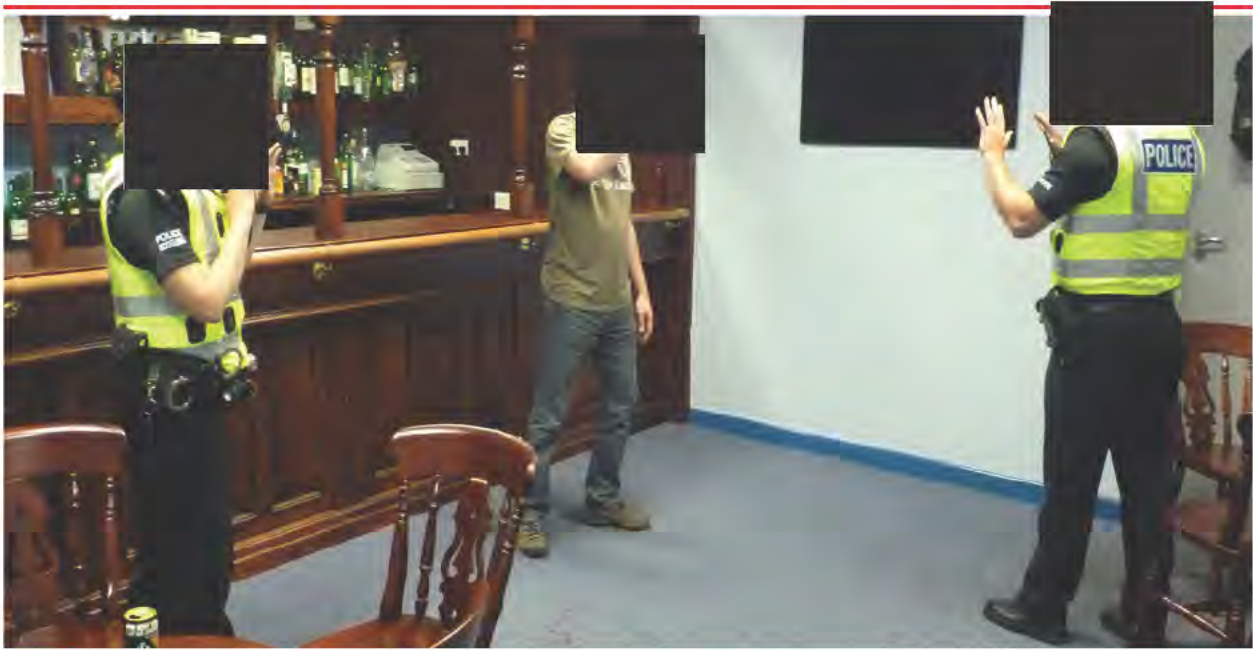
Officers/staff will continually ask themselves:

- What has happened?
- What do I know so far?
- What further information do I want or need?
- How do I obtain this information?

### **Stage 2: Assess Threat and Risk and Develop a Working Strategy**

Threat assessment means accurately assessing any person, object or place which could put an officer/staff at risk. In addition, the identity of the threat, such as the subject, should be assessed; the capability of the subject (for example armed and the subject's intent to cause harm should also be assessed. Officers/staff should establish an appropriate and prioritised working strategy. It should be a proportionate and focused policing response. The working strategy should:

- Maximise the safety of the public and/or the subject
- Minimise the risk to the Police
- Preserve the scene
- Gather evidence and bring the offender to justice
- Return to normality, or a new normality



## Threat Assessment

Officers/staff are routinely required to respond to conflict situations. A conflict can be described as “a trial of strength between opposed parties or principles or be at odds with”.

### General

Officers/staff should remain alert to possible risks at all times. Awareness is a method of increasing the chances of recognising a threat at an early stage, allowing officers to respond effectively. Part of that awareness involves assessing the threat that confronts officers/staff. On the basis of the available information/intelligence, an officer/staff will be able to make an assessment of the threat faced. Threat assessment links into the common understanding of dynamic assessment of risk. Officers/staff carry out subjective assessments of hazards during high-risk real-time incidents, and take appropriate and immediate actions to manage the hazards and control the risks.

## Definition

Threat assessment means accurately assessing any:

### Person

This may be obvious from a subject’s actions, demeanour or their ability.

### Object

For example, a syringe in a subject’s pocket, a razor blade taped to the door handle of a stolen car.

### Place

Environmental factors such as a confined dwelling when confronting an aggressive volatile subject(s).

## Risk Categories

Every person, object or place falls into one of two categories:

High risk – presents an obvious threat.

Unknown risk – may present a potential threat.

### There is no such thing as a ‘LOW RISK’

There is no ‘low risk’ or ‘no risk’ categories due to the unpredictable nature of subject interaction.

It should be noted that the only risk categories are high and unknown.

Linking this into previous understanding of a threat, does a subject have the **Means, Ability, Opportunity** and **Intent** to do harm to an officer/staff, others or themselves?

When all four elements are present, with an immediate danger, and no other means of escape this is known as **Jeopardy**.

If an officer/staff is of the perception that they are in imminent danger, then that officer/staff may take pre-emptive action to manage the threat.

## Preparation for Policing

An officers/staff most common threat is through their own complacency. Officers/staff are required to continually conduct dynamic risk assessments, re-assess the situations and ensure the correct response is put in place.

The following colour coding system highlights the phases an officer/staff routinely experiences on duty:

- White:** relaxed/unaware of surroundings, low survival prospects, relies on luck.
- Yellow:** still relaxed, but aware and confident of dealing with any situation.
- Red:** ready and alert to any person, object or place.
- Black:** survival mode.

In an effort to enhance operational safety, officers/staff should be in the yellow stage as a minimum response when on duty.

## Confrontational Considerations

There are three factors which will have a direct effect on an officers/staff chances of falling victim to an assault. They are as follows:

- Mental mindset
- Tactics
- Skills

Individual officers/staff must account for any deficiencies identified in these areas, and take the appropriate action to rectify them. An officers/staff mindset begins with the realisation that any officer/staff can become a victim of violence. A positive mindset enables an officer to:

- Operate at the proper and appropriate level of awareness
- Detect or anticipate warning signs (assessment)
- Deal with the threat appropriately
- Reduce and deal with any trauma suffered during and after an incident

The subject's behaviour is a factor in identifying options.

## Warning Signs, Danger Signs and Impact Factors

### Warning Signs

Generally subjects who anticipate the need to fight do not launch directly into an assault for fear of injury. They initially begin by using attack gestures known as 'ritualised combat'.

By learning to identify these signals officers/staff give themselves a significant advantage.

Warning signs include:

- Direct eye contact
- Facial colour darkens
- Head back
- Subject stands tall to maximise height
- Kicking the ground
- Large movements
- Breathing rate accelerates
- Stop/start behaviour

### Danger Signs

Danger signs are more than warning signs. Subjects may begin to lose control physically. When this occurs their physical signals are significant and spontaneous.

It is critical that officers/staff understand and recognise these signals as they can be indicative of an imminent attack.

Neglecting or ignoring these signals may put the officer/staff at a serious disadvantage.



### Danger Signs include:

- Fists clenching and unclenching
- Facial colour pales
- Lips tighten over teeth
- Head drops forward to protect throat
- Eyebrows drop to protect eyes
- Hands raised above waist
- Shoulders tense
- Stance changes from square to sideways
- Subject breaks their stare and looks for intended body targets
- If the subject is out of breath, the final signal will be a lowering of their entire body before moving forward to attack

### Impact factors

Impact factors are those human and environmental differences that make each incident unique and every officer's/staff perception different. These factors can have a crucial bearing on making tactical decisions and may provide justification to the use of a specific level of force:

- How should an officer/staff approach the situation?
- What should an officer/staff say?
- Does an officer/staff need assistance?
- What personal protective equipment is the best option? Being aware of impact factors will not provide officers/staff with answers, but will encourage them to ask the correct questions

**Impact Factors include:**

- Size, age, strength, gender
- Drugs/alcohol
- Ability
- Numbers
- Opportunity and intent to do you harm
- Weapons
- Skill levels
- Injury/fitness
- Exhaustion
- Willingness to listen
- Special knowledge
- State of subject's mental health
- Subject's physiology
- Nature of crime
- Clothing
- Proximity of others
- Danger to others
- Police powers, skill and perception
- Perception of the non-verbal behaviour of a subject
- Perception of imminent danger
- Perception of being in a position of disadvantage
- Perception of the subject's level of resistance

Please note that these lists are not exhaustive.

**Environmental Impact Factors include:**

- Space
- Proximity to furniture
- Domestic situation (kitchen = access to weapons)
- Escape routes
- Weather conditions
- Conditions underfoot

**Profiled Offender Behaviour**

The term profiled offender behaviour categorizes the actions and behaviour of the subject. This may include the warning and danger signs they exhibit, coupled with the impact factors present. This profiled behaviour will determine the response of officers/staff who must react proportionately to the actions of the subject. Profiled offender behaviour is split into six categories which are as follows:

- Compliance
- Verbal Resistance and Gestures
- Passive Resistance
- Active Resistance
- Assaultive Resistance
- Serious/Aggravated Resistance





### Compliance

A large percentage of subjects dealt with are reasonable and will comply with any lawful instruction given by the officer/staff. This compliance may be verbal or it may be active compliance such as stopping when told or showing the contents of their hands.



### Verbal Resistance and/or Gestures

Where a subject verbally refuses to comply with an officers/staff request and/or also exhibits body language which indicates non-compliance.



### Passive Resistance

This non-violent conduct, is where a subject refuses to comply with lawful instructions e.g. subject simulates a dead weight / sits or stands and will not move.



### Active Resistance

A form of conduct where the subject actively resists the officer/staff, but does not become directly assaultive: e.g. swallows drugs / runs away or struggles against officers/staff.



### Assaultive Resistance

Physical conduct that results in a direct attack on an officer/staff or person.



### Serious/Aggravated Resistance

The highest category of resistance displayed by a subject where there is a possibility of serious injury and/or death. This could include the use of a weapon of any kind.

## Dynamic Risk Assessment

In addition to any role specific risk assessment, officers/staff should conduct an assessment of any actions they are undertaking or being tasked to undertake. This is sometimes referred to as dynamic risk assessment.

The guidelines for officers/staff conducting dynamic risk assessments are:

- Duty to protect/preserve human life; which includes their own.
- Should be aware of their physical limits –never take unnecessary risks.
- Should advise someone what they are doing (or going to do) and try to get support before they do it.
- Should seek information and advice – this will aid officers/staff to make a judgement.
- To apply correct procedures in every situation.
- Will record their decision making process either at the scene or soon afterwards in an official notebook or other recognised journal.
- Supervisors and managers are there to assist and offer guidance.

### Stage 3: Consider Powers and Policy

Officers/staff must only act within the law. A sound knowledge and understanding of available legal powers is therefore essential. In addition, local policies may determine what action should be taken. Other areas such as common law, powers of search etc, should also be considered. European Convention of Human Rights (ECHR) provide an essential point of reference and will impact on any assessment or decision implemented.

The Human Rights Act, 1998, confers a number of rights. The main concerns for officers/staff, who may require to use some degree of force in the execution of their duty, are articles 2,3 and 5.

The ECHR articles are:

**Article 2** – Protects the right of every person to their life. (There is a positive duty on the police to act). The second paragraph of article 2 provides that death from defending oneself or others, arresting a suspect or fugitive, or suppressing riots or insurrections, will not contravene the article when the use of force involved is no more than absolutely necessary.

**Article 3** – Prohibits torture and inhuman or degrading treatment or punishment.

**Article 4** – Prohibits slavery, servitude and forced labour.

**Article 5** – Provides that everyone has the right to liberty and security of person.

**Article 6** – Provides a detailed right to fair trial.

**Article 7** – No person may be punished for an act that was not a criminal offence at the time of its commission.

**Article 8** – Provides a right to respect for one’s “private and family life, his home and his correspondence.”

**Article 9** – Provides a right to freedom of thought, conscience and religion.

**Article 10** - Provides the right to freedom of expression, subject to certain restrictions that are in accordance with law, and necessary in a democratic society.

**Article 11** - Protects the right to freedom of assembly and association, including the right to form trade unions.

**Article 12** - Provides the right for women and men of marriageable age to marry and establish a family.

**Article 14**- contains a prohibition of discrimination.

A Police Officers entitlement to use force is contained within the Police and Fire Reform (Scotland) Act 2012.

Under Scots Law, a Police Officer is entitled to use reasonable force under the following circumstances:

- Self Defence (under Scots Law this extends to the defence of others).
- To effect a lawful arrest
- To prevent the escape of a subject
- To prevent a crime being committed
- To preserve order

#### Stage 4: Identify Options and Contingencies

It is not possible to list all the options available to deal with conflict; for example, in certain circumstances to do nothing may be an option. Each of the techniques described in this manual represents a tactical option. It is vital that officers/staff understand the medical implications of each option, as this is likely to be relevant when making the appropriate choice.

An option that carries a high risk of serious injury is less likely to be justified in circumstances where the threat faced is unlikely to cause any or little harm to others. The tactical option chosen must be proportionate to the threat faced in all the circumstances.

#### Tactical Options

Officers/staff are required to fully assess the situation, and consider the impact of their actions on the subject. Therefore officers/staff should select the most appropriate tactical option, whilst keeping injury potential in mind.

The Police Scotland Operational Safety Training Tactical Options Model allows for the fact that each situation an officer/staff faces varies.

The Tactical Options Model gives the officer/staff options to choose from when facing a situation that involves risk to officer/staff safety. It also allows the use of more than one option at a time.

The Tactical Options Model, in conjunction with the National Decision Model, is very easy to understand and utilise. It gives the officer/staff relevant information on how to evaluate the use of force and gives reasonable guidance in determining what tactical option may be required.

The Tactical Options Model provides the tactical options available to an officer/staff when interacting with a subject. Officers/staff can work through the model, allowing them to choose the most appropriate tactical option.

At the heart of the Tactical Options Model is Police Scotland's criteria for use of force. Officers/staff must ensure that any force they use must be;

- Proportionate, Legal, Accountable, Necessary and Ethical.
- The action taken must reflect the values of Police Scotland (Integrity, Fairness and Respect)
- Did the action meet the standards expected of Police Scotland?

Officers/staff must thereafter take cognisance of **Warning/Danger signs, Profiled Offender Behaviour and Impact Factors** to assess the risk, and choose the most appropriate tactical option.

# Operational Safety Training Tactical Options Model

