



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



HEDD
POLIC

Decision Making & Discretion National Decision Model

V3.0

Learning Outcomes

1. **List** factors that can affect decision making
2. **State** the six elements of NDM and explain the reasons for its inception.
3. **Explain** the mnemonic JPLANE and its place in policing.

Key Influences on the Decision Making Process



Group work – Trainer to place students into groups with flipchart and pen and pose the following question:-

QTS – what are the key influences on the decision making process?

Every day, people are inundated with decisions, big and small.

Theories have been generated to explain how people make decisions, and what types of factors influence decision making in the present and future.

Several factors influence decision making. These factors, include:

- past experience
- cognitive biases
- age and individual differences
- belief in personal relevance
- Personal commitment

Some Obstacles that Affect Decision Making

Acting on impulse (too quickly)

Risk avoidance

Ignorance

Halo effect – decision maker is an expert in one field & so therefore “good at everything”

Being a decision making loner

A “one solution” decision maker



Students to stay in their groups to discuss the following question:-

QTS – what obstacles can affect the decision making process?

1. Impulsive

The impulsive threat means you are acting too quickly. You are ignoring the data and the impact on other people. This threat can be a weakness for people with a strong desire to move ahead.

2. Risk Avoidance

In some organizations, risk is a “four letter word”, a concept to be avoided at all costs. However, risk and uncertainty are all around us. As a police officer it is important to develop and practice the skill of making decisions about risk.

3. Ignorance

Making decisions without information presents two significant problems. First, you are likely to miss important considerations. Second, deciding without good information may harm your decision making reputation.

4. The Halo Effect

When you are facing large decisions, it is natural and reasonable to involve other people. However, the halo effect needs to be taken into consideration. This effect states that an overall perception of a person may be impacted by their ability in one area (e.g. a skilled engineer is perceived as universally effective even if he has no knowledge of the decision making arena you are considering entering).

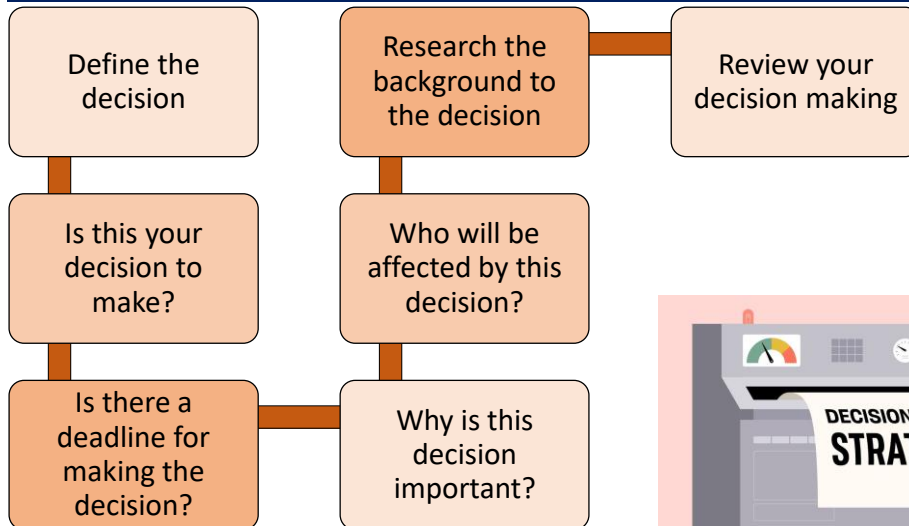
5. The Loner Threat

While most important decisions are ultimately made by a single person, being a loner is a threat to effective decisions. What is the threat of being a loner in the world of decisions? Being a loner means it will be difficult for you to implement a different decision and obtain all the benefits you foresee.

6. The "One Solution"

The more important a decision you face, the more options need to be considered.

Some Strategies for Effective Decision Making



The trainer is to reveal each of the above strategies and ask the class to discuss and offer an interpretation of how these strategies could be reflective of police decision making. The point here is that there are many “effective” decision making strategies , however the NDM is an extremely effective way of assisting decision making.

National Decision Model



Please note that this is historical data to reflect where the NDM came from and how it was developed.

In 2007 the NPIA was commissioned by ACPO, namely Chief Constable Brian Moore of Wiltshire Police to produce national guidance to the Police Service to help them identify, assess and manage operational risks. More recently, Chief Constable Adrian Lee from Northamptonshire Police is now the co-sponsor.

The HSE document 'Striking the balance between operational and health and safety duties in the Police Service' launched in 2009 created some issues around 'Risk' 'Health and Safety' and the Police Service.

However these issues have been resolved following legal advice on the introduction of the NDM of which John Beggs QC stated :

'I consider that the model will withstand legal and judicial scrutiny - provided, of course, it is never relied upon rigidly or robotically.'

June 2010 - Brian Moore and NPIA met with Sue Parkyn (of the Health and Safety Executive) and Joe Stewart (PSNI) re concerns about possible contradictions between the risk principles and HSE legislation and their recently published document "*Striking the Balance between operational and health and safety duties in*

the Police Service". No actual contradictions - more a matter of how we use the term 'risk' (HSE see it purely in negative terms). Negotiated a position where the parties agreed some additional wording about the HSE document to be included within the foreword and body of the Risk Guidance, but the risk principles would remain unchanged. (Managers in the police will be aware of this document as it deals with S2 and 3 of the Health and Safety at work Act 1974 - duty of employers and duty to others.)

Nov 2010 - Legal advice from John Beggs QC.

John Beggs supported the NDM as an appropriate single decision making model for the Service. No legal or operational risks in it replacing the CMM. Suggested it should more logically go in a clockwise direction.

John Beggs legal advice was written when the wording of Human Rights was still in the pentagon - this advice still applies to the ACPO approved model though.

John Beggs QC states 'I consider that the model will withstand legal and judicial scrutiny - provided, of course, it is never relied upon rigidly or robotically.'

Beggs also see no issues with Multi-Agency partners modifying it for their staff.

National Decision Model

Police officers & police staff will have to use **greater professional judgement, take greater risks in their decision making & use their discretion** in order to achieve the highest levels of trust & confidence in policing.



In doing so they will need to know that they have the **support of their force** & that there are **clear and consistent standards** against which their behaviour will be judged.

Sir Ronnie Flanagan, *Review of Policing – Final Report*
Feb 2008, paragraph 5.18



This quote regarding the need for a policing decision model is still relevant to modern policing.

There is a need for the decision makers to support the police officers and staff in their decision making.

In his *Review of Policing* - Feb 2008, Sir Ronnie Flanagan made the point that we can't eliminate risk by imposing ever-more rules, policies and regulations - all that does is stifle discretion and judgement and you end up with a culture where no-one wants to take any risks.

Other key drivers include:

Increasing intolerance of the public and media to accept errors or harmful outcomes of any kind i.e.

- People want someone to blame when things go wrong.
- They are increasingly ready to complain or take legal action.
- In some instances, the perceived failures on the part of the police are large enough for the public to demand a public enquiry.

There were also accusations of the police being risk averse, trying to avoid or eliminate risk i.e.

- A risk averse organisation will always seek the least risky option.
- When things go wrong the focus is on reducing negative outcomes, preserving reputation and limiting liability, rather than improving decision making to achieve greater benefits.
- The way risk is managed has lead to administration overkill, through a growing abundance of heavily prescriptive rules, policies and guidelines which are applied regardless of the situation.

The police avoiding risk, or having decision inertia.

- This relates to a decision maker's reluctance to make the decision or to act as quickly as the situation demands.

Note: 'Risk Aversion' covers the organisational response whereas 'Risk Avoidance' covers the individual response.

Key Drivers

- Increasing public intolerance of error
- Complaints, legal action, public enquiries
- Accusations of:
 - risk aversion
 - reduce negative outcomes, preserve reputation and limit liability
 - defensive and disproportionate approach to risk, and administrative overkill
 - risk avoidance/decision inertia
 - decision-maker's reluctance to make a decision or to act as quickly as the situation demands



Other key drivers include:

Increasing intolerance of the public and media to accept errors or harmful outcomes of any kind i.e.

- People want someone to blame when things go wrong.
- They are increasingly ready to complain or take legal action.
- In some instances, the perceived failures on the part of the police are large enough for the public to demand a public enquiry.

There were also accusations of the police being risk averse, trying to avoid or eliminate risk i.e.

- A risk averse organisation will always seek the least risky option.
- When things go wrong the focus is on reducing negative outcomes, preserving reputation and limiting liability, rather than improving decision making to achieve greater benefits.
- The way risk is managed has lead to administration overkill, through a growing abundance of heavily prescriptive rules, policies and guidelines which are applied regardless of the situation.

The police avoiding risk, or having decision inertia.

- This relates to a decision maker's reluctance to make the decision or to act as quickly as the situation demands.

Note: 'Risk Aversion' covers the organisational response whereas 'Risk Avoidance' covers the individual response.

Risk alert **NOT** Risk averse



It was clear there needed to be a cultural change in the Police Service surrounding decision making and risk taking. Sir Ronnie Flanagan emphasised that to achieve the highest levels of trust and confidence in policing requires the police to:

- use professional judgement
- take greater risks in decision making
- use their discretion.

He also goes further to say that decision making has to:

- be supported by force
- be backed up by clear and consistent standards against which decisions can be judged.

The police service needs to have a more positive and professional attitude towards risk, decision makers need to be alert to risk not averse to it. Decision making and risk taking needs to be viewed as an inevitable, necessary and positive aspect of policing.

ACPO decided to introduce two initiatives - a set of ten risk principles and a value

based decision making model.

Consider the Manchester bombings in 2018

Question: The Fire service waited to attend the scene of the bombing. Risk Alert or Risk Aversion? Discuss...

APP Risk Principles

The 10 Risk Principles were approved by ACPO (now NPCC) in October 2009

Helps us think & to analyse professional risk taking

Not prescriptive, they encourage people to use their professional judgement

The Risk Principles underpin the NDM & reinforce the key aspects of it



The ten APP Risk Principles were approved in October 2009. The principles help us to think about, and to analyse, professional risk taking. They are not prescriptive; they encourage people to use their professional judgement.

The Risk Principles aren't a magic formula which if followed would guarantee a successful outcomes. That would be impossible in the policing environment.

The Risk Principles underpin the NDM and reinforce the key aspects. For example, the risk principles make it clear that risk-taking has both positive and negative aspects. It involves balancing potential harms, and is not just about avoiding harm.

Principle 6 gives general advice on the standard required. It provides protection for decision makers, especially when decisions that have had an unfortunate outcome are being judged. Not a matter of saying 'Was that a good decision' but 'Was that a good decision for someone of that rank, or with that level of experience' and so on.

Some people may believe that if they learn the ten risk principles off by heart, they can just state them when asked to explain what they did, and why. But we must not replace sloppy thinking, which has led to so much risk aversion, with a simple parroting of principles. For example, if a decision we make results in harm, it is not

enough to declare that the principles say that not all harm can be prevented and this was one of those unfortunate times, or expect to be supported just because the principles say you will be. The decision making will still be examined - to see if it was reasonable in the circumstances, reasonable for someone of that level of experience and so on.

Consultation with IPCC and HMIC indicates they accept the risk principles and will take them into consideration.

Trainer is to give the delegates Handout 7, 'The IPCC Position Statement' - Risk in police decision making and accountability in operational policing. The IPCC were consulted during the development of the NDM about both the model and the

Risk Principles. The IPCC wrote their Position Statement as a visible support of what the Police Service was doing.

This quote is from the/foreword of the position statement:

'So as an organisation we have been asking ourselves whether we contribute to risk averse policing, and how we can challenge misconceptions about our approach to investigations. As a result we have developed a simple, understandable position that sets out our expectations of police officers when they make decisions and therefore the way in which we reach our conclusions. It is illustrated with a number of case studies from our own investigations that show both where officers have been held to account for poor decision-making, and where we have concluded that decisions and actions were reasonable.'

Deborah Glass, IPCC Deputy Chair, June 2011

Discretion within the NDM



The trainer is to emphasise that the NDM is a model to assist with decision making. The officers use of discretion is still to be encouraged and expected. Trainer to inform students that the session on discretion follows this input and will assist in their understanding of the link between the NDM and discretion.

- It is important to remember that the NDM is a model to assist with decision making.
- Officers are still expected to consider their use of discretion whilst using the NDN.
- There is a separate input that covers discretion in detail to follow this session.

Purpose and Benefits of the NDM

Values based tool
to provide a
simple, logical &
evidence based
approach to
policing decisions



Empowers staff in
their decision
making giving
them greater
confidence



Makes staff
question the
situations
confronting them,
more challenging
of themselves &
more customer
focused



While there will always be policies and procedures that set out the national standards to be followed, it will never be possible to provide guidance that covers every eventuality.

The NDM is a values-based tool to provide a simple, logical and evidence-based approach to policing decisions.

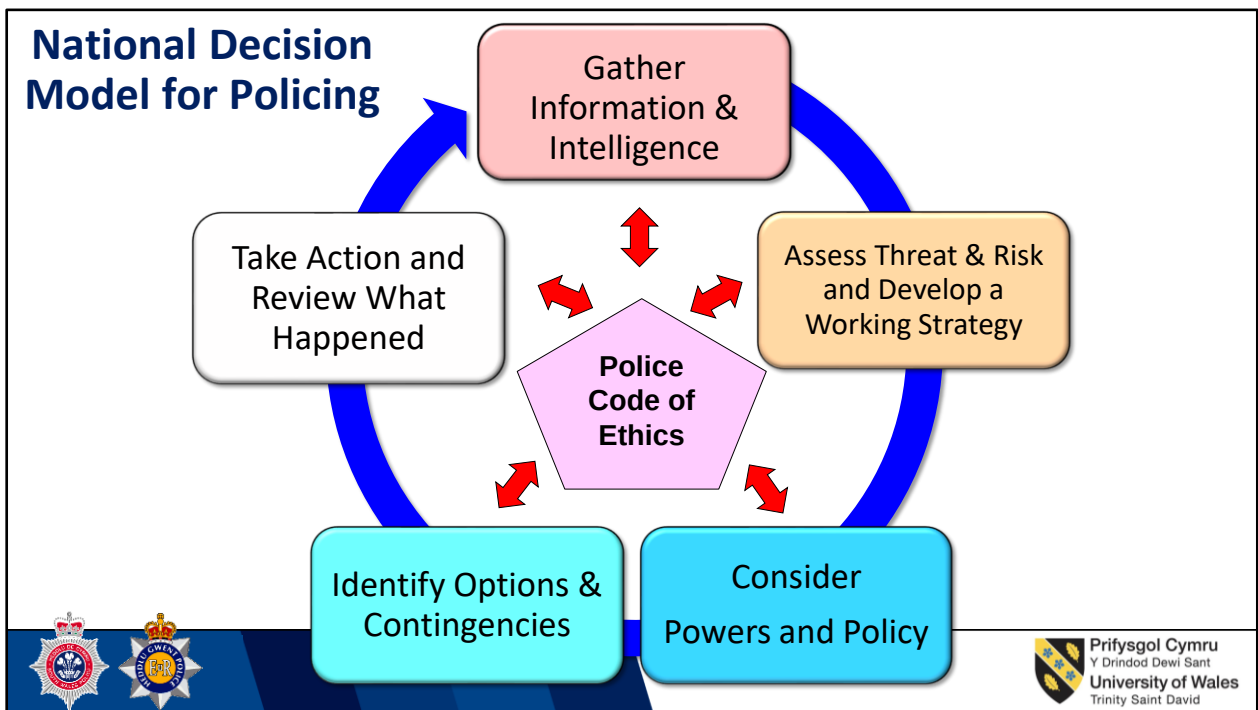
The model can be:

- used by police officers and staff
- used by individuals or teams of people
- applied equally to spontaneous incidents or pre-planned operations
- used in both operational and non-operational situations
- it can be used by everyone in the organisation and in most situations.

Being taught this model from the moment they start in policing will mean that officers and staff will have a practical tool to help them do their job properly and improve their chances of getting a good outcome. The NDM will empower staff in their decision making giving them greater confidence, making them more questioning of the situations confronting them, more challenging of themselves and more customer

focused.

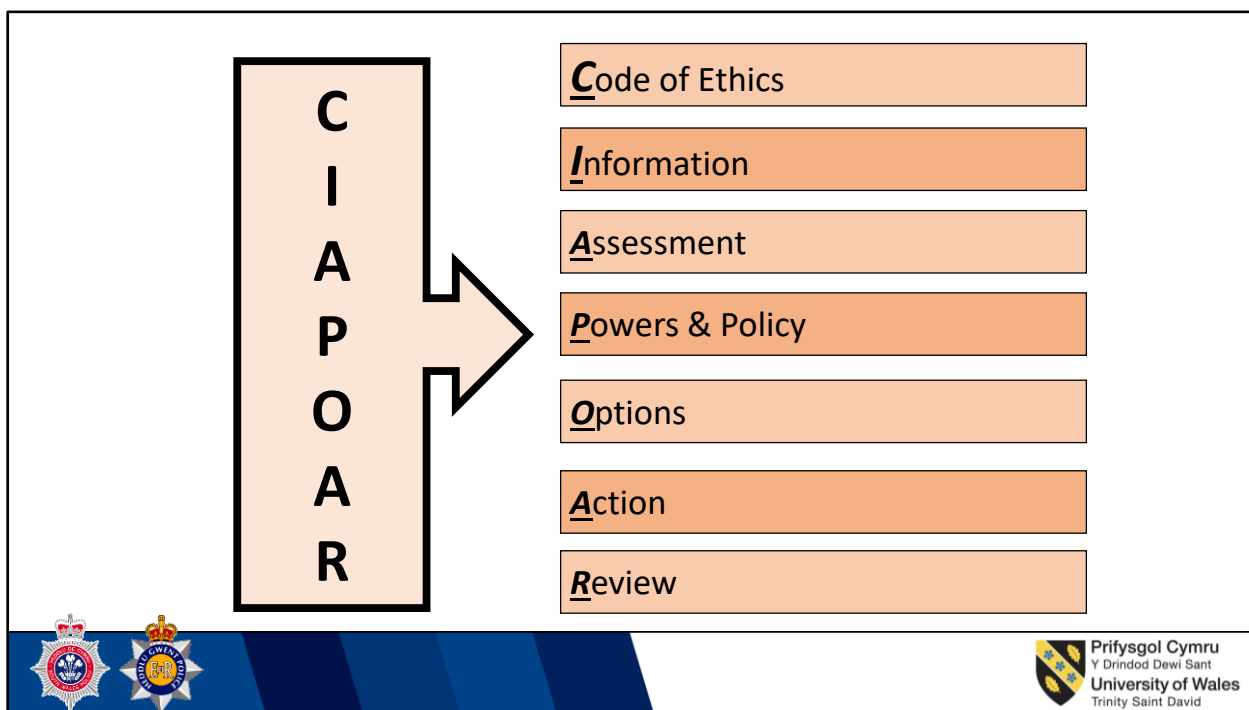
The NDM provides a consistent and legally correct means of thinking through a situation and making a decision that stands up to scrutiny. It replaced **all** existing models which have been used by the Police Service, including the Conflict Management Model.



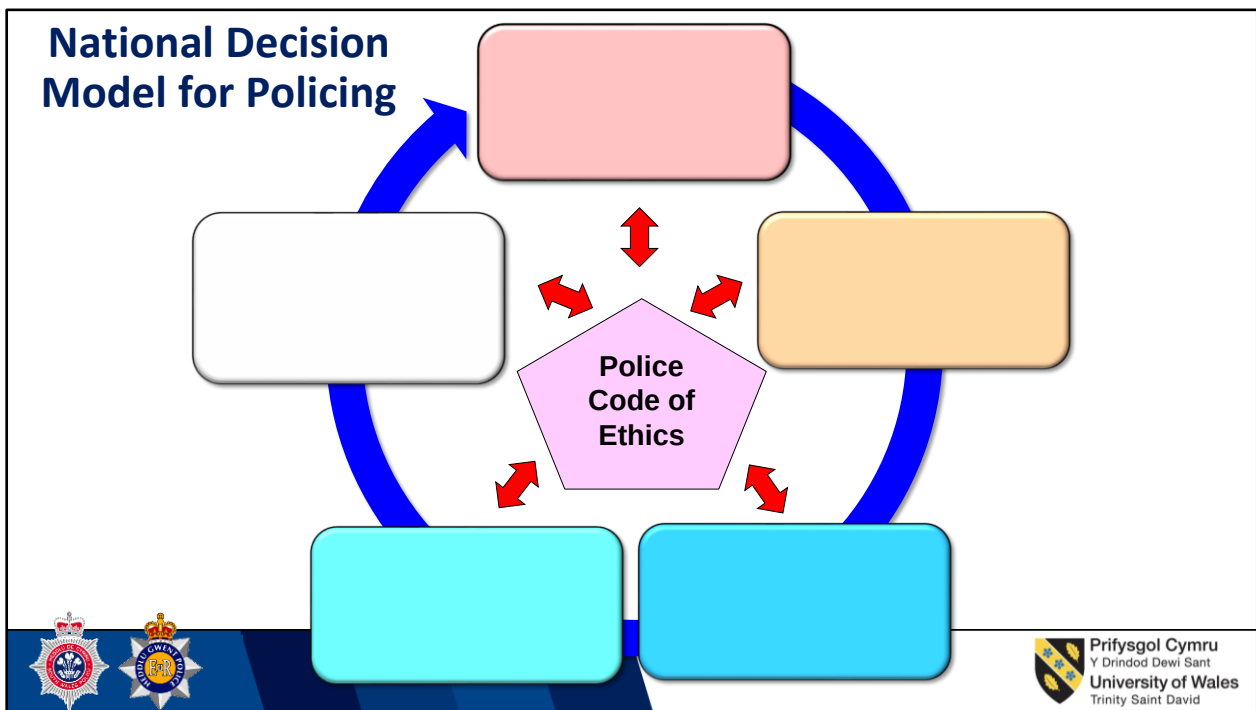
The NDM is a cyclical process whereby we constantly reassess all aspects of the model and our decision making from answering the call, responding to incidents and beyond.

The College of Policing Code of ethics, North Wales Police and Crime plan and the policing mission statement is at the heart of the decision making process.

- The National Decision Making Model is a police framework to make the decision making process easier and more uniform.
 - National Decision Model (NDM) is suitable for all decisions and should be used by everyone in policing.
 - Decision makers can use the NDM to structure a rationale of what they did during an incident and why.
 - Managers and others can use it to review decisions and actions, and promote learning.
 - The NDM puts the Code of Ethics at the heart of all police decision making.
 - The mission of policing is to prevent crime and protect the public
- The NDM has six key elements.



The mnemonic **CIAPOAR** can help users to remember the six key elements of the NDM. It also acts as an aide-memoire in aspects of decision making



The NDM puts the Code of Ethics at the heart of all police decision making. This distinguishes the NDM from other decision-making models and recognises the need for all police decisions to be consistent with the police principles and standards of behaviour set out in the Code.

The **Policing Principles** are contained within the Code of Ethics

Accountability – You are answerable for your decisions, actions and omissions

Fairness – You treat people fairly

Honesty – You are truthful and trustworthy

Integrity – You always do the right thing

Leadership – You lead by good example

Objectivity – You make choices on evidence and your best professional judgement

Openness – You are open and transparent in your actions and decisions

Respect – You treat everyone with respect

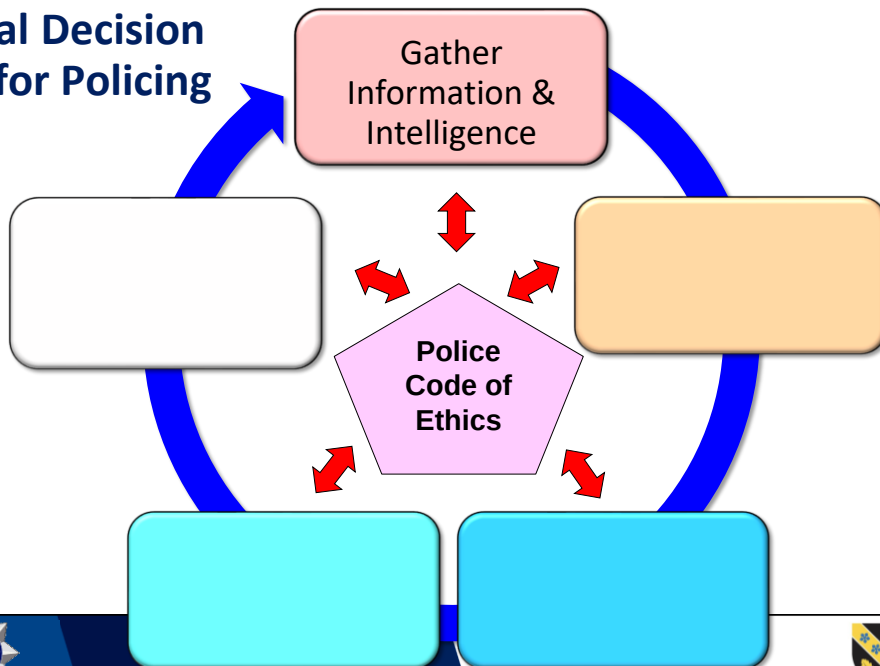
Selflessness – You act in the public interest

Standards of Professional Behaviour

These standards originate from the [Police \(Conduct\) Regulations 2012](#) (for police officers) and the [Police Staff Council Joint Circular 54](#) (for police staff). They reflect the expectations that the College of Policing and the public have of the behaviour of those working in policing.

- **Honesty and integrity** — I will be honest and act with integrity at all times, and will not compromise or abuse my position.
- **Authority, respect and courtesy** — I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. I will use my powers and authority lawfully and proportionately, and will respect the rights of all individuals.
- **Equality and diversity** — I will act with fairness and impartiality. I will not discriminate unlawfully or unfairly.
- **Use of force** — I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances.
- **Orders and instructions** — I will, as a police officer, give and carry out lawful orders only, and will abide by police regulations. I will give reasonable instructions only, and will follow all reasonable instructions.
- **Duties and responsibilities** — I will be diligent in the exercise of my duties and responsibilities.
- **Confidentiality** — I will treat information with respect, and access or disclose it only in the proper course of my duties.
- **Fitness for work** — I will ensure, when on duty or at work, that I am fit to carry out my responsibilities.
- **Conduct** — I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
- **Challenging and reporting improper behavior** — I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behavior.

National Decision Model for Policing



Trainer to keep stressing to the students the importance of the gathering info/intel as this feeds into their threat assessment - a poor effort at this stage will give a skewed threat assessment and may put them and their colleagues at risk!

Gather Information & Intelligence

Information

'Information refers to all forms of information obtained, recorded or processed by the police including personal data & intelligence'



Trainer to put students into groups to discuss the following:-

QTS – what is the difference between information and intelligence?



As police officers, incidents become apparent in a number of ways.

1. Where a spontaneous incident occurs, that is, when an officer sees something happen or comes across the incident whilst on patrol, information is likely to come from what an officer sees, smells, hears or even feels for themselves.

Information and intelligence may have been gathered from another person.

For example - you may be on patrol on an housing estate when you are approached by a young women who says she has just been assaulted by her drunken boyfriend who is now alone in the house with their young baby.

You must balance the real possibility that the male might injure or harm the baby against the time taken to gain his personal details in order to check his history via the PNC.

Information is likely to come from what an officer **Sees, Hears, Actions, Conversation, Knowledge, Smells**, or even feels for themselves. Feelings may also be important and it is worth noting here that it is not wrong for an officer to feel frightened. Generally, you will not see officers admitting fear, however, imagine the impact that this admission might have in a statement.

Information and intelligence may have been gathered from another persons
SHACKS

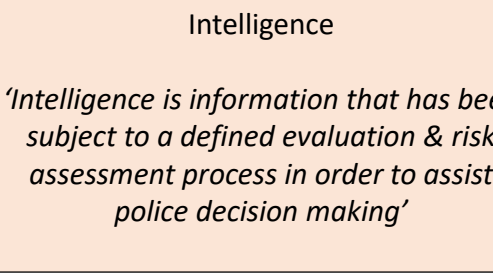
2. You might be responding to a call from the communications centre (Control

Room).

Staff will support this by obtaining as much information as possible from persons requesting police attendance or other available sources.

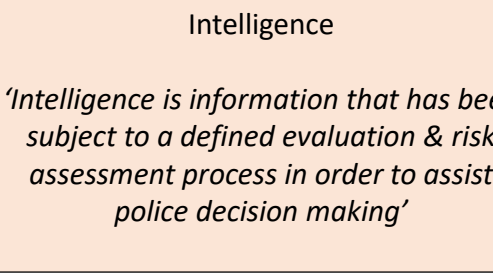
The information or intelligence given to an officer will all be valuable, for example, information surrounding the reason for attending, any previous dealings with the person/suspect, and any information on the location or similar incidents.

Gather Information & Intelligence



Intelligence

'Intelligence is information that has been subject to a defined evaluation & risk assessment process in order to assist police decision making'



Intelligence

'Intelligence is information that has been subject to a defined evaluation & risk assessment process in order to assist police decision making'



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Trainer to place students into groups and distribute part 1 of the NDM paperfeed

Gather Information and Intelligence

The situation is much different when, for example, planning the arrest of a possibly violent suspect, as there is, generally, time available to check the PNC **(Click)** and Local intelligence systems **(Click)** to assess the risks posed and to have sufficient resources available to deal with any likely conflict.

Trainer to emphasise that there are many sources of info/intel when approaching an incident/operation or tasking from control room. There may be existing intelligence or investigative products that can assist with your development of info/intel.

Also it is vitally important that **feedback from the scene** is taken into consideration, especially from “professional eyes” (police family colleagues). Trainer can give example of public report of a large scale disturbance outside a nightclub, with lots of police resources being sent. First patrol at scene reports that there is no disturbance.

The biggest risk now is to other officers attending the incident on blue lights!
Feedback from the scene can be fresh info/intel. Obviously trainer to stress that this could work the other way with a low level incident being reported as more serious due to feedback from officers at the scene.



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

During the INFORMATION stage the decision maker defines the situation.

- What is happening?
- What has happened?
- Can I clarify matters relating to information and intelligence?

How do we gather information and intelligence by asking questions?

Keep an open mind, ask questions and interrogate computer system to build a picture of the situation.

Open questions are often better to gather information but some incidents e.g. Domestic Violence incidents where the offender is still present, may need different questioning styles to gather information.

What is an **open question**, what is a **closed question** and what is a **leading question**?

Open question allows the responder to provide knowledge and insight – Who What Where How When

This is known as the **5W and H** and will fit with any set of circumstances.

It always ensures that you will have covered everything that is needed to help investigations should the caller be reporting a crime related incident.

Imagine someone calls to report a burglary. Using the 5W & H tell me what would you ask them? BOARD BLAST

Who? who are you? do you know who did it?

What? was stolen? What happened?

Where? did it happen?

When? did it happen?

Why? do you know why it happened? (open window?) relevant if the caller names an offender or thinks someone responsible.

How? how did it happen?

Be careful using the 'Why'.

This can be intrusive and you are then getting into the area of 'disclosure'

There may be times when we also need to ask "**What** response do you need or expect from the police as a result of your call?"

Closed Questions look for specific facts and often only require one word answers and doesn't facilitate a flow of information.

These are questions which really only allow a 'Yes' or 'No' answers so allow no clarification.

For example:

Did you see anyone?

Did you hear anything?

Have you got a mobile phone?

A **leading question** influences how a person will answer based on assumptions of fact e.g. How much rain will fall tomorrow? includes an assumption it will rain tomorrow. This can be detrimental to investigations if we use leading questions e.g. a caller reports a fight on-going, if we ask "who is punching who?" we are assuming that a punch is the means of the assault. If caller hasn't seen offence taking place ask "what do you think is the most likely cause" e.g. damage criminal, RTC, accidental (don't feed caller this information)

Normal Q's

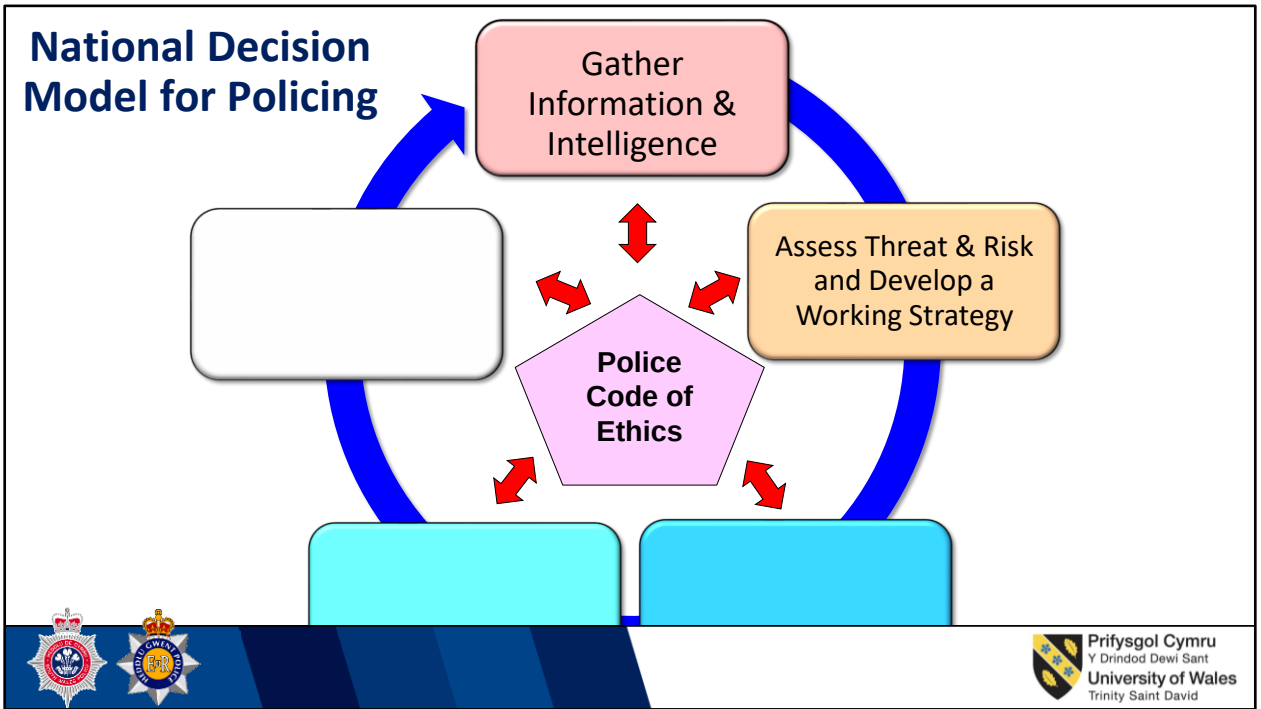
Name, Address, Telephone number, DOB

Special Q's

Solely for the incident the call relates to, i.e.; exact location (now, direction of travel), vehicle details (inc correct VRM, colour, make and model), offender / victim (description, name, age, address, in company with anyone), Description of weapons, what knowledge does the caller have that may be relevant e.g. firearms experience, what has the caller ACTUALLY seen?

Extra Special Q's

Question Is there anything else that I haven't asked you which may help us"?



QTS – what is a threat assessment?

QTS – what is a risk?

Trainer to debrief using PPT slides 22 - 25

Assess Threat & Risk and Develop a Working Strategy

What is a Threat Assessment?



'A threat assessment is the analysis of potential or actual harm to people or property, the probability of it occurring & the consequences or impact should it occur'



Trainer to make clear to students that we are now moving to the second part of the model, based on what we have gleaned from the info/intel stage, we now need to create a threat assessment.

Whilst this definition from NPCC looks complex on first view it can be broken down into three parts “**POTENTIAL OR ACTUAL HARM – PROBABILITY OF IT HAPPENING – CONSEQUENCES/IMPACT IF IT DOES HAPPEN**”

Trainer can give a low level operational example, perhaps a facebook complaint from a 14 year old child – what is the potential harm? How probable is this threat? What is the impact if it happens? Trainer to steer the scenario to a low level threat outcome. Trainer to then repeat the exercise but with a high risk domestic violence scenario – trainer to steer this towards a high level threat outcome.

A threat assessment is based on fact, information and intelligence which will vary over time.

A Threat Assessment is **only as effective** as the **information** and **intelligence** that is available to base it on and the **capability** and **competency** of staff to analyse it in an **accurate** and **timely** manner.

Assess Threat & Risk and Develop a Working Strategy

This stage involves assessing the situation, including any specific threat, the risk of harm & the potential for benefits

- Do I need to take action immediately?
- Do I need to seek more information?
- What could go wrong? (and what could go well?)
- How probable is the risk of harm?
- How serious would it be?
- Is that level of risk acceptable?
- Is this a situation for the police alone to deal with?
- Am I the appropriate person to deal with this?



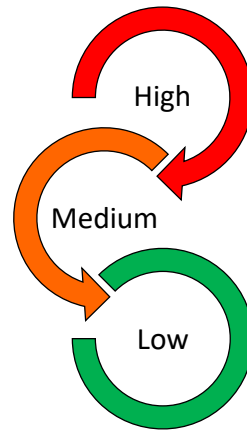
Trainer to stress that these are good questions to ask yourself when deciding upon a level of threat and risk – HIGH MEDIUM OR LOW.

Assess Threat & Risk and Develop a Working Strategy

Identify who (individuals – groups) or what is at risk from the identified threat



Identify & grade that level of risk of **potential** or **actual harm** to **people & property** (individual or groups). This needs to be now or at the point of potential conflict



Level of Risk



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

Students to be told to keep their threat assessment simple and to the levels of LOW MEDIUM OR HIGH. This will assist colleagues and supervisors to respond to the event appropriately.

Levels of Threat / Risk

The threat faced can generally be categorised as a **high risk** or **unknown risk**. This doesn't mean a situation will never present a low risk; such an assessment can however lead to complacency.

What is important is that where no immediate obvious risk or threat is identified, officers must still remain aware of the need to maintain safety.

- **High Risk** - an obvious risk, e.g. a person waving a knife
- **Unknown Risk** - everything else

The assessment of a threat and risk is not something to be done once per incident. It should be a continuous process as threat and risk levels rise and fall throughout an incident; for example, moving closer to a subject to conduct a search or make an arrest may trigger a reaction from the subject. It is essential that those at an incident continuously reassess the threat and risk and develop a working strategy. When approaching any incident, officers should be scanning the location to identify areas where danger may arise.

Static Risk Assessment. (slow time)

Static information is, as the name suggests, risk factors that do not change, e.g. the

person's age, marital status, the individual's past history, and any background information like warning markers

Dynamic Risk Assessment (fast time)

This means that as you go to an incident, you start to take in the information you've been given and as you arrive closer to the incident the information becomes updated. Your risk assessment will change – it will become fluid.

The ability of an officer to deal with a fluid incident by using dynamic risk assessment is absolutely vital.

Having identified the number of potential risks, officers will be able to make an assessment of possible high or unknown risks and develop a working strategy to guide subsequent stages. Under the Health and Safety at Work Act 1974 you are responsible for taking reasonable care of your own safety and the safety of others. This means that you must consider the safety of members of the public, others attending the scene to assist and , if at the scene, the offender or offenders.

What is a Risk?



A risk is the likelihood or chance of injury or harm happening

**KEEP
CALM
AND
ASSESS THE
SITUATION**



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

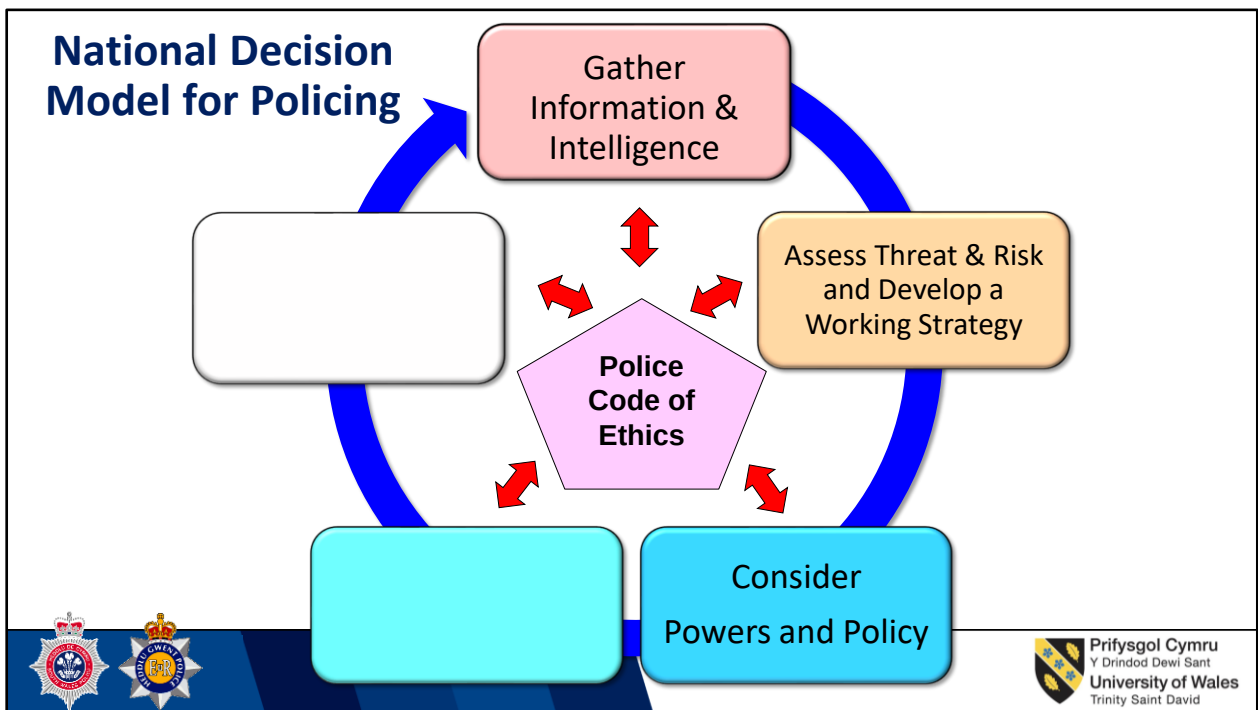
Whilst we have a positive duty to uphold every person's right to life and when responding to calls for assistance must not unduly place any person's life at risk, there remains a requirement for all officers to conduct a dynamic risk assessment concerning the activity they are undertaking to ensure that they do not endanger the lives of themselves first.

Remember you should not go into an unsafe situation, there is no point in becoming a casualty yourself.

But in reality, how easy is it to do this?

How easy is it not to get caught up in the events that are ongoing?

Following this Trainer to distribute second part of NDM paperfeed and debrief using PPT slides 26 -29



Consider powers and policy

One of the key issues that all officers must be thoroughly familiar with before they commence operational patrol type policing is to have a thorough understanding of the law relating to the use of force, together with the Police Officers Standards of Professional Behaviour, particularly in respect of authority, respect and courtesy, and the use of force.

Part of your considerations must also include Data Protection.

As Police Officers you will have access to a large amount of information regarding person/vehicles/addresses through a variety of systems including the Police National Computer (PNC) and local intelligence.

You must bear in mind that this information is **Restricted** and **must not** be disclosed to anyone other than those who have a right to know/see it.

Powers, Policies & Legislation



Police powers?

NPCC Guidance?

Data Protection?

Force Policy &
Procedure?



This stage involves considering what powers, policies and legislation might be applicable in this particular situation.

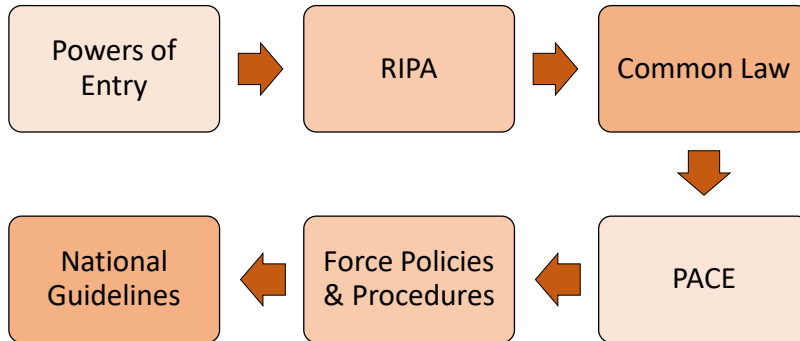
What police powers might be required?

Is there any national guidance covering this type of situation?

Do any local organisational policies or guidelines apply?

What legislation might apply?

Powers, Policies & Procedures to Consider



Considerations should include:

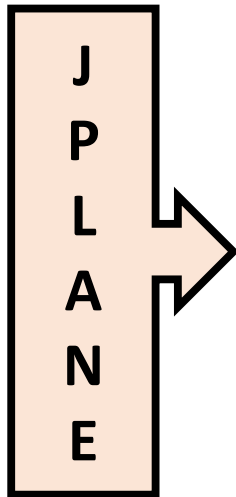
Under which common law or statutory provision the proposed action is being taken?

Implications of any action under the Human Rights Act 1998 and potential infringement of the European Convention on Human Rights articles

Are the powers to be actioned proportionate, legal, accountable and necessary?

Whether a warrant is required?

Human Rights Act



Justified

Proportionate

Legal

Accountable

Necessary

Ethical



Human Rights Act 1998



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

If you have to account for your decision, will you be able to say it was:

- Proportionate, legitimate, necessary and ethical?
- Reasonable in the circumstances facing you at the time?

Contingencies:

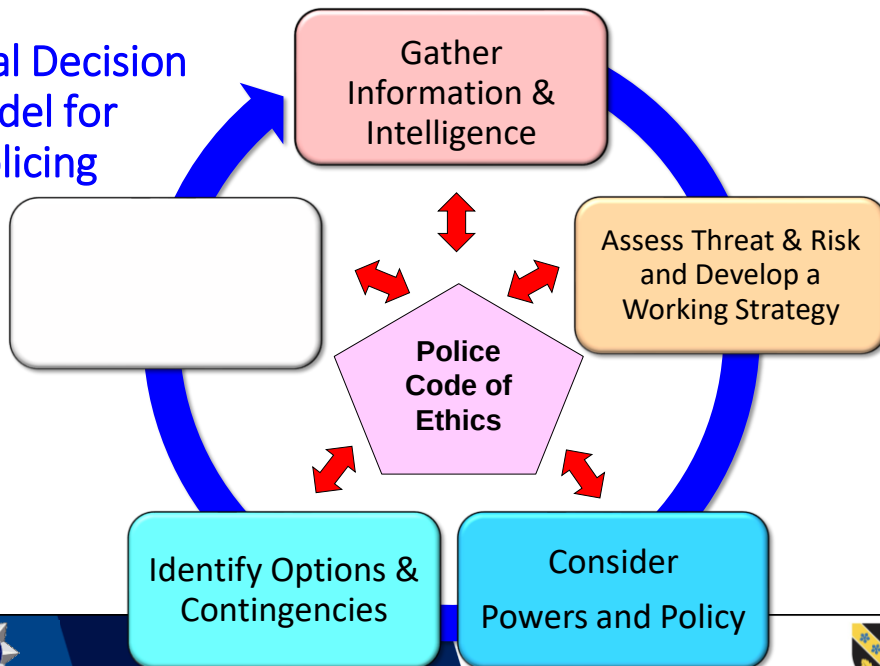
- What will I do if things don't happen as I anticipate?

•Please be aware that Gwent and SWP use JPLANE, however, Blackstone's refers to JAPAN

- Justifiable
- Accountable
- Proportionate
- And
- Necessary

- Trainer to distribute part 3 of the NDM paperfeed

National Decision Model for Policing





This stage involves considering the different ways in which a particular decision can be made (or situation resolved) with the least risk of harm.

What options are open to me?

Identify suitable responses, taking into consideration:

The immediacy of any threat

Limits of information to hand

Amount of time available

Available resources and support

Your own knowledge, experience and skill levels

The impact of potential actions on the situation and the public

National Decision Model

As a public authority you will be expected to act



You have a:
**Positive Obligation
& a Duty of Care**



You **must** do something.....

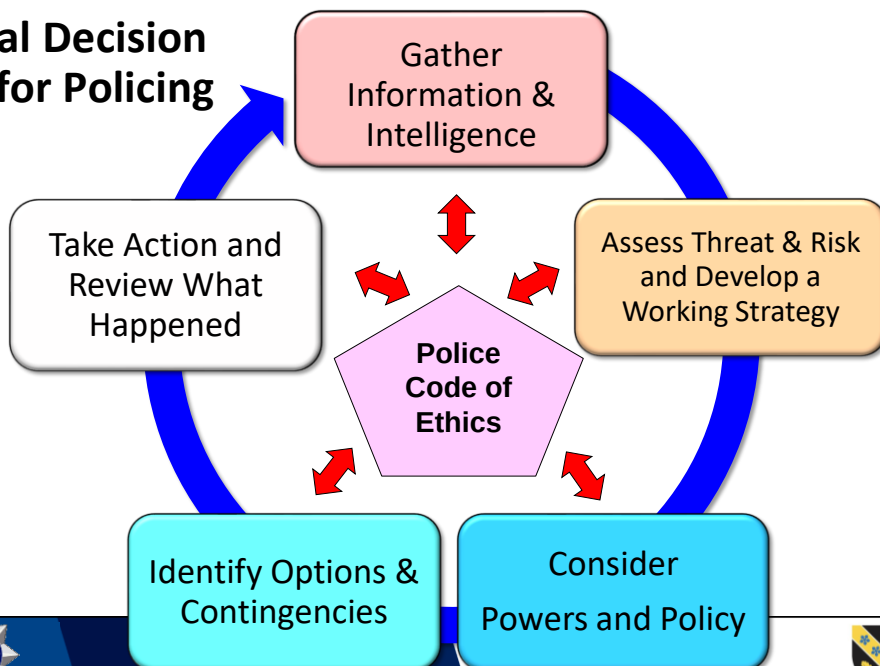


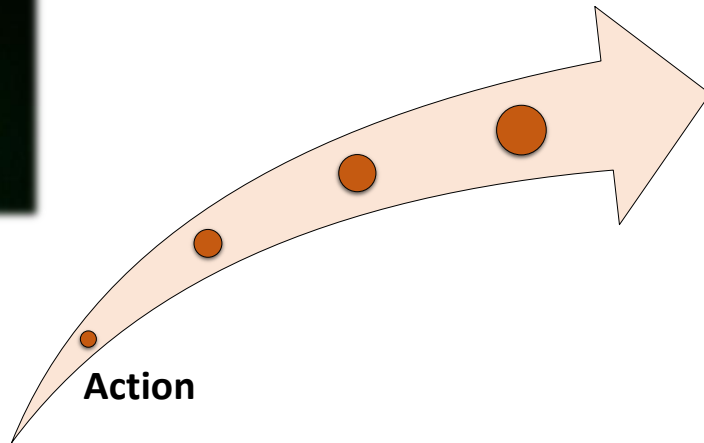
That means you simply cannot walk on by



Following this slide Trainer to distribute part 4 of the NDM paperfeed

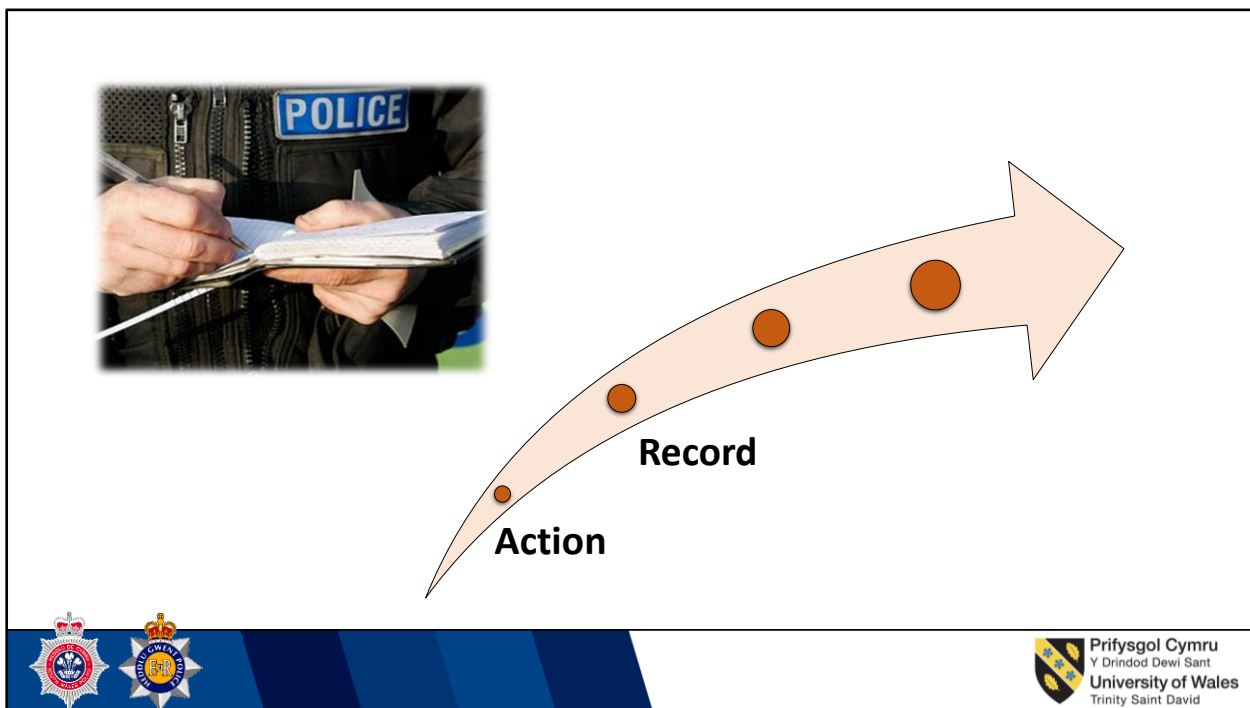
National Decision Model for Policing





It is only at this stage that you are ready to implement the option you have selected.

Is there anyone else that need to know what you have decided? This may be the victim of a crime, it may be your supervisor or another police department. It may be the communications centre. Make sure that everyone that needs to know does know.



Recording What Was Done and Why

In some circumstances the need to document decisions is prescribed by statute, required by organisational strategies, policies or local practices, or left to the officers discretion.

Whatever the circumstances, the Police Service recognises that it is impossible to record every single decision and that not all decisions need to be recorded.

In most instances professional judgement should guide whether or not to record the rationale, as well as the nature and extent of any explanation.

The record should be proportionate to the seriousness of the situation or incident, particularly if this involves a risk of harm to a person.

In addition to using the NDM to determine their actions, officers may also find it useful for structuring the rationale behind their decisions.

The decisions can be recorded in the officers PNB / Force control room log / Witness

statement / Other method, occurrence log, crime record, MFH report etc.

How do we record the decision being made?

It is important to record all decisions being made, whether they have a positive outcome or a negative one. It is just as important to record a decision when choosing not to act and do something, than when we do.

An example of good practice in the recording of a decision is an OEL entry, especially a decision that is made where an officer decides not to arrest or not to submit a PPN and records their rationale according to risk etc.

This isn't something that has just been highlighted by the SWP project but is a national issue and is highlighted by the COP in their literature 'Principles of Risk'

This is particularly important not only when positive action is taken but also when a decision is made not to do something i.e not to arrest, not to submit a PPN etc.

Accounting for the Use of Force

Comprehensive
PNB entry

Use of force
report

Evidential
statement



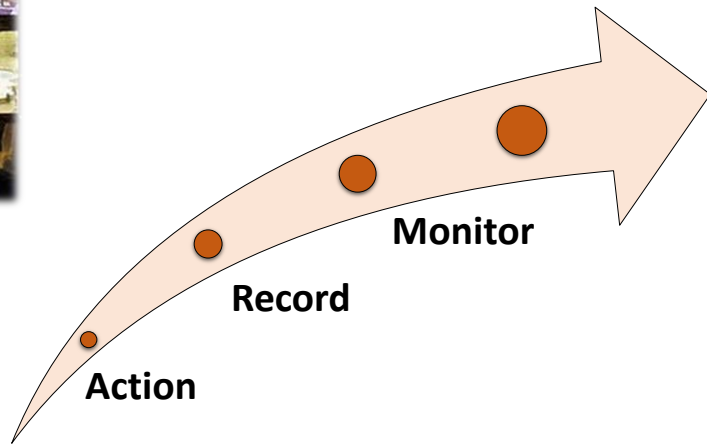
When an officer has used force to establish and maintain control at an incident, it is important that the officer has the necessary knowledge to prepare their evidence to justify the action that was taken.

You must remember that when you write your notebook entry or make a statement, you are painting a picture of an incident for another person who was not at the scene.

That person's only perception of the incident will be based on:

- what they read in your statement; **and**
- the offenders explanation which will be presented by their solicitor or barrister at court.

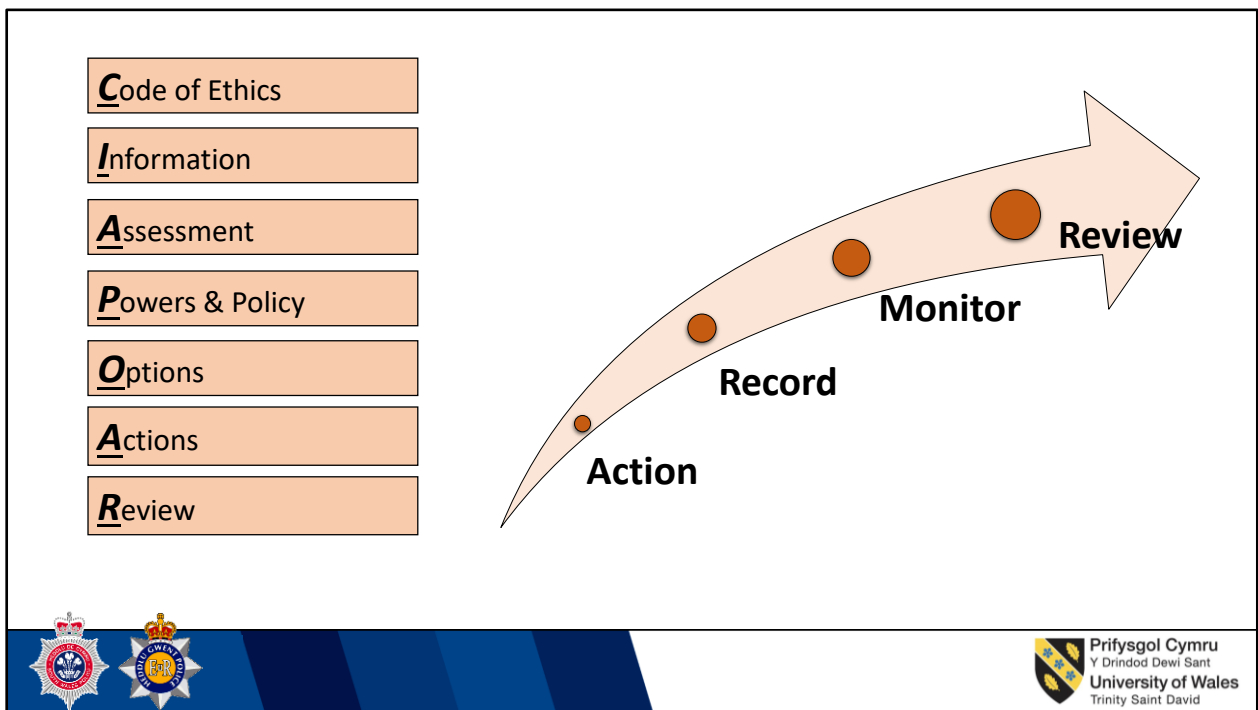
Where thorough and correct reporting procedures are used for a use of force incident, complaints and civil litigation against officers are reduced dramatically.



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

Quite often when dealing with an incident you will make many decisions and each one will generally have consequences.

You must monitor the situation and be prepared to go through the NDM again as implementing one decision might lead to further changes to the situation.



Once the incident is over the officer should review their decisions using the NDM.

Values: How were the police mission and values, risk, and the protection of human rights kept in mind during the situation?

Information: What information/intelligence was available?

Assessment: What factors (potential benefits and harms) were assessed? What threat assessment methods were used (if any)? Was a working strategy implemented? Was it appropriate?

Powers and policy: Were there any powers, policies and legislation that should have been considered? If policy was not followed, was this reasonable in the circumstances?

Options: How were feasible options identified and assessed?

National Decision Model

If the incident is continuing go through the model again as necessary

Review: If the incident is over: Review your decision(s) using the NDM

What lessons can be taken from how things turned out?

What might you do differently next time?





Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David