

Background on PERF's Critical Decision-Making Model

(also available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 79-87)

For decades, specialized police tactical units such as SWAT have employed critical thinking and decision-making processes to guide their unique, often dangerous work. Prior to taking action, these teams typically take the time to collect and analyze information, assess risks and threats, consider contingencies, and then act and review. Most experienced SWAT members would consider it reckless to approach an assignment without first taking these steps.

As PERF explored training and tactics on use of force, one question kept coming up: If this type of critical thinking process works for specialized tactical units, why can't it be used by patrol officers as well? If patrol officers had a structured, easy-to-use decision-making process to follow, and could combine that with tactical concepts such as distance, cover, and time, they could more effectively and safely resolve many types of critical incidents.

Other Decision-Making Models

For several years, police personnel in England, Scotland, Northern Ireland, and Wales have utilized the National Decision Model (NDM), a five-stage process that revolves around the police code of ethics. In the UK, police officers use the NDM when responding to unplanned incidents and also when planning operations that are known ahead of time, such as the handling of a major sporting event. The National Decision Model is employed by individual officers and teams, and it applies to both operational and non-operational situations. In fact, some of the early applications of the NDM were in support of police budgeting and administrative decisions.

During the PERF-led field visit to Scotland in November 2015, officials from 23 U.S. police agencies learned more about the NDM and observed training scenarios in which the NDM was used. Overall, the U.S. delegation was impressed with the NDM's depth and simplicity. To members of Police Scotland, the NDM has become second-nature. From recruits up to the Chief Constable, personnel understand the model and can readily explain its purpose and implementation in clear and straightforward terms. And police officers in the UK use the NDM in hundreds of incidents every day—both serious and minor—to support sound and accountable decision making.

PERF researchers also examined other decision-making models. One of them is the OODA Loop (Observe, Orient, Decide, Act), which was developed in the 1950s by a U.S. Air Force Colonel named John Boyd. Like the NDM and other models, it is a recurring cycle that users work through as new information is observed and circumstances change. Although it was initially applied to decision-making in military combat operations, the OODA Loop over the years has been used in business, legal, and other professions. Some police agencies have applied the OODA Loop as well.

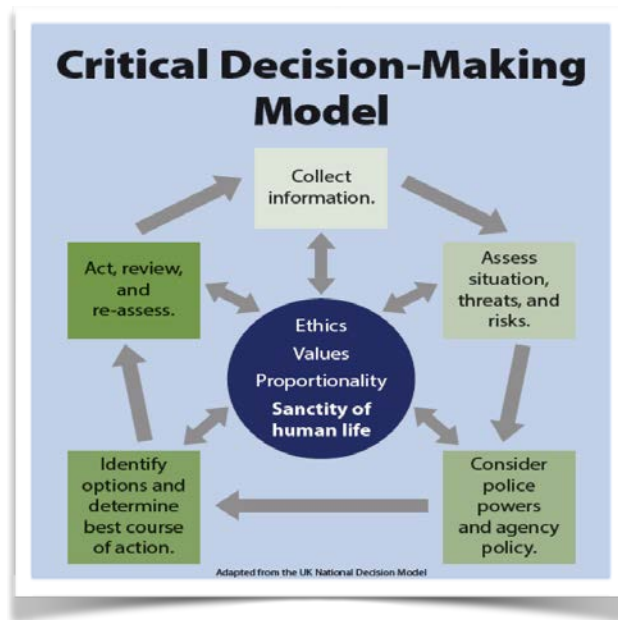
Why Adopt the Critical Decision-Making Model?

PERF's 30 Guiding Principles recommend that police agencies adopt a decision-making framework for use during critical incidents and other tactical situations, and then train officers in how to use that framework. This section of the report presents the Critical Decision-Making Model (CDM) as a preferred framework that agencies can adopt.

The CDM is based largely on the UK's National Decision Model and concepts from other models. Like the NDM, the CDM is a logical, straightforward, and ethically based thought process that is

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intended to help U.S. police officers manage a range of incidents effectively and safely. And while the CDM can be employed in wide range of events, PERF believes it will be especially valuable in helping officers manage those critical incidents we are trying to impact the most—i.e., situations involving subjects who either are unarmed or have an edged weapon, rock, or similar weapon, as well as incidents involving persons who are experiencing a mental health crisis or who are behaving erratically because of a developmental disability, a mental condition such as autism, substance



abuse, or other conditions.

Elements of the CDM

The Critical Decision-Making Model is a five-step critical thinking process. All five steps are built around the core values of the department and the policing profession.

CDM Core

At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

- Police ethics
- Agency values
- Concept of proportionality (Guiding Principle #3)
- Sanctity of all human life (Guiding Principle #1).

Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.

Step 1: Collect Information

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The logical first step in the process is for officers to gather information and intelligence, a process that begins as officers are heading toward the incident. During this step, officers ask themselves and others, including Dispatch personnel, a series of key questions.

It is important to remember that while the collection of information represents the beginning of the process, it is not a one-time activity in the CDM. Information gathering is ongoing, and new information is collected continuously to help inform the other steps in the process.

Officers should ask themselves ...

- What do I know so far about this incident – the subject, victim, and location?
- What else do I need to know?
- What do my training and experience tell me about this type of incident?

Officers should query others (dispatchers, fellow officers, supervisors, computer networks) ...

- What more can you tell me about this incident?

For example:

- Circumstances that prompted the call
- Individuals on the scene, the physical environment
- Presence of weapons
- Presence of bystanders, including children
- Mental health/substance abuse issues
- What more can you tell me about previous incidents involving this location or the person or persons who are involved?

Step 2: Assess Situation, Threat and Risks

This step typically begins as officers are responding to the incident and are evaluating what they are being told by dispatchers or others. That is the time when officers begin considering “what if?” scenarios in their minds. The assessment step shifts into high gear as officers arrive on scene and can visually begin to gauge threats and risks. During this step:

Officers should ask themselves ...

- Do I need to take immediate action?
- What is the threat/risk, if any?
- What more information do I need?
- What could go wrong, and how serious would the harm be?
- Am I trained and equipped to handle this situation by myself?
- Does this situation require a supervisory response to provide additional planning and coordination?
- Do I need additional police resources (e.g., other less-lethal weaponry, specialized equipment, other units, officers specially trained in mental health issues)?
- Is this a situation for the police to handle alone, or should other agencies/resources be involved?

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Officers should also request that others ...

- Provide additional information, as needed.
- Respond to the scene, as needed.
- Provide the additional equipment or resources needed.

The first question in this step is noteworthy: “Do I need to take immediate action?” The CDM does not prevent or restrict officers from taking immediate action if that is what the circumstances dictate. In these situations, officers would “spin” through the rest of the model in a matter of seconds, determine the best course of action, and then act immediately.

For example, in active shooter situations, many American police agencies have policies directing the first officers at the scene to respond as quickly as possible to stop the threat. Some departments have policies that allow a single officer to move to stop the threat without waiting for any additional officers to arrive. Other departments have policies requiring officers to wait until a minimum number of officers can form a “contact team” to stop the shooter. Other agencies call for the creation of a contact team, often made up of four officers, but also specify that fewer officers may respond immediately if it is apparent that a full contact team cannot be assembled quickly. These are the types of factors that officers would quickly consider under the CDM in responding to this type of emergency.

However, if the answer to this question is, “No, I do not need to take immediate action,” then officers can go through the CDM at a more deliberate pace. The CDM can be “spun” as quickly or as deliberately as circumstance dictate, and officers can always take immediate action if that is appropriate.

Step 3: Consider Police Powers and Agency Policy

This step represents an important self-check of officers’ authority to take action. In addition to considering their legal authority to act, officers must think about what their agencies’ policies say about the situation.

For example, a police agency’s policy may place restrictions, beyond what is allowed by law, on shooting at vehicles, engaging in vehicle or foot pursuits, or using less-lethal options in certain situations. These internal policies must be considered at this stage, before specific options are identified and actions taken. During this step:

Officers should ask themselves ...

- What legal powers do I have to take action?
- What agency policies control my response?
- Are there other issues I should think about? (e.g., jurisdictional or mutual aid considerations—Am I authorized to take action here?)

Step 4: Identify Options and Determine the Best Course of Action

Using the information and assessment from earlier steps, officers now begin to narrow their options and determine the best course of action. Again, part of this step is to determine if the officers have

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enough information and resources, and a compelling interest, to act right away. Or should they hold off, possibly to get even more information and resources? During this step:

Officers should ask themselves ...

- What am I trying to achieve?
- What options are open to me?
- What contingencies must I consider if I choose a particular option?
- How might the subject respond if I choose a particular option?
- Is there a compelling reason to act now, or can I wait?
- Do I have the information and resources I need to act now?

Then, officers should select the best course of action, keeping in mind ...

- The greatest likelihood of success and the least potential for harm.
- How proportional the response will be, given the risk/threats posed by the subject and the totality of the circumstances.
- The safety of the public, officer safety, and the sanctity of all life.

Step 5: Act, Review and Reassess

In this step, officers execute the plan, evaluate the impact, and determine what more, if anything, they need to do.

Officers should execute the plan, and then ask themselves ...

- Did I achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons did I learn?

If the incident is not resolved, then officers should begin the Critical Decision-Making Model again, starting with the collection of additional information and intelligence.

Benefits of the Critical Decision-Making Model

The thought processes embedded in the CDM are not very different from what many police officers already do on a daily basis. The CDM is certainly in line with how specialized tactical units are trained to approach their assignments. And it likely reflects the activities of many patrol officers, whether consciously or by instinct, when responding to calls for service or engaging in proactive policing.

What is new and different about the CDM is that it offers a structure for working through a series of steps that officers may already be following and questions they are probably asking already. This structure helps to ensure that each critical step is followed and that all key questions are asked along the way.

Useful in Everyday Situations and Complex, High-Risk Incidents

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By practicing the CDM in everyday situations, officers become more fluent in asking questions and formulating effective plans for their responses to a variety of situations.

These skills are critically important when the officers are called on to respond to especially difficult, complex, or high-risk incidents. Officers who have used decision models speak of developing “muscle memory” in making critical decisions through everyday practice.

The CDM provides operational support for many of the key concepts articulated in the PERF’s 30 Guiding Principles—for example, using distance and cover to create time, applying de-escalation strategies, considering the proportionality of police actions, and handling individuals experiencing mental health crises. The CDM will help police officers put these concepts into action by providing them with a logical thought process for managing challenging situations.

The CDM offers an alternative to officers who in the past have been trained to “rush in and take control,” even when those responses are not appropriate or safe given the circumstances.

A Framework for Explaining Actions After the Fact

In addition, the CDM gives officers a framework for explaining the thought process behind their actions after the fact, such as when they testify in court or provide statements to investigators. The experience in the UK has demonstrated that the NDM can be quite valuable in helping officers describe and explain their actions, which lends credibility to their testimony. Officials report that officers routinely use the NDM as the outline for articulating their actions and decisions (“I first collected information by asking the following questions. Then I assessed the threat and risk by asking these questions....”).

The CDM should have similar benefits in the United States by providing officers with a detailed and logical mechanism for explaining their actions and decisions beyond the boilerplate language that is often found in police reports today.

For the CDM to be effective and beneficial, agencies must commit to thoroughly training their personnel on it. Scenario-based exercises should be coupled with the CDM. Officers who complete a particular scenario should then be asked to explain their actions in the context of the five-step CDM process and the core of the model.

**Some Common Offender Risk Behaviors
(adapted from Police Scotland)**

For the discussion of Step 2 of the Model (“Assess situation, threats and risks”), the following background information may be helpful.

Warning Signs

Generally subjects who are aroused to fight do not launch into an assault for fear of injury. They initially begin by using attack gestures known as “ritualized combat.”

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

Warning Signs include:

- a. Direct eye contact
- b. Facial color darkens
- c. Head back
- d. Subject stands tall to maximize height
- e. Kicking the ground
- f. Large movements
- g. Breathing rate accelerates
- h. Stop/start behavior

Danger Signs

Danger signs are more than warning signs.

Subjects begin to lose control physically.

When this occurs their physical signals are significant and spontaneous.

It is critical that officers understand and recognize these signals as they are indicative of an imminent attack.

Neglecting or ignoring these signals will put the officer at a serious disadvantage.

Danger Signs include:

- a. Fists clenching and unclenching
- b. Facial color pales
- c. Lips tighten over teeth
- d. Head drops forward to protect throat
- e. Eyebrows drop to protect eyes
- f. Hands raised above waist
- g. Shoulders tense
- h. Stance changes from square to sideways
- i. Subject breaks stare and looks for intended body targets
- j. 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 which make each incident unique and every officer’s perceptions different.

These factors have a crucial bearing on making decisions and choice of tactics and may provide justification to use a specific level of force:

- a. How should an officer approach the situation?
- b. What should an officer say?
- c. Does an officer need assistance?
- d. What personal protective equipment is the best option?

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- e. Being aware of impact factors will not provide officers with answers, but will encourage them to ask the right questions

Impact Factors include:

- a. Size, age, strength, gender
- b. Drugs/alcohol
- c. Ability
- d. Numbers
- e. Opportunity and intent to do you harm
- f. Weapons
- g. Skill levels
- h. Injury/fitness
- i. Exhaustion
- j. Willingness to listen
- k. Special knowledge
- l. State of subject's mental health
- m. Subject's physiology
- n. Nature of crime
- o. Clothing
- p. Proximity of others
- q. Danger to others
- r. Police powers, skill and perception
- s. Perception of the non verbal behavior of a subject
- t. Perception of imminent danger
- u. Perception of being in a position of disadvantage
- v. Perception of the subject's level of resistance

Environmental Impact Factors include:

- a. Space
- b. Proximity to furniture
- c. Domestic situation (kitchen = access to weapons)
- d. Escape routes
- e. Weather conditions
- f. Conditions underfoot

Profiled Offender Behavior

The term Profiled Offender Behavior encompasses the actions and behavior of the subject and comprises the warning and danger signs they exhibit, coupled with the impact factors present. This profiled behavior will help determine the response.

Officers must react proportionally to the actions of the subject.

Profiled Offender Behavior is split into six categories which are as follows:

- a. Compliance
 - (1) Large percentages of subjects are reasonable and will comply with any lawful instruction given by the officer.
 - (2) This compliance may be verbal or it may be active compliance such as stopping when told or showing the contents of their hands.
- b. Verbal Resistance and/or Gestures

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- (1) Where a subject verbally refuses to comply with an officer's request and/or exhibits body language which indicates non-compliance.
- c. Passive Resistance
 - (1) This is non-active conduct with non-compliance (e.g., subject simulates a dead weight /sits or stands and will not move).
- d. Active Resistance
 - (1) A form of conduct where the subject actively resists the officer but does not become assaultive (e.g., swallows drugs/runs away or struggles against officers).
- e. Assaultive Resistance
 - (1) Physical conduct that results in a direct attack on an officer or person.
- f. Serious/Aggravated Resistance
 - (1) The highest category of resistance displayed by a subject where there is a possibility of serious injury and/or death.
 - (2) This could include the production of a weapon of any kind.

Dynamic Risk Assessment

In addition to any role-specific risk assessment, officers 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 eight guidelines for conducting dynamic risk assessments are:

- a. Officers duty to protect/preserve human life; that includes their own
- b. Officers should be aware of their physical limits – never take unnecessary risks
- c. Officers should advise someone what they are doing (or going to do) and try to get support before they do it
- d. Officers should seek information and advice – it will help them make a better decision
- e. Officers apply correct procedures in every situation
- f. Officers will record their decision-making process either at the scene or soon afterwards
- g. Supervisors and managers are there to assist and offer guidance

Officers should establish an appropriate and prioritized working strategy.

It should be a proportional and focused policing response.

In assessing whether a response is proportional to the threat being faced, officers should consider the following:

- Am I using only the level of force necessary to mitigate the threat and safely achieve a lawful objective?
- Is there another, less injurious option available that will allow me to achieve the same objective as effectively and safely?
- Will my actions be viewed as appropriate—by my agency and by the general public—given the severity of the threat and totality of the circumstances?

For more information on the concept of proportionality, see PERF's *Guiding Principles on Use of Force*, pp. 38-40 (available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>).

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