

Risk Effective Decision Making

In
The Investigative Process

A close-up photograph of a person's hand holding a black handgun. The handgun is pointed to the left, and a bright, intense orange and yellow muzzle flash is visible at the barrel's end. The background is dark and out of focus.

Risk Effective Decision Making

Use of Force

Tell us about a time when you had to use force to gain control of a combative subject. Start by describing the situation leading up to the use of force, describe the subject and the subjects actions, but stop short of telling us what force you used.

Team Exercise

Take 5 minutes and discuss in your groups what options you would have in dealing with this situation.

Once you have exhausted the different responses you could take, pick the best option.

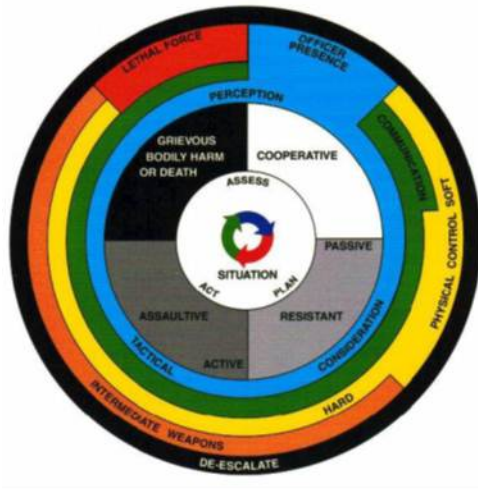
Be prepared to defend your decision.



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Use of Force Measurement Tools

Individual's Actions	Officer's Responses
Weapons used against officer Attempting to disarm officer Life-threatening weaponless assaults	Deadly force
Striking or kicking officer	Baton techniques Lateral vascular neck restraint
Wrestling with officer Pushing officer	Striking, punching, kicking Aerosols or electrical devices Baton restraints
Pulling away from officer Refusing to move—dead weight	Striking muscle groups Take downs, joint manipulations or pressure points
Not responding to commands Verbal or physical danger cues	Balance displacement Escort position Assistance from other officers Verbal or physical commands Officer presence



Reasonable Officer Response Model

Agency Training, Policy & Procedure, Specialized Training

- The Use of Force Model and its Application to Operational Law Enforcement – Where have we been and where are we going?
- A/Inspector Chris Butler Calgary Police Service

Defending Our Decisions

What process will we go through if we are challenged as to the force we used to gain control or compliance of the subject?

- What were the circumstances? (Information Review)
- What options were available to address the threat? (If/Then process)
- What did we do? Given all of the circumstances present, were your actions necessary, reasonable and acceptable? (N.R.A.)

Risk Effective Decision Making In the Investigative Process

**Why do we need a formalized
model for decision making?**

Risk Effective Decision Making In the Investigative Process

**For The Same Reason We Have the Use of
Force Continuum... We Need a Model to
Assist in the Decision Making and
Justification Process.**

INVESTIGATIVE SKILLS EDUCATION PROGRAM

ISEP

*Hill v. Hamilton Wentworth
Regional Police Services Board*

Recognizing an action for negligent police investigation may assist in responding to failures of the justice system, such as wrongful convictions or institutional racism. The unfortunate reality is that negligent policing has now been recognized as a significant contributing factor to wrongful convictions in Canada.”

- Chief Justice McLachlin

Hill v. Hamilton Wentworth Regional Police Services Board

“Police officers owe a duty of care to suspects. Their conduct during an investigation should be measured against the standard of how a reasonable officer in like circumstances would have acted.”

–Supreme Court of Canada

*Hill v. Hamilton Wentworth
Regional Police Services Board*

Hill v. Hamilton Wentworth Regional Police Services Board

“ The standard of care of a reasonable police officer in similar circumstances should be applied in a manner that gives due recognition to the discretion inherent in police investigation. Police officers may make minor errors or errors in judgment without breaching the standard. This standard is flexible, covers all aspects of investigatory police work, and is reinforced by the nature and importance of police investigations.”

*Hill v. Hamilton Wentworth
Regional Police Services Board*

“In this case, the police officers’ conduct, considered in light of police practices at the time, meets the standard of a reasonable officer in similar circumstances and H’s claim in negligence is not made out.”

Test - Reasonable Officer

- Review of case facts (What did we know?)
- *Review of Policy / Training / Practices* (What did we do?)
- *Assess if the officers actions were reasonable given the circumstances.* (N.R.A.)

Our training and experience allow us to quickly assess and respond to a threat by assessing what we know, reviewing our options and employing force within seconds of being exposed to the threat. In many instances, it is not something we have to think about.

In other circumstances, we will have more time and will create a deliberate action plan. We will have examined all of the options available before picking the most risk effective action to implement.

Addressing investigative risk is no different!

Mitigating Investigative Risk

The first step is knowing where it
is present

Human Risk

Systemic Risk

Mitigating Investigative Risk

Next we use a structured approach to making Risk Effective Decisions.

Step 1: Information Review

What do we know?

When did we know it?

What are we going to do about it?

(Knowledge / Training / Experience)

Step 2: If / Then Process

The process of identifying your options, exploring the pro's and con's of each option, prioritizing your options from most to least acceptable, then selecting your best option.

“If” I do this, “Then”

(Knowledge / Training / Experience)

Step 3: Action Imperative N.R.A.

Necessary

- Why take this action now?
- What has changed?
- Why not act later?
- How will this action affect my goal?

(Knowledge / Training / Experience)

Step 3: Action Imperative N.R.A.

Risk Effective

- Is the immediate benefit worth the risk?
- What risk may arise if this does not work?
- What will likely happen if I do or do not take the action?

(Knowledge / Training / Experience)

Step 3: Action Imperative N.R.A.

Acceptable

- Will your decision be acceptable to a third party such as:
 - Your boss
 - The courts
 - The public

(Knowledge / Training / Experience)

R.E.D. Model

- Information Review
- If/Then (Option Review – Prioritization)
- N.R.A.