

Module 7

Manage Conflict Situations

Introduction

Conflict situations occur every day on the streets of New Zealand. Most are very minor altercations or disagreements but some become situations that need monitoring and often require the intervention of the Police to help solve the problems that arise.

CPNZ Policy

When Community Patrollers come across a conflict situation while on patrol it is important to remember the main objectives which are Recognition and Avoidance.

All patrollers must be aware that health and safety while on patrol is a critically important aspect of our day to day patrolling. Patrollers do not need to become involved or remain in a situation when there is any conflict. In fact the CPNZ policy is for patrollers to actively withdraw from a conflict situation unless assisting Police and it is deemed safe to remain for the purpose of giving that assistance.

What Is Conflict?

A conflict is a disagreement between two people or two parties and can be either physical or non-physical. Non-physical conflict includes verbal conflict as well as other situations that could be indicated by gestures, emotions, body language or attitudes.

As conflict escalates the subject (offender or aggressor) may tend towards damaging property or even assaulting the person they are in conflict with.

What Is Conflict Management?

CPNZ's policy is one of active conflict avoidance. Patrollers should not actively engage in a situation where there is conflict. However on some occasions a patroller may find themselves involved in a conflict while on patrol, especially foot patrols or while operating at events where alcohol is being consumed.

Conflict management is the process utilised to work through, and hopefully, control the situation. The primary process for patrollers is to avoid the conflict by moving away from the conflict location to a safe area and notifying Police.

Later in this manual we will cover what to do if we are caught up in a conflict and cannot immediately avoid being involved.

What Causes Conflicts?

Conflicts can be caused by a wide range of factors. Often conflict is caused by alcohol, drugs, anti-social or even criminal activity. They can also occur because people have different viewpoints, attitudes or even cultural beliefs. Conflict often occurs because of misunderstandings.

Recognition

Conflict situations can start as full blown situations or be very slow developing events that are often, at the beginning, hard to detect. Patrollers need to maintain awareness of their situation.

Situational Awareness

Situational awareness is the timely recognition of factors that could impact on your safety, for example, someone becoming more heated verbally. The prime objective is safety, so maintaining situational awareness is paramount for personal safety.

Roles And Duties Of Patrollers In Situations Where Conflict Could Arise

Conflicts can arise at many different times and in many different ways. For instance while on patrol you may come across a conflict situation on the street or in car parking areas.

Patrollers should ensure they remain at a safe distance from the situation and report immediately to Police. Use your observation skills and be able to recognise the actions taken or words used by the subjects. For instance, is it an assault or a fight? Is someone defending themselves? Is it a domestic situation between a couple or an argument over property? At no time should you approach or engage with the people in conflict.

If you are on foot patrol and become involved in a conflict situation move away and notify Police as soon as possible.

Let's be real – conflict doesn't occur every day while on patrol. But...it can! So we need to be prepared for it at all times.

Conflict could occur in a variety of situations including:

- Being approached by people on the street
- While observing disorderly or offensive behaviour
- Being verbally abused
- Receiving threats of assault
- When attending accident scenes
- When attending crime scenes
- While observing or being in the vicinity of anti-social behaviour
- When patrolling areas where alcohol is being used
- While patrolling areas where emotional levels could be high

Conflict situations must be actively avoided by utilising good situational awareness skills,

effective planning and good observation skills while on patrol.

Levels Of Conflict

There are 5 levels in the hierarchy of conflict that patrollers may come across:

1. Compliancy

First we need to understand what normality is. Being compliant is what is expected of people. This a level of normality where people comply and fully understand rules and obey requests made to them. People are generally happy, calm, cooperative, compliant.

2. Passive Resistance

At this level people are resisting passively. They are cooperative in other ways. Attitudes and behaviours exhibited by them include being calm, dismissive, believe they are correct, persistent but are prepared to discuss the issue they are faced with. For instance they could be ignoring a request from Police.

3. Assertiveness

Generally at this level the subject will be prepared to argue their point. Attitudes and behaviours include believing they are right, prepared to argue the point, will listen but will start to stress their point, use body language – e.g. pointing their finger, raising their voice above yours.

4. Aggressiveness

An aggressive person is allowing their emotions to start to take over. Attitudes and behaviours include:

- Total belief that they are correct and that others (i.e Police) are wrong
- Aggressive stance and posture
- Invading personal space
- Refuses requests to calm down
- Prepared to speak over others
- Speaks loudly and irrationally

- Will try and be in control
- May swear or be abusive

5. Critical

The critical stage is when the subject is willing or is using force against you or others. Attitudes and behaviours may include:

- Being prepared to strike (push, punch or kick)
- Non compliant with any requests
- Clenched fists
- Fighting stance adopted
- Threatening language
- Using force against another

Responding to Conflict Situations

Police TENR

The Police use the TENR model for assessing risk while on patrol. Importantly they will first consider the risk before going into any situation. Let's look at that in more depth.

Threat

Consider the subject's intent, capability or opportunity along with the physical environment. The legal authority to use force is derived from the law, not the threat of force. If you use force that is not authorised by law, or is excessive, the fact that you relied on the threat of force will not justify or legitimise your actions.

Exposure

Awareness of safety, security or public trust and confidence issues the use of that force.

Necessity

Assessment of the need to intervene (act) now, later, or not at all. Reasonable force includes force that is necessary and proportionate, given all the circumstances known at the time.

Response

Proportionate, timely, reasonable, and lawful Police actions using tactics and tactical options.

TENR requires assessment, constant reassessment, planning and communication to be successful.

Conflict Avoidance

We have already discussed the policies around avoiding conflict by being aware of the overall situation and recognising that getting involved is not part of the volunteer work of a community patroller. Avoidance is the best action in these situations. However if you find yourself in a situation the following steps should be considered.

Distance, Space And Body Positioning

It's simple – distance, space and body positioning enhances safety and allows for options to be taken when dealing with a conflict situation.

Distance

Distance is directly related to your assessment of the risk. Distance allows time to react should something go wrong. The minimum distance away from the subject should be 'more than an arm's length'. This means that the subject needs to take a step towards you if he/she wants to assault you. The movement of the subject stepping towards you hopefully gives you sufficient time to take action - either step back, withdraw or defend yourself.

Other aspects include:

- Positioning of yourself relative to the subject and others
- Positioning of other people in relation to the subject
- Anticipating and allowing distance between self and subject
- Distance/space - determines the level of threat
- Use of fixed objects as barriers
- Giving the subject an exit route
- Giving yourself an exit route

Space

Consideration of the space between you and the subject is important. Ideally this space would contain a barrier (fixed objects) that stops the subject from being able to assault you. However this is not often possible. The space can be filled with your own hands and arms, which also enables you to use them to protect yourself if the subject moves forward.

Balance

Your balance is most important as you prepare for a conflict situation. Balance allows you to move quickly to avoid being assaulted. It also allows you to be more effective if you need to use force to protect yourself or others. The critical aspect of body position that gives you balance is your stance.

Stance

The basic stance is a comfortable balanced position which also allows the person to respond to a situation. The person stands with equal weight on both feet, one of which is slightly forward of the other. The hands should rest to the front and centre of the body. The body should be relaxed and not tense.

This ready stance allows the person to be prepared to engage a subject should the need arise and should only be used when a person feels threatened. In this stance the hands are held open and relaxed in front of the body, with the palms facing the subject. The feet are

slightly wider apart to enable better balance and movement when required.

Use Of Barriers

Barriers provide an obstacle between the person and the subject. This could be anything including a park bench or a parked car on the street.

Use Of Peripheral Vision

Peripheral vision is a part of vision that occurs outside the centre of our gaze (what we are focussing on). Often our peripheral vision is not as clear as our gaze, and normally colours do not appear to be as obvious. However, our peripheral vision can detect movement, particularly if someone is moving towards us.

We use peripheral vision all the time, but we need to make sure we recognise it! Often we walk around with a tunnel vision approach. Tell yourself that you have peripheral vision and stop and think about how much you can see and be aware of.

Situational Awareness

Situational awareness is being aware of what is going on around you. It incorporates what you can see, hear, feel and perceive. It is also putting things together and anticipating the conflict escalation. Sometimes the awareness can include a 'feeling' that you have. Listen to this feeling as it is likely to be correct or at least it is making you think about your surroundings.

Managing People In Conflict

CPNZ policy is never to approach a situation where there is conflict. This is the role of the Police only.

But let's have a look at some of the things that affect our ability to de-escalate conflict situations. There are many factors that impact on our ability to react as well as the subject.

Personal factors may include:

- Our size and physical fitness
- Our emotions

- Our skills and experiences
- Our training

Other factors could include:

- Our position relative to the subject
- Not being able to create the amount of space required for the level of threat
- Not having any fixed objects to use as barriers
- The presence of weapons
- The size and nature of crowd present
- The physical environment

The factors that may be affecting the subject may include but are not limited to:

- Adrenaline levels
- Drug use
- Alcohol use
- Mental state
- Emotions
- Size and physical makeup
- Surrounding physical environment

Communication Skills When Dealing With The Subject

Effective communication skills and other techniques can be used to de-escalate the situation. These techniques include:

- Showing empathy
- Using non-threatening body language
- Enlisting support from the subject's associates or bystanders
- Maintaining the subject's self esteem
- Listening actively
- Reflecting or rephrasing - "so you mean this?"
- Summarising - "so let me see if I have the story right"
- Questioning to clarify and confirm understanding
- Clear presentation of options and consequences
- Clear explanations and instructions
- Providing sufficient time for questions and responses

Communicating With Others

One of the most important aspects of ensuring successful management of an incident is the communication between all those responding to the incident. It is essential that all communication is clear, relevant, accurate and complete. People communicated with can include:

- Police
- Security Officers
- Compliance Officers
- Emergency services personnel
- Members of the public

Touching A Person In A Conflict Situation

Generally it is never a good idea to touch a subject who is agitated or in a conflict situation. This will prevent perceptions, complaints against you and escalating conflict situations. There is also the risk of you being accused of assault.

Presence Of Weapons

Weapons or potential weapons create an immediate risky situation. In conflict situations always be on the lookout for subjects with weapons (knives, sticks, bats). During a conflict situation potential weapons are also a concern. This could be anything that the subject can get their hands on such as signs, rocks, pieces of wood or metal.

Assertive Behaviour

Assertive behaviour can assist a person to de-escalate a conflict situation. Being assertive:

- Presents the person as a confident and competent person
- Bystanders feel safer and may assist
- Subjects are more likely to listen and respond positively
- Assists in relationship building with the subject
- Provides a better chance of gaining control
- Provides clearer instructions to the subject

Identify, Recall And Record Relevant Information

Important aspects that need to be identified, recalled and recorded are:

- Your location
- The subject's description
- Words spoken that indicated a conflict
- Distinguishing characteristics that aid identification and investigation
- The events and how they unfolded
- Weapons and other items related to the subject
- Other information of use to Police and other authorities

Tactical Withdrawal

Tactical withdrawal is the act of physically withdrawing and is an important skill that everyone needs to have, and is the ability to know when to back away from an escalating conflict situation. The act of stepping back a few paces may also send a non-threatening message to the subject.

Tactical withdrawal from the location allows for your safety and can also allow time for a proper assessment and reporting of the situation.

We have already considered the need for safe separation (distance, creating protective barriers) when managing a conflict situation. Making a tactical withdrawal is another planned reaction in order to maintain safety, regroup, and wait for assistance from Police.

Tactical withdrawal from a conflict situation should preferably be done at a time when:

- Your own safety is at risk
- Physical conflict is occurring
- Before it is too late!

When withdrawing from a conflict situation:

- Maintain a watch on the subject
- Try to use barriers to protect yourself

Do not think that this is cowardice or showing weakness. It is a tactical procedure that allows for the prime directive of personal safety.

Human Responses To Emotional And Threatening Situations

When people are faced with emotional or threatening situations (conflict situations) they react in a number of different ways. It is natural to react in some way. Human responses may include but are not limited to;

- The release of adrenaline
- Concern for safety of self and others
- Confusion
- Stress
- Anger

Release Of Adrenaline

When the body is under stress the natural reaction is the release of adrenaline into the system. It prepares the body for a fight or flight response, and can have some or all of the following effects:

- Heart rate increases
- Breathing rate increases
- There is an increased flow of blood to the brain and muscles
- The body can react more quickly and strongly
- The effects of fatigue are delayed

When facing a conflict situation people may find that the increased amount of adrenaline in their body allow them to:

- Feel stronger and run faster
- Have an increased alertness from blood to the brain
- Have an increase in energy levels

However there are also some negative effects that may include:

- Rushed or wrong decision making
- Feeling of invulnerability
- Confused thinking

Concern For Safety Of Self And Others

It is natural that when we are faced with concerns of safety for others we will suffer from emotional and possibly physical effects. If we observe someone being assaulted or in a conflict situation the best thing to do for them is to be in contact with the Police and pass on

all necessary information so they can respond to the event. Rushing in to help people will put you at risk and may add to the already difficult job that the attending Police have to deal with.

Confusion

If we are not sure what we should do when we see a conflict situation, or if we are stressed during a conflict situation, we may feel confused. Confusion may make you:

- Not make decisions
- Delay making decisions
- Make incorrect decisions
- Breach the law (i.e. use force)
- Not appear confident or assertive

Discuss with your patrol partner what you will do if you encounter the circumstances mentioned in this module. Remember Community Patrollers focus is on being 'eyes and ears'. So, your answer should be to keep at a safe distance (reverse if you have to), immediately notify the Police and be able to report to them what you can see and hear.

Be sure about what you should do in a conflict situation. Recognise the priority of conflict avoidance and call for assistance if you have any doubt about your safety or the safety of any other person.

Stress

Threatening or emotionally charged situations including the presence of weapons, or the inflicting or sustaining of injuries etc., is undoubtedly going to will cause some stress. The effect of a conflict situation could be:

- Underreaction or overreaction
- High emotions
- Fear
- Nervousness
- Tunnel vision
- Confusion

As we have already talked about, sometimes the stress also releases adrenaline into the body and makes us more alert and prepared to respond.

Anger

One emotional response is to get angry. It is quite natural but it is an unwanted effect. Generally the effects are negative, such as:

- Over reaction
- Failure to identify risk
- Failure to think clearly

Factors Relating To The Subject

Factors relating to the subject that influence conflict situations are often called impairments. These are things that affect the subject. Community Patrollers need to be aware of these impairments as they may provide information that assists them in managing or de-escalating a conflict situation, and keeping them safe. Impairments include:

- Anger
- Stress
- The influence of alcohol or drugs
- Psychological or medical issues

There are a number of physical and verbal indicators from a subject that let you know if a conflict situation is occurring or may be developing.

Physical Indicators include:

- Red face
- Angry face
- Teeth showing or clenched
- Clenched fist(s)
- Finger pointing
- Shaking
- Sitting while talking
- Emotional responses
- Blank facial expression
- Gestures – for example holds hands to head
- Frowning
- Speaks quietly
- Speaks negatively
- Responds in unexpected ways
- Appears not to be interested
- Focuses on small or unimportant matters
- Takes longer to understand what you mean

Verbal Indicators include:

- Shouting
- Swearing
- Abusive language

Communicating With Subject In A Conflict Situation

Trying to communicate with a person when there is conflict can be difficult. They may:

- Not hear what you say
- Not understand what you are saying
- Not be able to say what they really mean
- Over react to the situation
- Become emotional

People who are stressed or angry are normally focussed on their problems, rather than trying to listen to what you have to say or understand the issues. They may also be suffering from other impairments such as alcohol, drugs, mental health issues or cultural issues which may contribute to the situation.

The influence of alcohol, drugs, psychological issues or cultural issues may also have the following effects on the subject:

- Appear distracted
- Slow to understand what you tell them
- Fails to understand what you are saying
- Speaks too fast or too slow
- Unable to respond to questions in a normal manner
- Slurs words
- Exhibits irrational or erratic behaviour
- Responds emotionally (anger)
- Not able to be easily understood
- Fails to understand what you are saying
- Unable to answer questions
- Has slow movements, walking or speech
- Appearance of being 'spaced out'
- Appearance of being in pain
- Uses incorrect language
- Forget words or their name/address
- Speaks slowly and quietly
- Unable to focus on what you are saying or meaning

- Over reacts

New Zealand Legislation

There are times when the law does allow for members of the public to use force. One that we all know of is self defence, but there are a few others. In all cases the law provides statements as to what force can be used. The law is written very clearly - only force that is considered reasonable can be used. This law covers everyone, Police, Security Officers as well as members of the public (i.e. Community Patrollers). Examples of when reasonable force can be used are:

- Self defence – reasonable force can be used relative to the circumstances
- Arrest – reasonable force can be used to overcome resistance
- Detain under breach of peace provisions – reasonable force to stop the subject and detain until Police arrive
- Suicide – reasonable force to prevent suicide or self harm
- Prevention of theft or retaking stolen property – reasonable force but no striking or harming the subject
- Removing a trespasser – reasonable force but no striking or harming the subject

We will not go into a lot of depth regarding use of force legislation, but always be mindful that it is best not to have to use any force by backing away (tactical withdrawal) and keeping yourself safe.

The law does not talk about 'conflict situations'. However it is important for Patrollers to know some of the laws which could relate to conflict situations. Statutes give legal authority to the general public to take certain actions which may involve the use of force. This is primarily in

order to protect themselves, others or to protect property.

Duty of Care To Minimise Harm

One of the responsibilities that everybody has when dealing with a conflict situation is to ensure that the level of harm is minimised. This includes harm to yourself, the subject and to any other members of the public that may be present.

However it is prudent that we look at two areas that Patrollers should clearly understand - Self Defence and Assisting Police. In NZ the law is written in statutes and these documents are freely available online to everybody.

Go to <http://www.legislation.govt.nz> and search for the relevant sections under the Crimes Act 1961.

Self Defense Or The Defense Of Another

Members of the public are entitled (i.e. have legal authority) to defend themselves or any other person. Self defence is defined in section 48 of the Crimes Act 1961 as:

'Everyone is justified in using, in the defence of himself or another, in using such force as, in the circumstances he believes them to be, it is reasonable to use'.

People have a right to defend themselves against violence or threats of violence, so long as the force used is no more than is reasonable for that purpose. The law does not require people to wait until they have been attacked before taking action to protect themselves.

Every piece of law that allows force to be used states that only 'reasonable' force can be used. So what does the word 'reasonable' mean in relation to using force? It is not always easy to define what reasonable force is, as it depends

on the circumstances of each situation being faced by a person. In general the following definitions apply:

- Sufficient force to stop the attacker or to escape from the attacker
- Not excessive for the circumstances
- The minimum amount necessary to protect yourself or another or achieve a lawful outcome
- Proportionality - the force used in self-defence is unlikely to be reasonable if it is out of proportion to the threat. To take an extreme example, it would not be reasonable to shoot a bully to death in order to prevent him from pulling your hair

Assisting The Police

There may, on rare occasions, be times while on patrol that you are able to assist the Police in apprehending someone. This has happened in the past to Community Patrollers but it is not a common occurrence. The law allows this to happen under certain circumstances which is covered in section 34 of the Crimes Act 1961. The section is:

Persons Assisting A Constable Or Officer In Arrest

'Everyone called upon by a constable to assist him (or her) in the arrest of any person believed or suspected to have committed any offence is justified in assisting unless he (or she) knows there is no reasonable ground for the belief or suspicion'.

This means that Police can ask you to do a number of things to assist including:

- Give information about the crime or offences
- Help keep the area clear, set up barriers or keep people out of the area

- Assist with directing emergency services
- Remain in the area as a witness
- Testify in court
- Hold some property belonging to the arrested person

Pursuant to section 39 of the Crimes Act 196, this also allows you to use reasonable force to restrain the person if you are asked to do so by a constable.

Clearly it says you must be 'called upon' by the constable (of any rank). Police Officers are very aware of these allowances under the law. Should this ever occur ensure you listen carefully to the request and guidance from the Police Officer.

The Policing Act 2008

Also of interest is the Policing Act 2008. It's requirements are self explanatory, and because a Community Patroller works so closely with the police we should be aware of it.

Section 51 - Failing to Help Police Employee

'(1) A Police employee in the lawful execution of his or her duty may, if it is reasonably necessary in the circumstances, ask a person who is 18 years old or older to help the Police employee do one or both of the following:

- (a) apprehend or secure a person:*
- (b) convey a person in the employee's charge to a Police station or other place.*

(2) A person who fails to give help, when so asked, commits an offence and is liable on conviction to a fine not exceeding \$2,000.'

Patrols should ensure that these topics are incorporated into patrol training and have their Police Liaison Officer (PLO) assist in the understanding of these sections.

Go to <http://www.legislation.govt.nz> and search for the relevant sections under the Policing Act 2008.

Remember it is the Police that have the training and resources to safely and efficiently make an arrest, not the public. But the public have the right (and responsibility in some situations) to assist Police when asked to do so.