

THE REPUBLIC OF ARMENIAN POLICE



GUIDELINES FOR CONDUCTING NEGOTIATIONS

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I. General Provisions

1. The nature of policing, its complexity and variables poses challenges to operational policing on a day-to-day basis. One of the main areas of policing incidents effectively is the ability to engage with citizens, effectively communicate and through that process negotiate acceptable solutions. This occurs at the lowest level during minor contact between the police and the citizen as well as during more serious incidents requiring specialist-trained negotiators e.g. hostage situations, firearms incidents and complex problems.
2. Human beings on a daily basis undertake communication through dialogue and negotiation during all aspects of their personal life. These individual skills associated with communication, conflict resolution and problem solving can be used to good advantage in support of the policing role but it has to be recognized that some individuals than others achieve them better.
3. To support the police in trying to de-escalate situations and negotiate workable solutions with individuals, small or large groups of people all police should be empowered, informed through appropriate training, in ways to maximize their skills to negotiate and solve problems.
4. Each member of the police must be able to quickly recognize what their specific role and responsibilities are within the resolution of an incident; the responsibility of supervisors and senior officers, as well as accepting that there are events that will require more protracted, formal or complex negotiation skills. E.g. planned events, complex incidents and circumstances involving mass disorder.
5. The term 'negotiation' can be equally applied as an informal process during all interactions as well as a structured process to follow when engaged in formal negotiations to resolve complex problems. These may involve not just the police but also other stakeholders and interested partners. Whether the approach is informal or formal, a greater understanding of the complexities of negotiation, the benefit of engagement with citizens in advance of events and supported through the provision of guidance can only enhance the ability to effectively police.
6. There are several models of negotiation and a wide array of theoretical and business approaches. In general, the process is a sequenced framework, which should not be applied rigidly on every occasion but viewed as a series of steps that should be considered - influenced by the relationship between the police and the citizen and the purpose of the negotiation. E.g. to resolve a minor problem between citizens where there is limited time to prepare; or to negotiate the end of hostilities during mass disorder which would allow for a more planned approach to be undertaken.
7. Negotiation should not be seen as the final step in the communication process itself but as a series of ongoing interactions where the outcome of one element under negotiation will affect the next element of negotiation i.e. you cannot always solve all the problems at once and it may take several attempts covering multiple concerns before an acceptable solution has been achieved that satisfies all parties

involved. Therefore, it is essential to train and guide all police to better understand the process as well as carefully selecting those people with proven communication and negotiation skills to undertake the more complex negotiation roles.

8. In each situation the most appropriate person present who can influence peaceful resolution should initiate the dialogue and to try and immediately negotiate a resolution. It is not professional for several police to engage in the same dialogue or for a number to repeat the process resulting in a general 'argument' approach. It is often the case, but not essential, that a senior member of the police present at the incident would fulfill this role and certainly within minor incidents the police should not await the arrival of a supervisor before commencing negotiations.
9. Whilst not all negotiations will be immediately successful the interactions between the police and the citizen should be improved or at least not damage during the process so it is important to accept that how the police approach negotiation is equally as important as the end result.
10. Negotiation is not a process that should suddenly occur when things begin to go wrong or tension begins to rise. In contemporary policing of events the police must establish relations in advance with all parties who are likely to hold events during an annual basis including attempts to interact with those groups who have an apparent resentment to police involvement. The police must ensure they engage equally with all groups irrespective of whether they oppose the police or are seen as a problem element towards other groups.
11. This communication relationship is essential and should continue through all stages of activities including planned events, which will make negotiation, should it be needed, much easier to facilitate.

II. Purpose of the Guidelines

12. These guidelines aim to give practical guidance for the use of communication and negotiation with citizens during day-to-day policing activities as well as those more complex situations like mass disorder.
13. The guidelines are intended both for operational staff who as part of their role engage on a regular basis with citizens as well as those police who are required to undertake the specific function of negotiator in more serious or complex spontaneous or planned events.
14. The guidelines are an easy to use approach to the complex process of communication and negotiation and are supported with practical examples and considerations that will enhance the chance of success during spontaneous events and for those essential considerations when there is time to prepare for formal negotiation.

15. It does not matter if the incident or event involves two police dealing with a minor incident, or circumstances involving mass disorder - the principles contained in the guidelines are equally applicable; the only difference is the length of time to assess the situation and people involved, plan a suitable approach and the levels of complexity and responsibility will vary.
16. In particular, for negotiations during complex events and mass disorder several sub-sections are included to support the development of lasting relationships, styles of organizer involvement, protest groups and the importance of planning for negotiation rather than reactively responding when needed. These should support both effective planning and make negotiation easier should unforeseen problems occur.

III. Legislative Framework

17. The use of communication and negotiation as a general approach does not have attached to it any specific legislative requirement for compliance or an internal police i.e. Head of Police Decree that stipulate the police role within this area. It is normal police – citizen interactions.
18. In more complex situations like mass disorder where advance planning will take place and contingency plans agreed involving multiple stakeholders will benefit from the development of a Memorandum of Understanding (see Chapter IV) between those stakeholders so in the event of a need for all the stakeholders to work together each organization’s position, response and involvement has already been agreed.
19. The need for a transparent approach to information, intelligence and police tactics needs to be constantly reviewed to ensure that where necessary their purpose is supported by legislation. This may include approval for communication aids to support negotiation. For example, the use of ‘Bluetooth’ technology to broadcast mobile text messages within defined locations, monitoring of social network sites and the ability to put the police message into those networks must have agreement of the suppliers or a legal basis to ensure the transparency of all police activities.
20. Whilst this is a contemporary approach to communicating with large groups to support the management of events and to bring about peaceful resolution of disorder, national legislation and Human Rights decisions need to be constantly monitored. For example, the recording of operational events is common practice for public safety and evidence gathering purposes but needs to be properly controlled. Breaches of Human Rights legislation has occurred where this approach is judged to be excessive or images are retained after the investigation is concluded of non-involved parties.

IV. Technical Terminology Used in the Guidelines

Event: a generic term to include incident, event, or occurrence

Police culture: the underlying views, attitudes and behaviors towards a particular activity or group

Memorandum of Understanding: An agreement between similar stakeholders on mutual cooperation in specific areas setting out roles and responsibilities in advance e.g. during negotiation or unrest

Mass Disorder: organization of mass disorder, accompanied with violence, pogroms, arson, destruction or damage to property, using firearms, explosives, or explosive devices, or by armed resistance to the representatives of the authorities

Dialogue: a verbal discussion between two parties

Negotiation: a formal or informal discussion between two or more people intended to reach an understanding; resolve a difference, or to produce an agreement upon a course of action.

Appeal: an important announcement directed towards a crowd and its content may include many things

V. General Principles

21. In many countries the terms 'communication' and 'negotiation' mean slightly different things. Communication is the interaction between people, spoken or visual, written or recorded, whereas negotiation is a dialogue between two or more people intended to reach an understanding; resolve a difference, or to produce an agreement upon a course of action. This infers there must be a problem to resolve rather than purely discussing things through communication.
22. Certainly in day-to-day policing activities where events occur very quickly communication and negotiation become synonymous i.e. one of the same interaction whereas in planned events or serious incidents like mass disorder there is time to gather information to support the negotiation, agree a strategy and develop a plan which is almost a process in itself.
23. As a result of these two aspects of communication / negotiation Chapter VII is divided into two parts but aspects from both parts can support effective negotiation and should not be read as two separate approaches. The only difference is the level of complexity and time available to prepare for the negotiation. The approach, considerations and use of a logical framework are exactly the same.
24. These guidelines follow a six step model that encompasses many business and theoretical approaches and is a framework approach where dependent upon the

specific circumstances the 'negotiator' will have the flexibility to add greater emphasis to certain of the steps.

25. Negotiation involves many levels of communication of information, expressing needs, stating legislation and concerns aimed to put the police perspective into the discussions. This is normal practice and is the case in either type of negotiation.

Example: It must be made clear that to send a message over a loud speaker to a crowd to refrain from their behavior or to state legislation and crimes being committed is not negotiation and may be seen as coercive dialogue that could create tension and unless it forms part of the communication strategy is likely to harm the possibility of future or ongoing negotiations.

Example: In the same circumstances as above if during discussions between organizers or representatives of groups legislation and crimes being committed are highlighted but forms a wider discussion then this is sensible use of dialogue and could be classed as part of the negotiation and understanding each parties needs, concerns and expectations

VI. The Negotiation Process

26. In general terms there are two styles of negotiation

- *Positional negotiation*, which is based on a personal ego-based approach to achieve the best for themselves.

Example: A typical example is buying a car where the buyer wants to pay the least amount of money and the seller wants to secure the most amount of money possible. This approach often results in conflict rather than genuine flexibility to reach a mutually beneficial outcome.

Example: When used in a police context it is about stating laws and expectations, demands to move, or to refrain from certain behavior. It is also an approach that tends to deal with the problem occurring there and then e.g. argument in the street, which may just be a symptom rather than identifying a much deeper problem that needs resolving.

- *Directional negotiation*, which is based on diplomacy and a much quieter approach where options and considerations to facilitate resolution are considered in an attempt to achieve a mutually agreeable outcome that has a lasting result.

Example: A small disturbance occurs where two men are arguing over parking in the street outside one of the person's apartment. They begin to struggle and the police arrive. Whilst the police have a duty to deal with such events it is not prescriptive. If the police approach is one of aggression and immediately detains both persons the immediate problem in the street has been resolved, but not the parking issue. The police response should be to inform the persons to stop acting disorderly and separate them, identify the underlying problem, speak to the two men separately and look at alternatives to resolve the parking problem. Get the men to agree on a course of action without the need to detain anyone.

27. There will always be circumstances when the positional approach has to be used during spontaneous activities like disorder when it is difficult to engage in any meaningful dialogue, but wherever possible the police response should be to use the directional approach. NB: The directional approach is the best option in planned or protracted events.
28. People have different views on what is 'negotiation', when it should be used and the stages within that process. Some people talk about planning for negotiation, conducting a negotiation, finishing and analyzing the outcomes, which are very broad headings. Whilst it is important to understand these stages exist the most important aspect is what occurs during those stages that matter.
29. Steps 1 to 3 of the directional negotiation model align to 'planning for negotiation'. Steps 4 and 5 relate to conducting the negotiation and Step 6 covers finishing and analysis of the outcome.

Directional negotiation six-step approach

Step 1 - Set the scene; establish personal contact with the other parties to begin the relationship. Identify, when, where and how negotiation will take place.

Step 2 - Acknowledge opposing positions even if you do not necessarily agree with them. Look for underlying issues and if necessary put yourself in 'their' position to consider 'your' views and proposals. Within the timeframe available undertake research about the other parties, their grievances and try to anticipate what they want to achieve. Examine how they might negotiate – any history of previous engagement?

Step 3 - Define the issues that are causing the current problem and any underlying causes so you can better clarify the purpose of the negotiation. Look at hard information such as intelligence as well as soft issues like personality of the other party and any strategic aim of the group. Confirm what aspects of the negotiation are preferred outcomes, acceptable outcomes or unacceptable outcomes from the police / partner perspective.

Step 4 - Identify the preferred outcomes for both sides not just from your position. Some options may have greater preference for one party than the other but the aim is to achieve

an outcome both sides are agreeable with which may be their preferred or acceptable outcome dependent upon the negotiation. Consider what impact any proposals will have on other people outside the negotiation group.

Step 5 - Explore all proposals and consider formulating alternatives or variations – differentiate between what is a good and bad outcome from each proposal for each party to the negotiation but whatever the outcome reached they must be an equitable and workable solution.

Step 6 - Agree on a course of action and evaluate the success. This may be a complete compromise or only resolution in certain areas but a clear picture should emerge as to what comes next i.e. parties fulfill their obligations, agree if necessary that further negotiations will take place and if action is promised to resolve the problem the success of that action is measured.

NB: If further negotiations are to continue return to Step 1 to 3 again to begin the planning for the negotiation cycle. Do not return directly to Step 4 and 5 as circumstances may have changed either operationally at the event or from information gathered during the negotiation, which may affect your approach or stance.

Example: When viewing the directional six-step approach operational reality will influence which steps attract a greater emphasis. For example step 1 is about the scene, the individual and the time of negotiation. Clearly in a spontaneous incident many of these factors are fixed but the police still have to establish contact and begin the relationship. Steps 2 to 6 follow the logical progression to resolving the situation and working towards a lasting resolution, which is what policing is about.

VII. Operational Guidance

Section One - Spontaneous day-to-day interactions dealing with the considerations for an immediate need to negotiate during normal policing activity

30. Only 7% of all communication is directly verbal with the rest made up of intonation 38% (how you say the message or the tone of what you have to say) and finally your non-verbal signs at 55% (use of body language). Therefore, it is clear that the majority of interaction police have with citizens is how they appear, their actions and behavior rather than purely the content of any message.

Example: When the police arrive at the scene of an event they are observed from the moment they arrive. Did they arrive with sirens and lights illuminated on the police

vehicle and screech to a halt in an aggressive style? When the police got out of the car were they professional in appearance and respectful to any persons present. Did they introduce themselves properly and engage in mature communication with those involved or were the numbers of police excessive, were they shouting and arguing with different elements of the problem people or were they professional. All these factors will affect the response you will receive from the people at the event.

31. A simple model to reinforce this is:

Your attitude to a particular event; its nature including those involved, will affect **your behavior** towards them. Those persons' **attitude** towards you will be influenced by your **behavior** towards them and this will influence **their behavior** towards you. **Their behavior** towards you will affect **your attitude** towards them, which in turn affects **your behavior**.

The cycle continues and will continue to be escalated or de-escalated dependent upon how the police and citizens interact. If the police turn up aggressively, show no interest or refuse to listen to their problem the situation will escalate. If the police turn up and behave professionally, have mature communication with the people involved it will tend to de-escalate the situation making communication and negotiation much easier.

NB: The same is equally relevant to both spontaneous and planned events so whilst undertaking any form of negotiation it is vital that the communication style matches the need to negotiate.

32. Operational spontaneity often makes communication and negotiation difficult but some basic considerations will help the police deal with the incident professionally and enhance the chance of success.

- It is good practice to attempt to separate any persons involved in negotiation away from a larger group who will interfere with the process but this should not be achieved in a way that causes tension or frustration that will influence any dialogue. Therefore, this approach should be carefully balanced.
- Be aware of previous involvement with the person(s) who you are negotiating with but do not let that affect your impartial judgment

Example: The police usually attend in at least pairs. Where two parties are in dispute invite them to move away from any larger group to discuss the problems. If part of the group tries to follow tell them to move away to create the space for you to begin the negotiation. If necessary encourage the person who you are attempting to negotiate with to tell the others to move away so you can discuss a way to resolve the problem. It is about communicating not putting yourself into a situation where it becomes an argument or encircled by people in the street.

Example: Plan in advance who will be undertaking any negotiation as it is frustrating and disruptive if a number of police are involved in the same dialogue or new officers / supervisor arrives and they go through the self same discussion again. This is not professional and during dialogue different options will emerge from both the person and police, which does not help towards a successful resolution.

Section Two - Negotiation arises from planned or significant spontaneous events like rallies, demonstrations or situations of mass disorder

Who should be the negotiator?

33. The authority to conduct immediate negotiations is usually given to the commander of the special operation for prevention and restriction of mass disorder or another person authorized by him. This may be appropriate in small events where it would be natural for the person in command at the scene to have dialogue with organizers or representatives of the crowd.
34. Wherever possible any person undertaking 'formal negotiations' in complex situations, either at the scene or nearby should not be connected to the formal command of the incident and should be seen as a specialized resource to be used as required under the direction and control of the overall Incident Commander.
35. The rationale behind this is two-fold. Firstly, if the commander is engaged in negotiation he does not have overall control of policing the event which does not stop during negotiations and is getting involved in tactical delivery rather than maintaining a strategic overview. Secondly, to properly undertake formal negotiation requires preparation, research, assessment of intelligence, developing a negotiation plan, assessing options and alternatives and planning the way the negotiation will develop. An incident commander cannot fulfill this role properly.
36. Police deployed directly at the scene should appreciate that during complex incidents or mass disorder formal negotiation between parties will be undertaken by appropriately trained and directed staff and their role is to inform the incident command of any opportunities for effective dialogue. This does not negate any police from continuing to have dialogue with the crowd irrespective of the level of escalation but must refrain from engaging in any specific negotiations that may impact on the incident management.
37. It has to be noted that the police are not always the most appropriate party to undertake formal negotiation. The primary role of the police is to preserve the peace and prevent disorder. Whilst they may achieve this by engaging with organizers and representatives from the crowd the underlying objectives of those present may not be police related.

Example: Mass disorder occurs during a demonstration over the increase in the level of fuel tax. Whilst the disorder is significant and the police may attempt to end the mass disorder, success is more likely if negotiations are directed by those who have made the decision to increase tax as that is the underlying cause. The progression to mass disorder is a symptom of that problem.

Example: Mass disorder occurs during a demonstration about restrictions on street trading. The police response is seen by the crowd as excessive and preventing their demonstration taking place. In these circumstances the mass disorder is a direct result of police action and a third party negotiator may be the most successful in reducing the tension.

Identification, selection and training of police in negotiations

38. The skill of negotiation should form an integral part of police training throughout their police service, including new recruits, through in-service refresher training and for specialist roles to a level commensurate with their role, rank or functional responsibility. E.g. supervisors will need more technical training in formal settings than junior positions.
39. The role of negotiator in circumstances like mass disorder is not something that should be given to a person or be aligned to a position or rank. It is the skill and personal competence of the individual to communicate, engage and be flexible in their approach. Whilst training can be provided it takes a specific type of character and personality to make an effective negotiator and selection should be based on those criteria.
40. The police should identify and train staff across all ranks who are likely to be involved in negotiation including senior positions where the cultural peculiarities of a particular event necessitates that a senior officer should be involved. E.g. politicians or persons in high positions within the communities.
41. The police who undertake negotiation during hostage taking, firearms incidents or dealing with persons threatening to cause harm to themselves or others (suicide attempt) need to be psychologically competent and have undertaken a lengthy programme of training to achieve the level of 'accredited negotiators' which is outside the scope of these guidelines.

Negotiating during complex events or mass disorder

42. Whilst mass disorder will always breakout spontaneously or for no obvious reason the majority of events that supersede it are planned or there has been an escalation towards it through tension, minor disorder until mass disorder occurs, so in the majority of cases there is time to develop a negotiation strategy and plan.
43. Within police culture there is often a misconception that crowds are unpredictable, volatile and dangerous and therefore need to be controlled,

primarily through force or an overt policing presence. This view is now outdated and unsustainable scientifically.

44. The leading theory is the Elaborated Social Identity Model, which states that crowds are made up of many groups who may have similar concerns but their actions in support of those concerns will be very different. It has been concluded that any indiscriminate use of force or action by police has a negative impact on crowd dynamics drawing many of these disparate groups into a unified crowd. As a direct result the intention of the protest may move towards action against the police not as a figure of the state but how they are behaving towards the crowd and seen collectively as unacceptable. Crowd dynamics are best controlled through a facilitative, graded, differentiated and information led approach to the use of force.

Developing a Negotiation Strategy

45. All planned events should have a prepared communication strategy that covers the whole event including pre and post event communication. During a significant spontaneous event a communication strategy should be quickly developed to support police and stakeholder actions. Within that communication strategy should be a clear link to an outline negotiation strategy.
46. The negotiation strategy should be agreed with partners and stakeholders i.e. services and municipality. This ensures any negotiations take place within clear parameters and match the strategic objective of the event. It provides a clear framework for the negotiator to work within and is an audit trail that confirms the options or actions available. This may seem straightforward but the negotiator cannot be allowed to act independently of what the stakeholder group has agreed and the strategy must match the ongoing policing activity.
47. It is important to establish and agree between the police / stakeholders the:
 - Preferred outcome from the negotiations
 - Acceptable outcome from the negotiations
 - Unacceptable outcomes from the negotiation
48. From that strategy and supported by intelligence the negotiator should develop a negotiation plan which should be approved by the Incident Commander.

Example: Imagine if the negotiations that take place promise the police will reduce their numbers and not use any special means as long as the crowd remains calm. Suddenly one platoon moves forward and makes a series of arrests. This will immediately put an end to any further purposeful negotiations. Similarly, if the negotiator promises he will ensure the police do not advance any further towards the crowd but the Incident Commander has already decided in consultation with the stakeholder group that by the morning the crowd

will be removed. The same breakdown in negotiations will follow and will not just affect this event but trust and integrity of police action during future events.

Developing a Communication Strategy

49. The development of a communication strategy is key to any planned negotiation as it sets the parameters within which negotiators operate but also will support certain technological aspects of the negotiation process. For example, to utilize SMS broadcasting, Bluetooth technology to pass messages to persons in the crowd who may not be wanting, or able to negotiate, use of social networking sites where attempts to communicate or appeals can be made to make contact and negotiate with the crowd or groups within the crowd.
50. The police should engage proactively with communication suppliers to ensure every opportunity is taken to use their networks as a dialogue and information tool.

Example: To circulate to the crowd that the rumor being circulated about the police coming to disperse the crowd and end the protest through the use of force is false and to reinforce that the police will allow the protest to continue as long as it remains peaceful.

Use of third party negotiators

51. The use of independent arbiters i.e. a third party is worthy of consideration particularly where for whatever reason the organizers or representatives from the crowd will not engage with the police or formal authorities. This should be available as a contingency plan as the aim is to resolve the issue rather than stick to a prescriptive approach to negotiation.

Working with partners

52. Often major incidents involve or impact upon several partners across governmental departments and services; each with a level of responsibility aligned to their functional role. The establishment of Memorandums of Understanding (MOU) in advance of any problems reduces conflict between partners when deciding on the approach to resolution or any need for negotiation. An alternative approach is a Statement of Intent established between partners on the way forward and ensures a collective approach to resolution is achieved between parties, services or agencies through mutual cooperation.
53. It must be made very clear within any MOU what circumstances will decide on which agency or service will be the negotiator as whilst in many circumstances the role tends to be the police as primary arbiter if the underlying issues relate to provision of services, municipality, welfare etc. these are not issues the police should lead on.

Positive results through negotiation and establishment of close liaison with organizers

54. Negotiations can prevent or help smooth out conflicting situations, avoid clashes and reduce the requirement for the use of force by the police, which can only be seen as a positive outcome. Negotiations can also support the policing style for the event; its size and most effective use of resources e.g. the police can maintain a low profile having encouraged self-policing through stewards and positive behavior by those attending. This cannot be achieved unless an established relationship and communication / negotiation channels are available and maintained.

Example: The establishment of an Event Liaison Officer within Headquarter and within each district or territory whose responsibility it is to develop and maintain these important relationships and to be the point of contact for any information or assistance. This does not mean the positions have to be a full time role and should be dependent upon demand. The role requires certain skills of relationship management and the individuals should be carefully selected and monitored for their effectiveness.

55. Organizers of events are governed by the RA Law on Freedom of Assembly, which puts in place a structured process for consideration of notification for any event.
56. The practice of using the Mayor's office or equivalent position to assess the suitability of the notification aligns well within other international approaches but should be maximized to ensure the police and organizers 'engage and form a strong relationship' rather than a process of notification and counter notification. The Mayor's office should if necessary act as mediator within the process to ensure as much information, mutual support and clarity is agreed in advance of the event and that interested parties work collectively prior to, during and post the event. In particular articles 8.1 and 12 of that Law refers.

Example: Where there is an element within the crowd who are problematic and the police / organizer's agree they will be removed. The police deal with the problem element and the organizer notifies the crowd sub-leaders or as individuals to reduce the impact on the police action. This simple approach is essential in contemporary approach to policing events.

Types of engagement – approaches to be considered

57. The police should plan for negotiation taking account of all types of event rather than reacting when a need arises. To achieve this there is a need to identify the type of protest and the various levels of organizer – police interactions
58. There are generally two types of demonstration or 'protest':

- *Contained* – established groups who take part in routine demonstrations or rallies and activities and are used to being policed, their behavior is known and generally engage with the police and adhere to reasonable requests. The level and style of the police response can be accurately assessed in advance.
- *Transgressive* – are more contentious as the groups tends to be innovative often using unprecedented approaches e.g. sit down protest; refuse to speak or identify a leader; non-violent but can be disruptive are examples but generally their behavior and approach may vary so is more difficult to predict and the level of police required to facilitate the event is more difficult.

Types of organizer led groups or crowds

59. When examining the approach to negotiation it is important to understand whom you are dealing with and who is likely to take part in any negotiation. You cannot automatically presume organizers will participate, particularly if the focus of the crowd has moved towards the police. The use of police deployed at the scene may be able to assist in identifying an organizer or representative from the crowd but this should be a proactive approach highlighted during the operational briefing phase.

Influence over groups or crowds:

- There is clearly an organizer but their identify is not known or intentionally hidden
- Organizer is known and supportive of police involvement
- Organizer is known and is impartial to police involvement
- Organizer is known but holds a dislike for the police
- No organizer but the crowd listens to the police
- No organizer and crowd does not listen to the police
- Organizer is known but a disparate group / element within the crowd are causing problems but the organizer can influence their behavior
- Organizer is known but a disparate group / element within the crowd are causing problems but the organizer cannot influence their behavior
- Spontaneous criminality / disorder where no organizer seems to exist

Intelligence to support negotiation

60. Intelligence is vital to the success of negotiations and for the negotiator to plan properly. The intelligence needed will come from many sources but should also to include research into the protest group, past behavior and what has been successful or unsuccessful previously. This should also include how the crowd will respond negatively or positively to certain police actions.

Community support and public relations

61. Not all disorder occurs within pre-defined locations such as public venues or open-air areas but often in urban districts. It is important that the police have identified community mediators who can reduce conflict, dispel rumor, represent their specific element of the community or have an awareness of what is happening and can support reduction in tension or open doors to negotiation with disaffected elements.
62. In all areas, and particularly areas where tension exists it is good practice for police managers responsible for community relations in districts to be used as the point of contact with the community mediators and perform the initial negotiation where contact to reduce conflict is needed. Alternatively, if the situation includes a negative image towards the police contact or his district the next alternative is the person performing a similar role in another district who understands the approaches used with the community mediators.
63. The police need these contacts to be able to properly manage complex problems and there must not be an overreliance on the police that negotiations will just happen or shouting through a loudspeaker for crowds to behave or disperse will be successful or resolve the underlying problems.

Planning and coordination to support negotiation

64. Whilst the negotiation process can begin at any point in an event or a series of negotiations take place prior to and during an event the best results will be achieved where the relationship has been built up and used throughout the year.

Example: This relationship will benefit the policing of the event at all stages i.e.

- Initial notification and during the planning phase as the policing style including allocation of resources will more closely match the requirement
- Pre-event dialogue to get a feel for what may or may not occur
- During the event to maintain dialogue and open communication channels for any unforeseen eventualities between the organizer, the crowd or the police
- Post event so that a de-brief can be held with the organizer's side to discuss if there has been any problems for the crowd or the policing of the event to maximize any improvements for the next event and maintain healthy relations

Possible barriers to successful negotiation

65. There are several factors that can be classed as barrier to negotiation when involving the police or their partners. Some are legitimate others less so but the

negotiation plan should consider these possibilities and build into the plan approaches to negate their occurrence.

- Maintenance of public order i.e. the police are more concerned with the application of the law than facilitating the protest.
- The purpose of protest and whether the intended outcome is likely to be achieved e.g. a political event, which has significant support.
- The level of trust in the interactions between the police and protester due to historic events.
- Whilst negotiation might seem a simple process it is quite difficult to achieve 'getting things accomplished' when other parties are not ready to participate (timing and willingness)
- Use of coercive communication e.g. expected adherence to breaches of laws and demands for the crowd to disperse rather than to adopt a persuasive or facilitative approach.
- Either party is more focused on their own agenda and success (positional negotiation) rather than negotiating a mutually beneficial outcome (directive negotiation)
- Where opposing parties have different understandings of their dispute i.e. brought about by not understanding the others parties position.
- Treating the negotiation exactly the same as a previous event rather than taking note of previous involvement to inform a new negotiation strategy and plan
- Situations where there is either no identified organizer or group representative or within non-hierarchical groups where no natural leader exists
- The behavior / style of the police response will influence the negotiators ability and the crowds' willingness to engage in meaningful negotiation.
- By focusing only on your preferred outcome and omitting the acceptable outcome

When Negotiations Fail

66. With all the good intentions and sophisticated planning not all negotiation will succeed. This may be for any of the factors listed above or purely there is an impasse. A number of contingencies should have been prepared within the negotiation plan:

- What is the alternative plan (Plan B) as there should always be one even if the plan is purely to break and reassess or maintain relations and keep communications channels open.

- Never end negotiations that stall or fail with angry words or demands even though this may be difficult. Things often change and to get back into negotiation may be difficult if the previous engagement ended in conflict.
- There is always more than one solution to a problem and attempts should be made to try and bridge a gap. Some favor one group compared to another but where differences exist a break (not the end of) the negotiation is always a sound approach.

Use of the Media

67. Through global satellite communication, proactive and investigative journalism and the use of the Internet, access to unlimited quantities of information and disinformation exists. That information needs to be carefully managed and used in support of policing activity. The media are classed as the 'eyes and ears' of the citizen and the police should expect their presence at significant events.
68. The benefits of maintaining a healthy relationship with the media to assist in information dissemination including police and stakeholder messages to the citizens cannot be understated but their involvement needs to be carefully managed and care taken to protect sensitive or personal information. Controlling the balance of information from open, closed or restricted sources is important but unless there is a clear operational necessity to restrict access to information it should be made available.
69. Within the digital era citizens can immediately transmit information, comments and visual recording of police actions directly to these media sources. The police needs to be in a position to provide a similar response and use the media to circulate the police perspective and any important messages e.g. disruption or road closures in certain area or appeals for calm.
70. It is increasing being seen as good practice to develop a media strategy before the event and invite the media to a private briefing to understand the police style and approach to be used and where appropriate to observe operational briefings.
71. Where possible a member of the police with experience in dealing with the media should be appointed as the official spokesperson at significant events and mass disorder and whose sole purpose is to work with and manage the demands of the media. This function is currently performed by the Information and Public Relations Department of the RA Police.

Hard to reach groups

72. Most events or demonstrations will have organizers who work to a certain extent with the police but problems will arise with those that do not have identified organizers or representatives. That may be intentional as protester tactics vary or

just a coincidence. The police should make ensure that every attempt has been made, and if unsuccessful continues to be made, to communicate with these 'hard to reach' groups. The same applies where there is a disparate group within crowds, some of which have a lawful voice, which cannot be ignored, and others just want to be disruptive and often antagonize or encourage other members of the crowd. These attempts to communicate should be ongoing and must not be left until problems are encountered or police action is needed.

Example: If there is no identified leader ask the crowd if they can nominate one or a small group who can represent their interests. Police who are monitoring the crowd can usually identify persons who are taking a leading role and if the situation is appropriate police liaison should be attempted rather than any formal approach, as this may be too direct.

Example: If it is known in advance that the event will include diverse communities or groups, consideration should be made to use police from within the same community or who daily police that community area and who may be able to better encourage and maintain dialogue.

Use of communication police

73. With the increasing freedoms of citizens and the right to peacefully protest occurring more frequently the police will experience greater diversity and tactics within events. The increase in the use of dialogue or 'communication police' is increasing. The role of the communication police, who are identifiable through fluorescent clothing with the words 'Communication Police' clearly visible, is to engage 'in face to face' communication within the event and with groups and the crowd to ensure all available communication channels remain open.

NB: These police should not be used for other policing roles prior to, during or after the event as this may tend to damage the relationships they develop then and for the future.

74. They also benefit the policing operation as they are the communication link between the participants and police commanders and can support and facilitate protesters legitimate intentions as well as identifying risks to public order and safety. Through this liaison information can be obtained that will support the event concluding successfully and support any need for informal or formal negotiations.

Example: During an event where the organizer is not known the presence of communication police allows for an avenue to identify and engage with groups or to link in with those groups who seem to be the most disruptive without the need for a formal police interaction that may be rejected.

Documentation and the audit trail

75. There is an expectation that the police are able to justify their activities prior to, during but predominantly after the event when scrutiny often follows where problems have occurred. In view of this expectation it is essential that records be maintained wherever possible of all attempts to communicate or negotiate in an informal or formal setting.
76. This is important for the negotiator and the negotiation process. Documentation e.g. negotiation strategy and plan records the information at the time and the rationale behind the police decisions to act or not to act and can be used in support of any police interaction.

Example: During a small demonstration involving 50 citizens the police commander engages with the group and asks them to refrain from approaching the door to a government building and if so they can stand in a certain location. This has been a negotiation and agreed between the police and the group. That negotiation outcome needs to be recorded. That does not mean it should be way of video or audio recorded since it may increase tension if this is undertaken in the presence of a crowd. This may be accomplished as simply as part of a recorded radio communication or an entry in the event log.

Example: In a situation that has escalated into mass disorder the police attempt to engage in communication with the crowd or elements of the crowd to negotiate a reduction in violence. This may be through loudspeaker or facilitated with a small group through the organizer. These attempts need to be recorded as in the above example or if the event is being video recorded then any attempts by the police to engage. Care must be taken to ensure that overt recording of such interactions does not detract from their purpose. If so it should be recorded in the event log that no videoing of the interaction should take place and the reason why.

Example: Whilst it might seem sensible to audio or video record any actual negotiations taking place this can be quite a risky approach unless agreed by all the parties and in no circumstances should the recording be attempted covertly, or so overtly that it increases tension. The best option would be just to show the police and the negotiating group approaching each other being videoed from a distance and leave the actual words spoken as private or the negotiator makes a written summary in the event log after the negotiation concludes.

Key Considerations for negotiators

- Separate the person who is negotiating with you from the problem i.e. it is the problem that needs resolving and do not let the personality or approach of the other party affect that focus.
- Separate historical events from the current moment e.g. the culture of the police towards the group or what has occurred during previous events should be noted but treat the negotiation as if it was for the first time with no hidden agendas or fixed approaches.
- Understand the person(s) you are negotiating with. How they are likely to operate or engage with you e.g. a confrontational or a passive style and will they use positional or directional negotiation approaches to resolve the problem.
- Clarify your position what you want to achieve from the negotiation and in which areas you can or cannot be flexible. Establish a series of alternative approaches or solutions in advance of the negotiation rather than trying to consider them during the negotiation.
- Establish what is the background to the current situation and why are you negotiating. Look at and attempt to understand the expectations of the group.

NB: Understanding does not mean you agree with them.

Look at the police expectations but from the perspective of the opposing group so you better understand how they are likely to react to proposals or actions.

- Identify and agree with the other party what the underlying problems are and not just the effect. Is the area of concern the motives of the group or from the event or is it the subsequent actions of the police. It may actually be a combination of both so it is important to be very clear what the problems are and the purpose of the negotiation in the context of that problem.
- Consideration needs to be had for the best place to conduct any negotiation, which will not put a greater benefit on one side than the other, and to take place in a location where mature dialogue can take place away from distractions or large elements of the crowd.
- Timing is key to successful negotiation as it is important to agree on a time for negotiation and also if each party is in fact ready to communicate. Timing in urgent situations is more important whereas if there is no importance or urgency a calming down period may actually be beneficial.
- Establish if there are any common interests between both sides of the negotiation e.g. a need to immediately reduce the conflict between the crowd and the police so that formal negotiations can be established with other stakeholders.