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Briefing Paper



The Use of Negotiators by Incident Commanders



2011

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The Use of Negotiators by Incident Commanders 2011

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Foreword

The position of incident commander is one of the most challenging in modern day policing. Incidents tend to occur spontaneously and demand professionalism, teamwork, decision making and leadership in the face of time pressure, uncertainty, potential significant community impact, high stakes, team and organisational constraints, changing conditions and varying amounts of experience.

Over the years, developments in training and the lessons learnt from debriefing critical incidents have provided a framework for incident commanders to work within. It is an accepted truth that incident commanders do not work alone and certainly cannot know everything.

There are three pillars that every incident commander must consider calling on at every incident. The first, in line with the Conflict Management Model, is Bronze Intelligence as without information and intelligence it is impossible to take any reasonable action.

The next is a tactical adviser and the capability to effect a tactical response, whether this is by local police staff, public order support or, in the most serious of cases, police firearms teams.

The third pillar is the negotiator, who provides stability and support to the command of the incident.

Negotiators have been formally in existence in UK policing since 1976, but this is the first formally recognised national document which defines what they actually are, how they support policing, the support they require during an incident and guidance on how they are prepared for deployment.

Using negotiators is a wholly positive action, which allows incident commanders to build in time to allow for stronger and more resilient decision making.

I would like to thank the National Negotiators Group, and in particular Chief Superintendent Paul Howlett, for the effort taken to put this briefing together. I commend it to all those undertaking the challenging role of incident commander.



Cressida Dick
Assistant Commissioner
Chair of the National Negotiators Group

Introduction



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1.1 The Aim of this Briefing

Incident commanders can be presented with complex and challenging situations, which require the consideration of a number of diverse tactical options.

This Briefing provides information for incident commanders throughout the UK who deploy negotiators. Not all the documents referred to apply everywhere in the UK except for **ACPO (2010) Manual of Guidance on the Management, Command and Deployment of Armed Officers**, **ACPO (2010) Manual of Guidance on Keeping the Peace** and **ACPO (2008) Practice Advice on the Management of Kidnap and Extortion Incidents [Restricted]**.

There is nothing in this Briefing that is intended to be prescriptive apart from compliance with statutory obligations. Incident commanders and negotiators are required to exercise professional judgement and discretion in responding to incidents that can be imprecise and dynamic in their nature.

1.2 The Role of Negotiators

Negotiation is one of a number of tactical options available to incident commanders.

The following examples are incidents which would benefit from the use of negotiators. This list is not exhaustive.

Suicide intervention

Example:

- A suicidal person standing on the ledge of the top floor of a multi-storey car park or on a motorway bridge, or a suicidal missing person.

Missing persons

Examples:

- A teenager, without prior warning, fails to return home but is contactable by mobile telephone or, in similar circumstances, a diabetic who has not taken medication and runs the risk of falling ill.
- A woman suffering from post-natal depression leaves home and fails to return but is contactable by mobile telephone, or a paranoid schizophrenic who has stopped taking medication and become paranoid.

Political protest

Examples:

- A reactive police response to political protest, eg, environmental protestors taking over a national monument, such as Stonehenge, to gain publicity for their cause.
- Proactive support in the planning for political protest, eg, a political group with extremist views declares an intention to hold a public rally, which will attract opposition from other political groups with the risk of public disorder.

Note: HMIC (2009) *Adapting to Protest – Nurturing the British Policing Model*

identifies the benefits of a no surprises communication philosophy with protestors, the wider public and the media. In particular, it is identified that there are mutual benefits to discussion with protestors so that police commanders can secure the best tactical conditions while the protestors achieve the best terms for their goal.

ACPO (2010) *Manual of Guidance on Keeping the Peace, Information and Intelligence Received Stage* (3.8) states:

It is important to establish and maintain an effective information gathering process from an early stage. The completion of community impact assessments and tension reports, along with the act of entering into dialogue with protest groups and other event organisers is key to making any assessment of information.

In planning for protests a number of forces have successfully deployed trained police negotiators to engage in discussion with protestors to facilitate legitimate protest, identifying potential risks to public order and avoiding confrontation.

People in crisis

Example:

- In a spontaneous incident an estranged husband returns to the matrimonial home and holds his wife in the house against her will.

Supporting incident commanders in firearm operations

Examples:

- The execution of a search warrant to recover unlawfully possessed firearms, using negotiators to call out the suspects as the preferred tactical option rather than forced entry.
- The response to a spontaneous firearm incident such as a suicidal person armed with a shotgun.

Note: *ACPO (2010) Manual of Guidance on the Management, Command and Deployment of Armed Officers, Communicate with the Subject* (6.41) identifies that in respect of communicating with a subject:

Ideally, ongoing negotiations should be undertaken by a trained negotiator. A negotiator is an officer trained to negotiate with subjects to resolve an operation peacefully, and to gather information which may assist as part of the intelligence gathering process. Negotiators should be deployed as soon as practicable.

Offences of kidnap and/or extortion

Examples:

- Criminal vendetta kidnaps;
- Product contamination.

Note: A number of negotiators receive additional training to support the police response to offences of kidnap and extortion as set out in *ACPO (2008) Practice Advice on the Management of Kidnap and Extortion Incidents [Restricted]*.

Criminal sieges

Example:

- A bank robbery is interrupted by the arrival of the police and the bank robbers are contained inside the bank together with the bank staff and customers.

Terrorist hostage incidents

Example:

- A terrorist group takes hostages, and makes political demands to further their cause.

Note: The UK response to terrorist incidents is set out in *Home Office (2007) Counter Terrorist Contingency Planning Guidance Manual*, which makes reference to the role played by negotiators.

1.3 Objectives in Deploying Negotiators

The deployment of negotiators demonstrates a positive response to protecting life, preventing crime or disorder, protecting public safety and compliance with the Human Rights Act 1998.

The purpose of any negotiator deployment is to support the achievement of the strategic objectives set by the incident commander to resolve an incident. These could include:

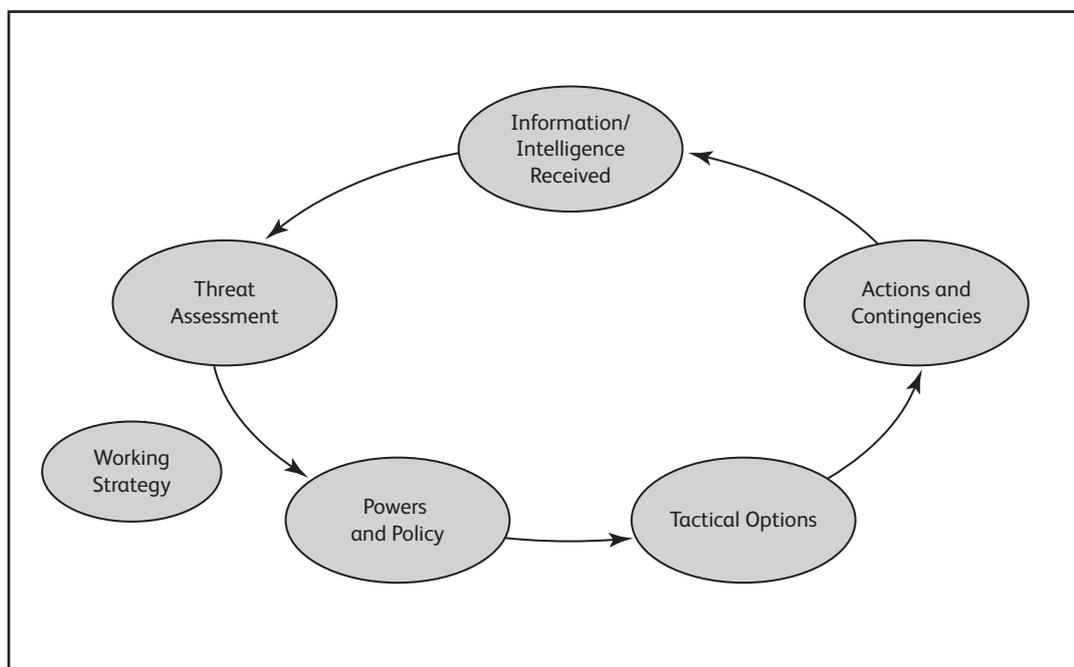
- Saving life and minimising harm;
- Gaining intelligence;
- Obtaining time to develop intelligence and other tactical options.

It might not always be possible to avert injury or the loss of life, but acquiring intelligence or obtaining time will support decision making and allow for other tactical options to be developed, rehearsed and implemented.

While actively managing any threat of harm, negotiators can provide continual assessments of the situational and behavioural factors. This supports the development of information and intelligence within the cycle of the Conflict Management Model as outlined in **ACPO (2010) Manual of Guidance on the Management, Command and Deployment of Armed Officers**.

Figure 1 Conflict Management Model

Such factors will be particularly important in incidents involving persons subject to emotional stress, mental ill health or learning difficulties, as well as facilitating greater understanding of any relevant cultural, religious and other diversity issues.



1.4 Incident Command

It is likely that a sergeant or inspector will manage lower-risk incidents and provide the initial management of more serious incidents. As a result, there is the possibility that a negotiator may be the most senior officer deployed to an incident at any given time.

Negotiators work on the principle that 'commanders command and negotiators negotiate' as there are inherent risks in commanders entering into direct negotiation. Negotiators do not, therefore, take on a command role.

Negotiators are able to buy time by prolonging the negotiations as matters have to be referred to the incident commander for a decision. If an incident commander enters into direct negotiation, there is not the same latitude to refer a demand elsewhere for a decision.

It follows that negotiators will avoid simultaneously commanding and negotiating within the same incident.

Negotiator Expertise and Mutual Support



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2.1 Negotiator Expertise

Negotiator deployments involve complex and dynamic incidents accompanied by the threat of serious physical harm or, indeed, death.

Incident commanders are able to rely on trained police negotiators and negotiator coordinators to advise them on options, the development of a negotiating plan and subsequent tactical delivery.

Negotiators are trained to differing levels of expertise:

- **Crisis negotiators** – trained to respond to a wide variety of incidents, which include suicide intervention and domestic barricades as well as high-risk hostage situations such as criminal or terrorist incidents;
- **Red Centre negotiators** – crisis negotiators additionally trained to provide support in relation to offences of kidnap and extortion;
- **Negotiator coordinators** – experienced negotiators trained to provide specialist support for incident commanders by advising on the development and implementation of negotiation plans and tactics;
- **Gold Negotiator Advisers (GNA)** – experienced negotiator coordinators trained to support Gold Commanders with advice on negotiation.

Further information regarding negotiator coordinators and GNA is provided in **3 Negotiator Support for Incident Commanders**.

2.2 Negotiator Support Network

There is a national network of negotiators who share best practice and are able to provide mutual support in seeking to bring incidents to a successful conclusion.

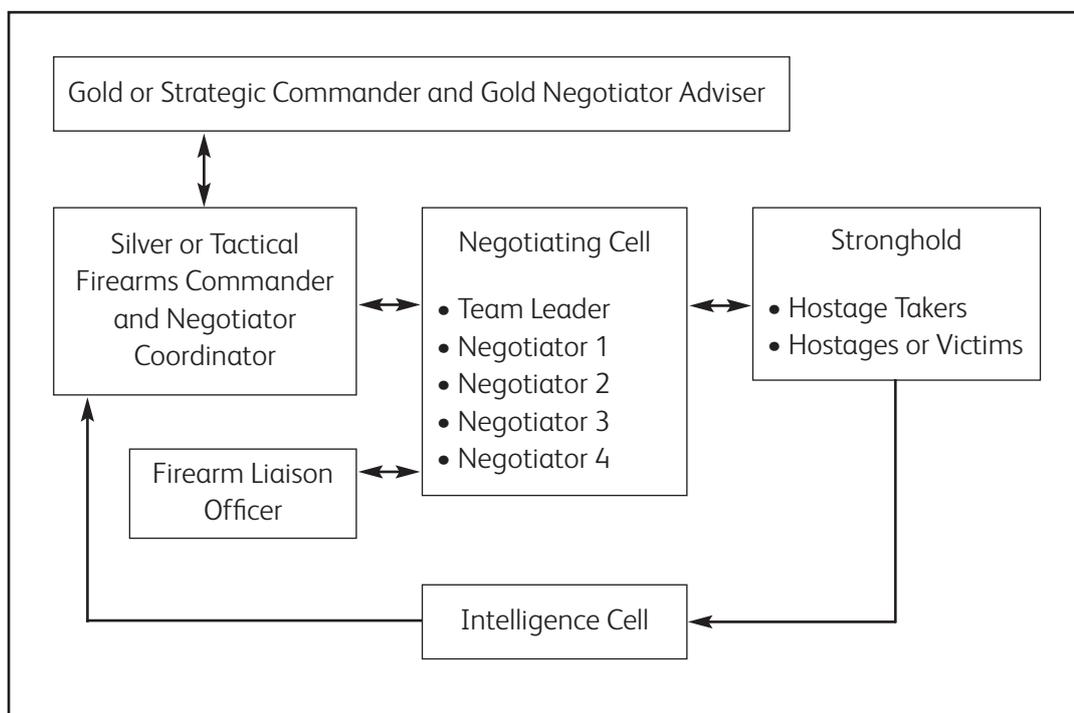
Each force has a force negotiator coordinator who works with the regional negotiator coordinator to support the operational readiness of negotiators within the region.

Regional negotiator coordinators form the membership of the National Negotiator Group exercising strategic oversight of police negotiation.

2.3 National Negotiator Deployment Model

Negotiators generally work to a national model (see **Figure 2 National Negotiator Deployment Model**) but not all negotiator deployments will necessarily require a full Negotiator Cell; negotiators can support incident commanders in deciding on this issue.

Figure 2 National Negotiator Deployment Model



Negotiators, as a result of their training, will understand the designated roles and their associated responsibilities within the National Negotiator Deployment Model. This facilitates mutual aid in deploying negotiators from different forces.

It is recommended that any decision not to comply with the National Negotiator Deployment Model is recorded, along with the supporting rationale.

Negotiator Support for Incident Commanders



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3.1 Support for Incident Commanders

All negotiators are able to provide incident commanders with advice regarding the development of negotiating plans and their tactical delivery.

Negotiator coordinators are able to provide additional specialist support for incident commanders when there is an immediate risk of serious harm or death, or in response to more complex or prolonged incidents.

Similarly, Gold Negotiator Advisers (GNA) can provide support for Gold Commanders in response to more complex incidents such as criminal or terrorist sieges.

3.2 Negotiator Coordinator

The role of the negotiator coordinator includes two essential responsibilities discharged on behalf of incident commanders.

1. Negotiation Tactics

Negotiator coordinators are experienced negotiators who are trained to support incident commanders by providing an assessment of risk, and to advise on the tactical opportunities for negotiation, including the development and implementation of a negotiating plan and an assessment of the progress of negotiations.

2. Implementation of the Negotiation Plan

The negotiator coordinator also takes on the responsibility of ensuring the negotiating plan that has been agreed with the incident commander is implemented by the Negotiator Cell.

The Negotiator Coordinator is also responsible for the management of the Negotiator Cell; where appropriate, the negotiator coordinator is supported by a negotiator team leader if the negotiator coordinator becomes remote from the Negotiator Cell. A negotiator team leader will be an experienced negotiator.

The negotiator coordinator is able to provide similar support to both the Silver and Gold Commanders in an incident or, in more complex or prolonged incidents, work with the GNA to support the Gold Commander.

3.3 Gold Negotiator Adviser

If the nature or complexity of an incident involving the deployment of negotiators necessitates the deployment of a Gold Commander, consideration could be given to the deployment of a GNA to support the Gold Commander.

It is likely that the GNA will be the regional negotiator coordinator or a similarly experienced force negotiator coordinator.

In order to avoid confusion, it is important that the GNA should not become directly engaged in the tactical resolution of an incident. The GNA has no tactical or managerial role and should not be tasked to create or implement negotiation strategies or tactics. This is the responsibility of the negotiator coordinator.

The GNA is able to support the Gold Commander by evaluating and explaining negotiation strategies and tactics by working closely with the negotiator coordinator and ensuring that consistent advice is provided to the Silver and Gold Commanders.

The inappropriate tasking of the GNA could result in conflicting advice being provided to the Gold and Silver Commanders.

It is critical that the GNA and negotiator coordinator have open lines of communication with each other and that incident commanders clearly understand their respective roles in the development and delivery of the negotiating plan.

3.4 Initial and Mature Incident Assessments

Any request for a negotiator deployment should be assessed by a trained negotiator, who will be able to provide advice regarding the necessity and scale of any such deployment as part of an initial incident assessment.

In more complex or prolonged incidents, it is recommended that the deployment of a negotiator coordinator is given favourable consideration so that incident commanders are properly supported.

Once negotiators have been fully briefed regarding the situational and behavioural factors in an incident, it will then be possible for them to provide a more considered and mature assessment of the incident, which should be reviewed as more information becomes available.

When circumstances permit, all negotiator assessments and decisions should be written or otherwise recorded to support any subsequent briefing or future review.

3.5 Negotiation Position Papers

During prolonged incidents, the negotiator coordinator may provide the Silver Commander with Negotiation Position Papers (NPP) complete with recommendations. In dynamic, fast-moving situations the production of NNP may not always be practicable.

3.6 Intelligence Cell and Joint Intelligence Group

Where the seriousness or duration of the incident makes it necessary, an Intelligence Cell may be established. Similarly, in response to a terrorist incident a Joint Intelligence Group (JIG) may be set up.

It is recommended that, if practicable, a minimum of two negotiators be assigned to an Intelligence Cell or JIG to act in support of the negotiator coordinator, identifying intelligence of specific relevance to negotiations.

3.7 Mental Health Professionals, Forensic Psychologists and Psychiatrists

If it is believed that there may be an element of mental ill health or a learning disability in an incident, efforts should be made to obtain information about the condition in order to assist the negotiation. This may be done through local healthcare providers or out-of-hours local crisis teams, which have access to approved mental health professionals.

Mental health professionals may also be able to advise on the development of the negotiating plan, tactics and progress.

This is particularly pertinent when responding to prolonged incidents or those involving people who are emotionally or mentally distressed.

A mental health professional is a resource that can be available as required to provide expert advice to the Gold and Silver Commanders, GNA and negotiator coordinator.

Although a mental health professional may be able to provide expert advice regarding negotiations, the responsibility for operational decisions always remains with the incident commander.

3.8 Interpreters

In some circumstances it may be necessary to use an interpreter to support negotiations. The terms of their engagement should comply with local force procedures.

Care must be exercised in using local community members as interpreters. This is for reasons of confidentiality as well as the risk of any community tensions becoming an influence.

3.9 Third-Party Intermediaries

In some cases it may prove beneficial to introduce a third person to talk to the subject; such individuals are known as Third-Party Intermediaries (TPI).

Where negotiators have established a rapport with the subject, it is likely to be more beneficial to continue negotiations through trained negotiators rather than introducing a TPI.

The use of a TPI requires careful consideration as experience has shown that there can be associated risks. There are no guarantees that the use of a TPI will necessarily result in a positive contribution to the resolution of the incident. For example, the TPI may have a hidden agenda in volunteering to support the negotiators, or the subject may react adversely to the involvement of the TPI.

Negotiators should oversee the assessment of potential TPI. Time constraints may limit this assessment, but consideration should be given to how the TPI will react and the likely impact on the subject.

Each potential TPI must be assessed separately. It is advisable that all decisions regarding suitability are recorded, including arrangements for the provision of support or advice offered to the TPI following deployment.

If the subject requests to speak to a named individual, negotiators will advise the incident commander on any associated risks, eg, the subject might be looking for a specific audience for suicide.

Negotiator coordinators will support incident commanders in deciding whether to authorise the person to be deployed as a TPI. This is a command decision which should be fully documented.

Incident Commander Support for Negotiators



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4.1 Intelligence Requirement and Negotiator Briefing

In order to facilitate decision making, incident commanders will benefit from the provision of timely, accurate and relevant information and intelligence.

It is, therefore, recommended that incident commanders should appoint a Bronze Commander to manage the intelligence function.

Negotiators and negotiator coordinators need to be fully briefed on the nature of the incident. This includes any precipitating events, situational factors, the persons involved and their relationships, important factors such as mental health issues, substance misuse, previous criminal history, any deadlines or demands and any other available information.

In complex or otherwise prolonged incidents, the need for more detailed intelligence will become increasingly important.

4.2 The Interface with Firearms Officers

In any incident where firearms are suspected to be involved, the relationship between the negotiators and firearms officers will be important in achieving its safe resolution, or in facilitating other tactical options. This applies particularly to the working relationship between the negotiator coordinator and firearms tactical adviser when developing tactical plans and supporting the firearms tactical commander.

Negotiators should be consulted on the development of the following tactical plans, which should be completed as soon as practicable and then agreed by the incident commander:

- The safe exit plan for persons leaving the stronghold, including the perpetrator and casualties;
- The hostage or victim release plan;
- The plan for making deliveries to the stronghold.

At times of heightened tension, such as deliveries to a stronghold, the presence of a firearms officer in the Negotiating Cell (see **Figure 2 National Negotiator Deployment Model**) providing immediate radio communication with the armed inner cordon will be of significant benefit in promoting the safety of all concerned.

4.3 Command and Control

An incident involving the use of negotiators where there is the threat of serious harm or risk to life is likely to fall within the ACPO definition of a critical incident.

A critical incident is defined in **ACPO (2007) Practice Advice on Critical Incident Management** as being:

Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community.

In resolving any critical, complex or protracted incident where negotiators are involved, there is a need to ensure effective coordination of the resources that have been deployed to bring the incident to a conclusion.

Experience has shown that the most effective means of ensuring a coordinated response to an incident is through holding regular Gold and Silver Coordinating Group meetings.

Further guidance for incident commanders can be found in **ACPO (2009) Guidance on Command and Control** and **ACPO (2007) Practice Advice on Critical Incident Management**.

4.4 Cordons

Personnel on cordons should be briefed to gather intelligence from people standing at the cordons and, in particular, to take the personal details of anyone who claims to know the individual or individuals involved in the incident.

It is essential that the public are kept sufficiently distant from any incident. This is to protect them from harm and ensure that they cannot disrupt the negotiator response by distracting the subject or perpetrator.

Staff on cordons should also be briefed to provide community reassurance regarding the police response to an incident.

4.5 Family Liaison

In long-running incidents or hostage or domestic sieges, the deployment of family liaison officers may be considered by the incident commander or senior investigating officer, if one has been appointed.

It may be advisable to keep family members and others informed of progress. This may also provide opportunities to obtain information that might assist in resolving the incident.

Negotiators may seek contact with family members, particularly where family members are being considered as potential TPI.

4.6 RIPA Authorities

The responsibility for obtaining RIPA authorities during an incident rests with incident commanders, but negotiators are able to provide advice regarding the deployment of negotiator equipment and relevant RIPA authority requirements.

4.7 Negotiators and the Media

The media reporting of incidents and the characterisation of those involved can have a significant impact on the progress of negotiations, particularly if the subject or perpetrator has access to the media.

The police media strategy can provide an opportunity to positively reinforce the negotiating plan agreed with the incident commander. This is particularly relevant in offering reassurance regarding the intentions of the police and the desire to achieve a safe resolution for all concerned.

It is recommended that the negotiator coordinator be given the opportunity to comment on draft media statements before their release to the media, in order to reduce the risk that the content could have an adverse effect on the negotiation.

Incident commanders should be aware that reference to the use of negotiators could increase media interest in an incident, resulting in disproportionate media coverage and the potential to delay the resolution of the incident.

Negotiators should not be identified to the media as this could lead to personal risks for them. Negotiator tactics and ploys should never be disclosed to the media.

4.8 Public Order Policing

Public order incident commanders might benefit from using negotiators in pre-planned and spontaneous events.

Negotiators could be used as mediators between factions or as a means of maintaining communication with event organisers, to secure information regarding their intentions and other useful intelligence such as the intended duration of the event.

Preparing for Negotiator Deployments



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5.1 Introduction

Negotiators deploy to potentially confrontational and life-threatening situations. It is recommended that, as a minimum standard, negotiators be deployed in pairs so that they are able to support each other.

Each force should ensure that negotiators are appropriately equipped so that they can be operationally effective and remain safe.

It is, therefore, recommended that each force nominate an ACPO lead to support the force negotiator coordinator in maintaining a state of operational readiness for the deployment of trained negotiators.

5.2 Health and Safety Risk Assessments

Each force should consider the specific risks to negotiators and put in place appropriate arrangements to mitigate any risks that are identified in a risk assessment.

Negotiators have a personal responsibility to bring to the attention of incident commanders any specific risks presented by the proposed working environment within a negotiator deployment, and the measures that have been put in place to mitigate them.

Incident commanders retain a responsibility to ensure that negotiators deployed to an incident can operate in a safe environment.

Health and Safety Executive (2009) Striking the balance between operational and health and safety duties in the Police Service sets out clear expectations of how the Police Service will apply health and safety legislation in challenging operational environments. See <http://www.hse.gov.uk/services/police/duties.pdf>

Negotiators should conduct a dynamic risk assessment prior to attending any incident, and implement appropriate control measures. As part of the dynamic risk assessment, negotiators should consider the use of their personal protective equipment as well as other appropriate specialist equipment, eg, ballistic protective headgear and body armour.

5.3 Personal Issue Clothing

It is common for negotiators to be deployed for protracted periods in exposed locations during inclement weather. It may, therefore, be necessary to issue them with waterproof over trousers, jackets, boots, hats and gloves.

Consideration should be given to providing negotiators with clothing that differentiates them from firearms officers.

5.4 Personal Recording Equipment

It is good practice for negotiators to be issued with individual digital audio recorders to capture the dialogue during negotiations for the following reasons:

- To provide material for briefing purposes and to support handovers in prolonged incidents;
- To provide an accurate record of the conduct of negotiations so as to support any subsequent investigation such as criminal proceedings or an inquest;
- To facilitate post-incident feedback to negotiators to support personal development.

5.5 Working at Heights Training

Negotiators may be required to respond to incidents that could involve working at heights, eg, suicide intervention.

Each force should, therefore, ensure that negotiators are either personally trained and equipped to work at heights, or can be supported by appropriately trained personnel.

5.6 Negotiator Technical Equipment

ACPO (2009) Guidance on Technical Support at Hostage/Siege Incidents is aimed at heads of Technical Support Units (both local and national), heads of firearms units, negotiators, senior investigating officers and senior officers who may be likely to command siege situations.

The document is currently reviewed annually and amended by the Hostage Siege Technical Requirements Group. It should be read in conjunction with any local contingency plans as well as with **ACPO (2004) Code of Practice on the Police Use of Firearms and Less Lethal Weapons** and **ACPO (2008) Practice Advice on the Management of Kidnap and Extortion Incidents [Restricted]**.

5.7 Post-Incident Procedures

Forces are advised to ensure that appropriate arrangements are in place to manage and support negotiators should there be a requirement to instigate post-incident procedures following the resolution of an incident.

In the event of a death or serious injury following a negotiator deployment, there will be a statutory obligation to provide information to the Independent Police Complaints Commission in relevant cases. The force Professional Standards Department will also be involved.

5.8 Welfare and Occupational Health

Forces should have arrangements with occupational health units to ensure appropriate support for negotiators following individual deployments, as well as part of a broader occupational health regime.

5.9 Data Protection Act 1998 and Freedom of Information Act 2000

Members of the public, journalists and others may seek to use the provisions of the Data Protection Act 1998 and the Freedom of Information Act 2000 to obtain sensitive information about negotiators, their training, tactics and equipment.

This information may be exempt from disclosure under the Freedom of Information Act 2000 and may be subject to exemption under other UK information legislation. In resolving requests for such information, it is recommended that the force data protection officer and/or freedom of information officer should consult the force negotiator coordinator.

Abbreviations and Acronyms

ACPO	Association of Chief Police Officers
GNA	Gold Negotiator Adviser
HMIC	Her Majesty's Inspectorate of Constabularies
JIG	Joint Intelligence Group
NPIA	National Policing Improvement Agency
NPP	Negotiation Position Papers
RIPA	Regulation of Investigatory Powers Act
TPI	Third-Party Intermediary

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