

A Model “Critical Decision-Making Model”, Case-Study of Ghana, West Africa

Ishmael Norman

Institute for Security, Disaster and Emergency Studies, Langma, Ghana

Email: ishmael.norman@yahoo.com, ishmael.norman@isdesghana.org

How to cite this paper: Norman, I. (2023). A Model “Critical Decision-Making Model”, Case-Study of Ghana, West Africa. *Advances in Applied Sociology*, 13, 317-332. <https://doi.org/10.4236/aasoci.2023.134020>

Received: August 21, 2022

Accepted: April 24, 2023

Published: April 27, 2023

Copyright © 2023 by author(s) and Scientific Research Publishing Inc. This work is licensed under the Creative Commons Attribution International License (CC BY 4.0). <http://creativecommons.org/licenses/by/4.0/>



Open Access

Abstract

Introduction: Security and Police organizations in West Africa do not have Critical Decision-making Models to guide the Officer in deciding the Use of Force option. The various Security and Police Services do not appear to place emphasis on ethical policing leading to officer extrajudicial killing and rent-seeking behaviors. **Method:** Using Ghana’s legal framework on the use of force as a case study, author conducted desk-top review of Critical Decision-making Models of other jurisdictions and did content analysis of Ghana’s Incident and Public Order Management Manual, and Use of Force Order, GPS 004-15 as well as the legislative and Constitutional exceptions and immunities for the use of force. Author conducted twenty interviews opportunistically with police officers for validation. **Finding:** Police Organizations like the Ghana Police Service, have “*Incident and Public Order Management Manual*”, designed “*to provide direction and information to assist commanders, planners, advisors to prepare for and manage events where there is risk to public safety...*” It is a generic Standard Operating Procedure, SOP for incident management. They also have an SOP on the Use of Force, listing the events during which force can be used. These documents do not detail issues of proportionality. There is no emphasis on Critical Decision-making in the training of officers in the Use of Force evaluation. Modalities for risk assessment, and de-escalation of threat levels are not part of the SOP or Incident and Public Order Management. The Police in West Africa have negative public image, accused of being trigger happy, brutal in conducting arrests, and corrupt, which could be the result of the lack of adequate training on ethical policing, familiarity with Critical Decision-making skills, the position of the law on the use of force and accountability. **Recommendations:** The author has proposed a Critical Decision-making Model, admonished police organizations in West Africa, to create country specific models that are simple, functional, and least restrictive in conducting and controlling the offender during arrests. **Conclusion:** The author anticipates the proposed model or its

derivatives would influence police training on Critical Decision-making, as an essential tool for law enforcement.

Keywords

Critical Decision-Making Model, Use of Force, Security, West Africa

1. Introduction

This paper is the second installment of the author's project on the "Police Use of Force Mandate in West Africa". The purpose of the second installment is to shed more light on the practical operational challenges and opportunities surrounding the Use of Force in any given situation. The "use of force" concept as a law enforcement tool is not a complicated idea. It simply means the logical appraisal of the totality of the circumstances surrounding a particular incident or event by police officer before deciding to pull a gun, lay a baton or discharge a teaser to restrict, immobilize or subdue an offender or one who is in the act of performing a determinate act of tortuous or criminal nature against another person or asset, or against the officer. Traditionally, it is generally accepted that the five key elements for appraisal in the use of force situation are "observe", "orient"; "decide"; "act" and "re-assess". In this paper, author applies all five elements in analyzing the use of force concept (PERF, 2016: 4-8). With respect to the Use of Force options available to police organizations in West Africa, there appears to be a *carte blanc* permission for the reasonable police officer to make that determination (Bazerman, 2005). This is irrespective of the officer's antecedents, mental health, training, education and a host of other challenges (Chemerinsky, 2018; Obasogie & Newman, 2017). The Use of Force mandate given by the constitutions of English-speaking nations in West Africa; is not intended to be reviewed in a post-facto analysis when the incident has ended. The review of whether or not the force was "objectively reasonable" is to be determined within the confines of the circumstances leading to force being used at a given instant (Ghana Police Headquarters, 2015; IACP, UOF Task Force Recommendation, n. d.).

The region's relationship or reliance on Critical Decision-making Model:

Police organizations in West Africa, including some of the top management personnel, tend to conclude that, having an Incident and Public Order Management Manual; IPOMM, as in the case of Ghana, is equivalent to having either a National Decision-making or Critical Decision-making Model for tactical and aggressive confrontations in order to restore law and order. Due to this confusion in the minds of the managers at the highest levels of police organizations, it is difficult as a policy matter, for the entire organizations to think outside the box. This handicap, limits their abilities to focus on the gaps in their own operations, and to develop risk specific models for the Use of Force. At a recent encounter before the Ghanaian Parliament, the Inspector General of Police, IGP intimidated the House when being questioned whether Ghana had a Critical De-

cision-making Model that, “Yes, we do have a manual on the use of force. Normally, you will speak to the people through a megaphone or you shout if they can hear you and you spray water, you throw tear gas and then you use blank ammunition and eventually you use live ammunition, he explained”. It is clear that he had assumed that the IPOMM was a substitute for Critical Decision-making Model or manual (Oppong-Boanuh, 2021). Ghana’s Incident and Public Order Management Manual, IPOMM is nothing more than a generic Standard Operating Procedure and does not provide the average police officer the specificity with which the option to use force requires. Take for example Ghana’s IPOMM as a training manual at a police academy. The manual has 66 pages, 8 broad Sections and 75-plus Subsections. In a critical incident situation, the cognitive capacity of the police officer is not going to be able to access all those Sub-sections, before deciding to use force. Research has found that, “officers have also reported using intuitive rather than analytic decision-making strategies under high-pressure contexts as a result of induced perceptual, cognitive and physiological impairments” (Nota et al., 2021; Nota & Huhta, 2019).

Views about the Use of Force Dichotomy in the Literature:

Various researchers have different opinions as to what constitutes reasonable use of use, as well as the motivation for the Use of Force. Some have blamed “police subculture” as the re-enforcer and the promoter of deviant police conduct (Skolnick & Fyfe, 1993: 38-42). There is the occasional backlash against the police from the public and even from criminal gangs, leading to the uptick of violent crimes against law enforcement officers because of the perceived injustice in their Use of Force. In the first six months of 2021, fourteen police officers lost their lives in the line of duty in Ghana mostly at the hands of, and, or, instigated by criminal gangs. This is obviously a matter of public health and national security concern.

Other researchers have cast the blame on negative stereotypes and biases against the residents of certain neighborhoods (Norman, 2021; Cho & Ho, 2018; Alpert et al., 2005).

A third group of researchers on the topic have looked at the public health implications on the conduct and how an Officer’s antecedents including mental health, racial biases and other considerations such as profiling suspects, play significant roles in the decision leading up to the Use of Force (Obasogie & Newman, 2017; Fryer Jr., 2016).

The International Association of Chiefs of Police argue that the only person who is to make the Use of Force determination, based on the totality of the circumstances, such as the immediate threat to the safety of the officer or others, the conduct of the suspect, whether passively or actively resisting arrest, or armed, or poses danger to the community, is the officer (Ghana Police Headquarters, 2015; IACP, UOF Task Force Recommendation, n. d.).

What all the various articulations against or the justifications for the Use of Force among researchers and policy makers point to is that, society is not satisfied with the mandate to the police to use force, perhaps, lethal force, to take out

precious lives. The sanctity of human life, as protected by most constitutions of many nations, lies behind the misgivings and the dissatisfaction towards the mandate to police officer to use force against one of our members, who may have gone against social mores, etiquette or laws, momentarily, or as a matter of habit in the case of recidivist.

To fashion the best parameters for the Use of Force by police officers, there have been divergent approaches and research findings as well as court cases that have reached different conclusions on the objective reasonableness assessment before the Use of Force. Significant among court decisions, is the US Supreme Court case, *Graham v. Connor* and others before *Graham* (*Graham v. Connor*, 490 U.S. 386, 1989; 1992 Constitution; *Johnson v. Glick*, 1973). Notice that, in most wrongful use of force cases in Ghana and Nigeria, the government of the day tends to set up Commissions of Inquiry to conduct investigations and make recommendations rather than let the matter be handled by the Judicial system. This kind of exceptionalism accorded to the abuses of the use of force mandate, has deprived the development of jurisprudential knowledge and experiences in determining the outcomes of such abuses. The lack of national precedence compels reliance on cases from other common law jurisdictions such as the U.S.A.

The facts of *Graham v. Connor* are that:

The Petitioner Graham, a diabetic, asked his friend, Berry, to drive him to a convenience store to purchase orange juice to counteract the onset of an insulin reaction. Upon entering the store and seeing the number of people ahead of him, Graham hurried out and asked Berry to drive him to a friend's house instead. Respondent Connor, a city police officer, became suspicious after seeing Graham hastily enter and leave the store, followed Berry's car, and made an investigative stop, ordering the par to wait while he found out what had happened in the store. Respondent backup police officers arrived on the scene, handcuffed Graham and ignored or rebuffed attempts to explain and treat Graham's condition. During the encounter, Graham sustained multiple injuries. He was released when Connor learned that nothing had happened in the store. Graham filed suit at the District Court under 42 U.S.C 1983 against respondents. The suit alleged that the police had used excessive force in making the stop in violation of his "rights secured to him by the Fourteenth Amendment to the United States Constitution". The District Court granted respondents motion for directed verdict at the close of Graham's evidence, applying a four-prong test articulated in *Johnson v. Glick*, 481 F.2nd 1028 (1973). The test, among others, consisted of: whether the force was applied in good faith to restore discipline, or maliciously and sadistically for the very purpose of causing harm. The Court of Appeals affirmed the position of the previous court rationale in *Johnson v. Glick* as control and that "the force applied was not constitutionally excessive".

At the United States Supreme Court, it ruled that "an objective reasonable

standard should apply to a free citizen's claim that law enforcement officials used excessive force in the course of making an arrest, investigatory stop, or other 'seizure' of his person". In order to determine "reasonableness" of a seizure, the Graham court held that it "requires a careful balancing of the nature and quality of the intrusion on the individual's [liberty] interests against the countervailing governmental interests at stake". That is to say, "reasonableness" of a particular Use of Force must be judged from the perspective of a reasonable officer on the scene, since police officers are forced to make split second decisions about the amount of force to be used in a particular situation (Graham v. Connor, 1989: 396-397).

In weighing what is reasonable, the court articulated the following factors for the assessment: the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight (Graham v. Connor, 1989; Alpert & Smith, 1994). The Use of Force "are the policies that codify the rules that govern the levels and types of force that [the] police are permitted to use against citizens, including deadly force" (National Institute of Justice, 2016; Obasogie & Newman, 2017: 280). Such policies help to "train police officers", or used as "benchmarks when evaluating whether the Use of Force is excessive". It enhances their knowledge and awareness of permissible conduct in their community engagement (Norman, 2021; Obasogie & Newman, 2017: 280-282).

The objectively reasonable standard requires the officer on the job to make a judgment call in the middle of managing potential or real threat to his being, to also assess whether or not his conduct would be found to have been reasonable by the trier of facts or the public. Other factors in the officer's assessment may include "prior law-enforcement contacts with the subject or location, the number of officers against the number of suspects, age, size, relative strength of the suspect against that of the officer, demonstrable mental illness, operating under the influence of alcohol or drugs, crowd presences and other environmental factors, and the suspects proximity to weapons" (IACP, Use of Force Position Paper, n. d.; Harnischfeger, 2003; Huggins, 1991).

This issue is by no means settled as a global research topic. The Use of Force or the use of excessive force is an operational challenge not only to the police in developing nations, particularly when other compounding factors such as race and ethnicity, gender, and age are implicated (Edwards et al., 2019). In West Africa, the activities of the Nigerian Police Force and its Special Anti-Robbery Squad, SARS, revealed the level of brutalities and duplicity of the police in crime and its suppression. In the Nigerian or West African situation, the dynamics of policing is heavily influenced by tribal consideration as well as regionalism. This means that, the decision by the police to use force on a suspect is influenced by gender, whether the perpetrator is male or female, whether he or she is a Black Nigerian or Caucasian, or Chinese/Asian or Lebanese, whether the person is clad in Islamic attire or appears to be of Christian persuasion. Although there is no empirical study to support this assertion where the victims of police use of force

have been stratified by religion, appearance, male or female, etc., in Ghana, several wrongful use of force cases have been occasioned by the apparent appearance, religion, and the serendipitous geographical location of the victims when the police encountered them. These events occurred in the shooting death by the security forces at Ejura in the Ashanti region of a youth activist, Kaaka Mohammed in June of 2021, and earlier at Amansie West District, also in the Ashanti Region where seven innocent young men who happened to be strolling in a predominantly Muslim quarter of their town were shot dead by police in November 19, 2018 (Two Protesters Shot Dead in Ghana, Ejura, [Graphic Online, 2021](#)).

It is also a concern to police organizations in the Western Industrialized nations, where issues of autonomy, privacy and beneficence appear to be more respected as a matter of public policy in comparison to the Developing World. As a historical matter, the events involving personalities like LAPD and the brutalities meted out to Rodney King in Los Angeles in the 1991, opened the eyes of the world to the duality of police protection to Caucasians and those of African descent. Another troubling case was the murder of George Floyd in the streets of Minneapolis, Minnesota, in 2020 by Derek Chauvin and three other officers of the Minneapolis Police Department. The court found that there was excessive Use of Force. Even in between Rodney King and George Floyd's cases, and after, there have been countless other cases that have surfaced in policing in America and elsewhere, which has created a disturbing portraiture of the phenomenon as a universal policing problem that needs to be tackled holistically. It does not mean that such duality in police use of force does not exist in Ghana as well. The Ghana Attorney General was proud to announce to the whole world that, a total of 164 illegal foreign miners in Ghana's gold fields have been busted in the Eastern Region alone, which is one of sixteen administrative regions in Ghana. These included Nigeria, Burkina Faso, Niger, Mali, and the Ivory Coast. Another huge number of Chinese miners have also been arrested and jailed. Cumulatively the foreign arrestees pale in comparison to the local people who are also engaged with their foreign counterparts in the same activity ([Ghana News Agency, 2022](#)).

Individual States in the US have made or are making changes to the requirements of *Graham* with additional State standards such as an officer may use force only when "necessary". According to the International Association of Chiefs of Police, IACP on the issue of what is necessary, countered that, "necessary could mean the officer has to exhaust all other less lethal options before using deadly force". The IACP says, "this will be an impossible standard" because time is not a luxury in the Use of Force situations" ([IACP, n. d.](#)).

To focus on the typology of Use of Force models vis-à-vis Critical Decision-making Models available or unique to various police organizations, this author borrowed from the work of [Di Nota, Stoyko et al., \(2021\)](#), and other researchers, but without regard to the type of Model used in their analysis. In this case, those researchers relied on the Ontario Police Use of Force Model, Las Vegas, California and Minnesota Use of Force Models. All of these models aimed to

“assist in police training” by way of developing their cognitive skills in assessing critical situations, and “serve as a reference when making decisions and explaining their actions”. Such sentiment is consistent with those expressed by [Philips and Burrell \(2008\)](#) as well as [Bazerman \(2005\)](#).

2. Method

Internet searches at sites such as Journals of Criminology and Law, Law Journals, PubMed, Medline, Page Press, Google Scholar for peer reviewed papers and others for the public health aspect of the use of force and the effect of killings on the people, were done, with phrases like “*What constitutes objective reasonableness in the use of force*”, “*What is the best model for Critical Decision-making?*”, “*Is Incident and Public Order Management Manual equivalent to Critical Decision-making Model?*”, “*what are the modalities for employing deadly force*” and “*what is de-escalation and how does a police officer know when to de-escalate?*”, “*What is the public health impact or effect on the use of force in a community?*”, were employed in finding relevant literature. The author expanded the search to include the ‘*case law on police immunity*’, ‘*issues of privilege*’, ‘*issues of permissible police conduct*’ and ‘*what is lawful arrest, or what is lawful investigative arrest*’. Interviews were conducted opportunistically with twenty police officers ranging in rank from Superintendent to Deputy Commissioner of Police for validation of the conclusions drawn from the desk top review. The outcome of the interviews was not coded and systematized for statistical extrapolation. The purpose was simply to ascertain whether any of those interviewed was ever trained on Critical Decision-making Model, if there was one. Since there was none, none was trained on this tool. Legal and other information culled from all the sources were organized into their various units and analyzed, based on the professional understanding of the author of law, public health and ethics as well as human rights issues. The author has suggested a model in this paper to be considered by police organizations in the West African sub-region; and to use it as a guide to develop their own Use of Force models. Such a model ought to be consistent with the dictates of their operations and legal frameworks, aided by experts in communication, psychology and security.

3. Result and Discussion

3.1. Content Analysis of IPOMM with GPS 004-15

Ghana has had a recent history of the use of force and the use of excessive force in conducting arrests and even in controlling harmless citizens’ demonstrations or voting at several by-elections and general elections ([Emile Short Commission on Ayawaso West Wougou, 2019](#)). Among the Commission’s recommendation for change was the advice that, “there was reckless use of guns and weapons by the Ghana SWAT team from the National Security establishment”. As has been noted previously in this paper, Ghana’s Incident and Public Order Management Manual, IPOMM is nothing more than a common Standard Operating Proce-

dure and does not provide the average police officer the specificity with which the option to use force requires.

From here on, the author shows why the IPOMM is not a Critical Decision-making Model, and why the IPOMM actually authorizes the Ghana police to move from the use of ordinary force, such as chokehold, kneeling on the back of a suspect to effect an arrest, to the use of lethal force in rapid succession.

Take for example Ghana's IPOMM as a training manual at a police academy. The manual has 8 broad Sections and 75-plus subsections. The author will winnow the pertinent portions of IPOMM in order to kangaroo the discourse. Other sections of the manual cover issues such as: (2.1). *Principles of human rights*; (2.2). *Duties under Anti-Discrimination Legislation*; (2.3). *The law and regulations regarding use of force*; (2.4). *Crime and Disorder*; (2.5). *Building, Keeping and Restoring the Peace*; (2.6). *Disorder Model*; and (2.7). *Conflict Management model*.

Attention would be focused on Sub-section 2.6 Disorder Model first going forward. The arrow points of the flow of the so-called Disorder Model end in confusion, which no police officer would remember in the heat of action. In the diagram in IPOMM under Section 2 of the Manual, the desired point is labelled as "Normality" at the apex of the vertical axis, and which progress to "Unrest" in that diagram on the horizontal base of that diagram. In the same way as Normality degenerates into Unrest, Unrest bleeds into "Serious Disorder" or Riot, which bleeds into "Disorder" and which ends in "Tension" in ascending climb in a constant ebb and flow of arrow heads from Unrest to Tension to Normality. This diagram portrays the security situation in Ghana as if it is in a constant state of chaos, which is not. The accompanying explanation is that the State of Normality is not static, and that this can "vary widely from one area to another and even by time of day". While this explanation is good for personnel alertness and preparedness, this creates unnecessary tension in the personnel. It goes on to explain further what "Tension" means to the Police in this matrix. That, "Tension manifests as a level of increased concern or feelings within a community. A trigger incident may result in movement from a state of heightening tension to disorder" which can be caused by the police, members of the community and third parties. The next item falls under Disorder, which is defined in the Manual as "the stage at which mood is supplemented by action..." This is further explained that, disorder may occur "following a single trigger incident or a series of incidents that have a cumulative effect". There is no mention of modalities for de-escalation of tension or the cooling of heads. This is followed by Disorder, which is defined as "the stage at which mood is supplemented by action, whether isolated or sustained. It manifests itself in disruption, damage or violence". Naturally, this segues into "Serious Disorder/Riot", which they define in the Manual as "an escalation into wide spread violent behavior" through "violent protest, rioting, criminal damage, looting, and include the use of weapons". The final arm in the Disorder diagram of IPOMM is Unrest on the horizontal axis of that diagram. At the stage of Unrest, there is a curious line of thinking which states that, "this is the period of sometimes prolonged, when the rebuilding of re-

relationships takes place” How is the rebuilding achieved, during the so-called prolonged period of Unrest? It goes on to recite beatitudes about rebuilding of relationships and ends with another unfortunate statement thus: “the nature of the Disorder Model is such that progression through all stages of the model is not necessary. Dependent upon circumstances, it may be possible to return to the state of normality from any level”. Is that to say, if the police organization does nothing in the state of unrest, or serious disorderly, perhaps, eventually, hostilities would end and the status quo would be achieved? That document defines de-escalation as “a return to the state of normality from any other stage in that matrix”. This definition of de-escalation is also not really correct. De-escalation commonly and simply means, “a reduction of the intensity of a conflict or potentially violent situation”. It has no spectrum for normality, as the IPOMM appears to promote. Since de-escalation does not necessarily deal with environmental peace of a given area, but rather a specific measure to control tensions, anger, argument, in a specific situation in order to specifically calm nerves in a space-time continuum, the IPOMM got it all muddled. Certainly, the Disorder Model can never be considered as a model for Critical Decision-making Model. None of the Models designed in the IPOMM can be considered as Critical Decision-making Model, including the “Conflict Management Model” (Ghana Police Headquarters, 2016: p. 17), Command and Control organogram with the various color schemata (Ghana Police Headquarters, 2016: pp. 29-66). The entire IPOMM is about operations from the point of view of tactical, logistical, command and control point of view but not about Critical Decision-making Model about the Use of Force by an officer confronted by a suspect either actively or passively resisting arrest.

Also, one can see that, the IPOMM is not a specific model for the use of force option. In fact, it is not a model at all. If it is assumed that the IPOMM is a Critical Decision-making Model, for the purpose of argument, under the Section 6.16 dealing with the Use of Firearms, the stated objective clearly reveals that the document was designed for maximum engagement for the use of force. The only caveat in that section is that, “in a situation where the police can justify the use of force or an escalation in the level of force used, warning messages should be given where practicable and time permits” (Ghana Police Headquarters, 2016: p. 58). This was what the IGP of Ghana Police was talking about to the Ghanaian Parliament on things like using bullhorns, or megaphones to warn the suspect. “The use of firearms to target specific individuals who are posing a lethal threat during a situation or public disorder” is sanctioned in the IPOMM without any rules of engagement whatsoever, other than the provisions of GPS-004-15. This appears to be a dangerous document sanctioning extrajudicial killing of the very people the police organization is mandated to protect.

3.2. The Gaps in the Use of Force Standard Operating Procedure, Ghana Police

A corollary to the Use of Force mandate, is the issue of Critical Decision-making

process before and during the police Use of Force in conducting arrests, subduing a suspect who may be resisting arrest. A given situation may call for the use of lethal force by the police to protect lives in a rapidly fluid and escalating situation. In West Africa though the transition to the use of lethal force and any other method of de-escalation is so thin that, in the case of Ghana, the IOPMM actually encourages the “escalation of the use of lethal force” (Ghana Police Headquarters, 2016: p. 58).

Critical Thinking and Critical Decision-making Model are two related concepts which do not prominently feature in the training of the average police officer in Ghana and in the other nations implicated in this study. Due to the similarities in all four nations legal framework on policing, national security and crisis intervention and mitigation, the author has made the assumption that whatever ails Ghana Police ails the other police organizations, and focused on Ghana as a case in this paper. Those other nations are Sierra Leone, Gambia and Nigeria. This assumption is further buttressed by the author’s previous investigations on the Use of Force by West African Police Organizations (Norman, 2021). Critical Thinking skill was recently introduced in Ghana’s National Security Strategy of 2020 in Annex A, page 96 as among the schedule of activities to set up a Critical Thinking Unit. Among the values that this Unit is supposed to help inculcate into the National Security Operatives are virtues such as empathy, integrity, honesty, autonomy, and truthfulness. The vexing question is, how is that going to be operationalized? They are also supposed to learn how to de-construct and re-construct their own thinking about an issue for the best outcome and so on. This already is a sign that the intention to set up a Critical Thinking Unit by the Ministry of National Security was not well-thought-out, because it was added as a footnote or an after-thought. Setting up a Critical Decision-making Unit to train operatives of Ghana’s National Security operatives was not considered germane, perhaps, to the efficient and professional training and performance of this important ministry. By the time the National Security Strategy was published in June of 2021, the scheduled date to set up such a Unit, which was to have occurred in March of 2021, had already elapsed, suggesting the idea was merely mooted but not to be realized. The National Security Strategy emerged out of the Security and Intelligence Agencies Act, 2020 (Act 1030) and in consonance with Articles 83 and 84 of the 1992 Constitution of Ghana. Critical Decision-making is not a required skill in the advancement of police officers from junior ranks to senior ranks. The Ghana Police Service’s Standard Operating Procedures Manual of 2015 available to the public, deals with: Preliminary investigations (GPS-SP002-15); Arrests (GPS-SP003-15); Use of Force (GPS SP004-15). The underlying policy is erected on Ghana’s Criminal and Other Offences (Procedure) Act, 1960 (Act 30), Criminal Offences Act, 1960 (Act 29) and the 1992 Constitution (Norman, 2021). That is to say, the Use of Force policy is grounded on both constitutional and legislative mandates, but lacks the modalities for its engagement.

There are no additional instructions in the Use of Force policy of the Ghana Police, except the circumstances under which force may be used, such as Resistance; Active resistance; and Passive resistance.

The requirement to be met when justifiable force is to be used are the following: a) the force will be proportionate to the seriousness of the offence and the legitimate objectives to be achieved; b) the force will be minimized to preserve human life; c) medical aid will be rendered to any injured or affected person in need of assistance; d) relatives or close friends of the injured or affected person will be informed (Ghana Police Headquarters, 2015).

The standard articulated by Ghana police in the Use of Force runs contrary to the objection of the International Association of Chiefs of Police against emerging policies and legislations requiring the addition of the word, “necessary” being advanced by some States in the USA. Ghana’s standard is: “Police Officers shall only use force that is reasonable, necessary and proportional to the resistance level of the offender”. The officers are justified to defend themselves and others, to prevent the commission of a serious crime or use force, including lethal force “against a person who resists arrest, fights, escapes or endeavors to escape from lawful custody”.

There are serious problems with the last part of the mandate for the Use of Force. If a suspect in police custody, perhaps, for minor offence, “escapes” or “endeavors to escape from lawful custody”, who is not armed or dangerous, the Use of Force mandate may not be used to justify shooting or maiming such a suspect. But if the escapee were to resist arrest, threaten the life of an officer, this situation would fall under the permissible circumstances in which force may be applied. The issue begging to be discussed is what are the parameters for the average officer to rely on in assessing the level of force and the period or time when such force would be appropriate to use? The next paragraphs of the paper would concentrate on the modalities and considerations to be made in creating a model Critical Decision-making framework for Police organizations in West Africa, under recommendations.

4. Conclusion

Developing a Critical Decision-making Model for a police service in a given nation is not as challenging as one may have thought. Each of the nations implicated in this discourse has specialists from multi-disciplinary fields of communications, psychology, psychiatry, sociology, security, and crisis intervention. Each of these nation’s police organizations may do well to create a task force from as various a background as it is needed to work together with police officers to design such a tool for their police organizations. No matter who is invited to be on the design task force, that group would have to bear in mind in that work, that there are five core values around which Critical Decision-making Model is commonly built: collecting information on the scene; risk and threat assessment; police mandate and policy; determination of best options for the situation; and

action and re-evaluation against the background of one's professionalism, proportionality of police or agency response protocol and the rights of the suspect or offender. It may be a good idea to rely on these values in the design of the Use of Force model.

5. Recommendations

The purpose of this paper is to design a suggested model that may be adopted, improved upon or be inspirational to police organizations in West Africa to develop their own Critical Decision-making Model, consistent with their specific national legal framework, history of police service and the internal cultures and policies. The police organizations in West Africa have a myriad of operational and systemic challenges, including generally poor educational entry requirements, short recruit training periods, poor mentorship of rookies by experienced officers, adverse societal perception of being corrupt and unprofessional (Norman et al., 2017). Any design that does not take into consideration the unique vulnerabilities of the police organizations for which the Critical Decision-making Model is being designed for, may not serve the interests of these organizations well (Schulenberg, 2015, 2016; Rydberg & Terrill, 2010). The design is to assist intuitive rather than analytical decision-making when confronted with what force option to apply in a particular situation, together with assessment of suspect's behavior, uncertainties surrounding suspect's actions and environmental factors such as the area being poorly light, enclosed space or relative strengthens of fire power. Although police Use of Force models commonly rely on colors to communicate or reenforce the messages they want to send and to increase visual acuity, this design does use color. It relies on a simple grid system, and without arrows, or bullet points, to underscore the message (Wong, 2011: 201).

5.1. Pitfalls for Designing a Critical Decision-Making Model

A number of nations' police organizations have National Decision Model, NDM to assist them to take critical decisions in operations and other situations. In UK, police officers use the NDM in response to unplanned incidents as well as when planning operations (PERF, CDMM, n.d.: 80; Klein, Calderwood, & Clinton-Cirocco, 2010). The US Air Force uses OODA (Observe, Orient, Decide, Act), a concept developed in the 1950's. Both NDM and OODA rely on the use of recurring information, observe changed circumstances and act. Researchers and other police organizations have noted the importance of developing and adopting a tactical decision-making framework for use in critical situations and to train police officers about such a model (Harman, Zhang, & Greening, 2019; Vickers & Lewinsky, 2012). The model is grounded on core meta-ethical values such as police ethics, agency values or policy, the concept of proportionality and respect for human life (PERF; Nota et al., 2021; Philips & Burrell, 2008).

There are as many Critical Decision-making Models, CDM as there are many jurisdictions with idiosyncrasies in their legal frameworks. In their recent critique of CDMs, Di Nota et al., (2021) analyzed the strengths and weakness of the Canadian Association of Chiefs of Police's (CACP) graphical Use of Force framework. The author's purpose in that review was to "evaluate the visual features of commonly used graphical models of police Use of Force decision-making". In addition to CACP model, they also reviewed others from other jurisdictions such as Las Vegas and British Columbia, but focused more on the Ontario Use of Force model. Three main types of Use of Force models were identified by their research, which were namely, Circular Models with other permutations such as Multiple Circular Chart Types in a Single Graphic; Ring Charts consisting of Ring, Donut, Crystal and Cycle; Cycle Models (British Columbia Critical Incident Model); and Staircase Models (Las Vegas Model). They found strengths and weaknesses with each model. Some of the gaps were latent and appeared inevitable with the nature of graphical design or structural limitation, while others were patent. That is to say, the designers of the models, although may have been police officers, may not have had the intellectual muscle to systematize their knowledge to be able to communicate their good intentions effectively onto a diagram to aid pedagogy and knowledge transfer to a successive cohort of learners, rookies, and even for enriching continuing professional development. This author will not attempt to summarize the intrinsic and latent defects of the models Di Nota et al., reviewed, since it is not the focus of this paper, but proceed on the suggested model in mind.

5.2. Suggested Frame for Critical Decision-Making Model

The goal of the suggested frame for CDM for police organizations in West Africa is to design a simple to relate model that may help the average police officer with elementary school education to intuitively master the critical decision-making process and decision on the Use of Force option as shown in **Figure 1**. The model starts with the Case, which is a stand-in for the suspect. It progresses to the risk of harm or threat the case or suspect poses to the officer and others. The officer is presumed to be observing, assessing and evaluating the risk that the suspect poses as well as engaging the suspect, depending on other environmental factors such as rants, rage, and gestures as well as crowd, site, weather and access to weapons. The officer has no business being in the vicinity of the case or suspect if he is only present to see the suspect without intervening in the event at hand.

If the suspect escalates his actions becoming more threatening, the officer will employ de-escalation tactics, call for back-up, including threatening the possibility of the Use of Force and causing physical bodily harm to the suspect.

The officer will continue to assess the risk or threat and evaluate the level of escalation the suspect poses at Escalation #2, when the threat level has gone from L1 to L2 and de-escalation tactic at L1 has also been ignored. At any stage, the

De-escalate L1	Threat Assessment L2	Escalate L 2	De-escalate L 2
Escalate, L1	UOF 1	UOF 2	Escalate L 3
Threat Assessment L1	UOF 3	UOF 4	Threat Assessment L3
Case	Restrain, Offer Medical Help	Inform close relatives	After Action Report

Figure 1. Suggested Frame for Critical Decision-making Model, (Norman, 2021).

Use of Force is available to the officer to protect life and property. The escalation and de-escalation continuum does not stop until the officer is compelled by the circumstances of the moment to employ any one of the four Use of Force options: UOF1: arrest, apply chokehold, handcuffs, UOF2: use taser or rubber bullet, UOF3: shoot to maim and immobilize; UOF4: apply lethal force.

These values seem consistent with GPS: SP004-15. The Use of Force options is boxed in to send the visual message to the officer that his primary goal is to save his life and those of others around him as well as that of the suspect. Therefore, any of the Use of Force options should be used after ample opportunity for the officer to de-escalate tension and tempers. If time does not permit the slow and cautious de-escalation process, then depending on the experience of the officer, experience with the suspect, his or her history of prior crime or violence, his conduct on the scene, whether under the influence of narcotic drug or alcohol, the threat assessment should quickly move from Low through Medium level of risk to High or L 3. At this point of the evaluation, the officer may choose UOF option 4: the use of lethal force.

5.3. The Need for Training in Critical Thinking and Critical Decision-Making

To cure the perception that police officers are not capable of thinking and taking critical decisions in critical situations, considering the heat of the moment in which they have to act, emerged the application of Critical Thinking and Decision-Making paradigm to police work. As a training and operational cognitive tool, it is used to prepare the police to become more familiar with situations that will task their judgement (Eastwood, Snook, & Luther, 2012). It is meant to help build their core skills in dealing with rapidly escalating situations and their management as well as communicating with the suspect and the public. It has an additional goal for performance evaluation of their tasks ex-post facto to societal and legal expectations (Nota et al., 2021: 2; Philips & Burrell, 2008; Bazerman, 2005). Philips and Burrell (2008) offered that “engagement in leadership critical thinking is about learning to apply experienced-based, team-based, and formal problem-solving methods in situations” (Schulenberg, 2015, 2016; Rydberg & Terrill, 2010).

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

References

- (1973). *Johnson v. Glick*, 481 F.2nd 1028
- Alpert, G. P., & Smith, W. C. (1994). How Reasonable Is the Reasonable Man? Police Excessive Force. *Journal of Criminal Law and Criminology*, 85, 481-501.
<https://doi.org/10.2307/1144107>
- Alpert, G. P., MacDonald, J. M., & Durham, R. G. (2005). Police Suspicion and Discretionary Decision-Making during Citizens Stops. *Criminology*, 43, 407-434.
<https://doi.org/10.1111/j.0011-1348.2005.00012.x>
- Bazerman, M. (2005). *Judgment in Managerial Decision-Making*. Wiley and Sons.
- Chemerinsky, E. (2018). *The 'Reasonable' Use of Force by Police Has Killed Too Many People. California Can Change That*. Los Angeles Times.
<https://www.latimes.com/opinions/op-ed/la-oe-chemerinsky-ab-931-excessive-force-20180522-story.html>
- Cho, W., & Ho, A. T. (2018). Does Neighborhood Crime Matter? A Multi-Year Survey Study on Perceptions of Race, Victimization, and Public Safety. *International Journal of Law, Crime and Justice*, 55, 13-26. <https://doi.org/10.1016/j.ijlci.2018.08.002>
- Di Nota, P. M., & Huhta, J.-M. (2019). Complex Motor Learning and Police Training: Applied, Cognitive, and Clinical Perspectives. *Frontiers in Psychology*, 10, Article 1797.
<https://doi.org/10.3389/fpsyg.2019.01797>
- Di Nota, P. M., Stoyko, P., Jenkinson, J., Boychuk, E. C., & Andersen, J. P. (2021). Critical Review of Visual Models for Police Use of Force Decision-Making. *Vision*, 5, Article No. 6. <https://doi.org/10.3390/vision5010006>
- Eastwood, J., Snook, B., & Luther, K. (2012). What People Want from Their Professionals: Attitudes Toward Decision-Making Strategies. *Journal of Behavioral Decision Making*, 25, 458-468. <https://doi.org/10.1002/bdm.741>
- Edwards, F., Lee, H., & Esposito, M. (2019). Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex. *Proceedings of the National Academy of Sciences of the United States of America*, 116, 16793-16798.
<https://doi.org/10.1073/pnas.1821204116>
- Emile Short Commission of Inquiry (2019). *Ayawaso West-Wuogon By-election Violence*.
<https://citinewsroom.com>
- Fryer Jr., R. G. (2016). *An Empirical Analysis of Racial Differences in Police Use of Force*. National Bureau of Economic Research. <https://doi.org/10.3386/w22399>
- Ghana News Agency (2022). *164 Illegal Miners Busted in Eastern Region, 09/14/2022*.
- Ghana Police Headquarters (2015). Police Instructional Order GPS-SP004-15, SOP on the UOF, n. d. Ghana Police Headquarters, Accra, Ghana.
- Ghana Police Headquarters (2016). Police Incident and Public Order Management Manual, IPOMM, 2016. Ghana Police Headquarters, Accra, Ghana
- Graphic Online (2018). *Seven Shot Dead by Police Not Armed Robbers*.
<https://www.graphic.com.gh>
- Harman, J. L., Zhang, D., & Greening, S. G. (2019). Basic Processes in Dynamic Decision Making: How Experimental Findings about Risk, Uncertainty, and Emotion Can Contribute to Police Decision Making. *Frontiers in Psychology*, 10, Article 2140.
<https://doi.org/10.3389/fpsyg.2019.02140>
- Harnischfeger, J. (2003). The Bakassi Boys: Fighting Crime in Nigeria. *The Journal of Modern African Studies*, 41, 23-49. <https://doi.org/10.1017/S0022278X02004135>
- Huggins, M. K. (1991). Introduction: Vigilantism and the State: A Look North and South.

- In *Vigilantism and the State in Modern Latin America: Essays in Extralegal Violence*. Praeger.
- IACP (International Association of Chiefs of Police, UOF Recommendations) (n.d.). *Use of Force*.
- Klein, G., Calderwood, R., & Clinton-Cirocco, A. (2010). Rapid Decision Making on the Fire Ground: The Original Study plus a Postscript. *Journal of Cognitive Engineering and Decision Making*, 4, 186-209. <https://doi.org/10.1518/155534310X12844000801203>
- National Institute of Justice (2016). *Overview of Police Use of Force*. <https://nij.ojp.gov/topics/articles/overview-police-use-force>
- Norman, I. D. (2021). The Police Use of Force Mandate in West Africa. *Advances in Social Sciences Research Journal*, 8, 341-356. <https://doi.org/10.14738/assrj.85.9933>
- Norman, I. D., Dzidzonu, D., Aviisah, M. A., Norvivor, F., Takramah, W., & Kweku, M. (2017). The Incidence of Money Collected by the Ghana Police from Drivers during Routine Traffic Stops and Ad Hoc Road Blocks. *Advances in Applied Sociology*, 7, 197-225. <https://doi.org/10.4236/aasoci.2017.75013>
- Obasogie, O. K., & Newman, Z. (2017). Police Violence, Use of Force Policies, and Public Health. *American Journal of Law & Medicine*, 43, 279-295. <https://doi.org/10.1177/0098858817723665>
- Oppong-Boanuh, J. (2021). *Personal Communications, Public Accounts Committee of Parliament of Ghana's Encounter on Ejura Killings by Police, June 2021*. Ghanaweb.
- PERF *Critical Decision-Making Model* (n.d.). Police Executive Research Forum, Vancouver, Canada.
- Philips Jr., W. E., & Burrell, D. N. (2008). Decision-Making Skills That Encompass a Critical Thinking Orientation for Law Enforcement Professionals. *International Journal of Police Science and Management*, 11, 141-149. <https://doi.org/10.1350/ijps.2009.11.2.118>
- Police Executive Research Forum (PERF) (2016). *Guiding Principles on Use of Force*. <http://www.policeforum.org/assets/guidingprinciples1.pdf>
- Rydberg, J., & Terrill, W. (2010). The Effect of Higher Education on Police Behaviour. *Police Quarterly*, 13, 92-120. <https://doi.org/10.1177/1098611109357325>
- Schulenberg, J. (2015). Moving beyond Arrest and Reconceptualizing Police Discretion: An Investigation into the Factors Affecting Conversation, Assistance, and Criminal Charges. *Police Quarterly*, 18, 244-271. <https://doi.org/10.1177/1098611115577144>
- Schulenberg, J. L. (2016). Police Decision-Making in the Gray Zone: The Dynamics of Police-Citizen Encounters with Mentally Ill Persons. *Criminal Justice and Behavior*, 43, 459-482. <https://doi.org/10.1177/0093854815606762>
- Skolnick, J. H. & Fyfe, J. J. (1993). *Above the Law: Police and the Excessive Use of Force*. The Free Press.
- US Supreme Court (1989). *Graham v. Connor*, 490 U.S. 386.
- Vickers, J. N., & Lewinski, W. (2012). Performing under Pressure: Gaze Control, Decision Making and Shooting Performance of Elite and Rookie Police Officers. *Human Movement Science*, 32, 107-117. <https://doi.org/10.1016/j.humov.2011.04.004>
- Wong, B. (2011). Color Blindness. *National Methods*, 8, 441-441. <https://doi.org/10.1038/nmeth.1618>