

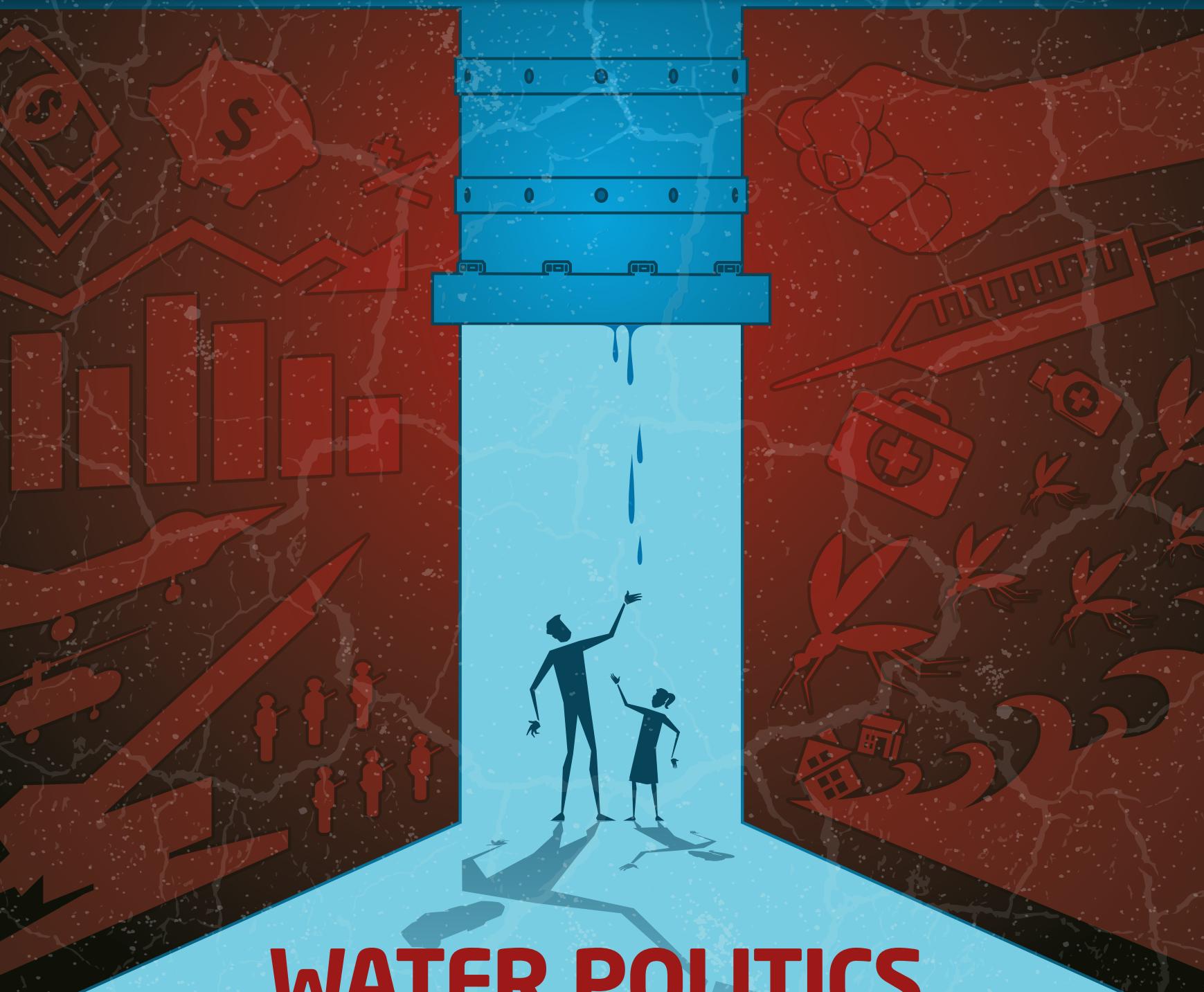
CRISIS ▶ RESPONSE

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WATER POLITICS CLIMATE, SECURITY, HEALTH, PEACE

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contents

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News	4	Command decision dilemmas	24
------	---	---------------------------	----

Comment	8	Dr Dave Sloggett looks at the issues that arise in command decision-making at dynamic events, such as terrorist attacks	
---------	---	---	--

We hope total infrastructure breakdown won't happen in Europe but, nevertheless, we must be prepared for such an eventuality, warns Prince Michael of Liechtenstein		A continued threat	26
---	--	--------------------	----

Incident analysis

Disasters at the Hajj	10	The nature of the terrorist threat is evolving – response and planning must adapt too, says Roger Gomm	
-----------------------	----	--	--

More than 1,000 people were killed in two unrelated incidents at this year's Hajj, reports Tony Moore, who investigates what happened	14	Rally bombings in Ankara	
---	----	--------------------------	--

Tony Moore describes how suicide bombers killed 102 people at a peace rally in Turkey		Senior management engagement	28
---	--	------------------------------	----

Christophe Libeau outlines the events that occurred in Paris on November 13, 2015, describing emergency services' activities	16	Manchester: United	30
--	----	--------------------	----

Christophe Libeau describes how the Paris Fire Brigade manages its manpower and resources during times of extreme emergency	18	Social safety not social unrest	32
---	----	---------------------------------	----

Christophe Libeau describes how the Paris Fire Brigade manages its manpower and resources during times of extreme emergency	18	Balancing civil security and defence	34
---	----	--------------------------------------	----

Incident Commander Michel Rimélé gives a personal account of response operations during the terrorist attacks in Paris	20	Todd M Rosenblum's insight into treading a tightrope between policy, perception, reality and saving lives, based on his experience at the Departments of Homeland Security and Defense	
--	----	--	--

Incident Commander Michel Rimélé gives a personal account of response operations during the terrorist attacks in Paris	20	Civil-military: Working together	38
--	----	----------------------------------	----

Rebecca Sutton presents some perceptions of civil-military relations and humanitarian assistance in West Africa, garnered from an innovative course held recently		Developing resilience	40
---	--	-----------------------	----

Hamish de Bretton-Gordon, but the international community can prepare itself and be more resilient		Are we putting enough into preparedness and capacity building before a disaster? John Holland investigates	
--	--	--	--

Features

Today's CBRN landscape	22	Community engagement p32	
------------------------	----	--------------------------	--

The CBRN threat – or at least the perception of it – has never been more in the spotlight, says Hamish de Bretton-Gordon, but the international community can prepare itself and be more resilient			
--	--	--	--

Terrorist attacks in Paris p16



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Cover story: Water politics

Cover image: Jorgen McLeman

comment

The final push for a climate deal at COP21 was ongoing as *CRJ* went to press. Meanwhile, rainfall of near biblical intensity had lashed many areas, including Sierra Leone, India, the UK and France.



The theme of this issue is water, including flooding, of course. Time and time again, our expensive defences built to protect communities and infrastructure seem to fail, our models and predictions become overwhelmed by ever more extreme climate events. As Patrick Lagadec has often stated: Are we fighting the last war?

And this is a controversial question, but one that needs to be asked: When do areas become too dangerous for human habitation? Should relocation – as a strategy of last resort – be discussed more widely? Last year, the San Remo consultation, organised by UNHCR, examined the issue of planned relocation owing to sudden onset disasters, acute environmental degradation and longer term effects of climate change. It found that those working on climate change adaptation frameworks are often unfamiliar with the experiences of resettling communities, whether as part of dam projects or resettling refugees in other countries. “The silos which characterise work on this issue are immense,” it said, which is worrying, given the virtually unimaginable long-term, generational, financial and human costs relocating vulnerable or untenable communities would entail.

It would take a brave – or possibly politically suicidal – government to tell large numbers of its citizens that it can no longer shield them from extreme climate events and that relocation is the least unattractive option.

In a draft document ahead of COP21, the UN proposed a climate change displacement co-ordination facility, to provide organised migration and planned relocation, as well as compensation to people fleeing rising sea levels, extreme weather and ruined agriculture. The reference was dropped from the draft.

But it is clear, though decidedly unpalatable, that relocation will have to be considered in some areas and the duty of all those involved in emergency preparedness, mitigation and response is to familiarise themselves with existing experience and consequences, and consider how this could affect them, their roles and communities.

Emily Hough

Disaster diplomacy 42
We must learn to use disaster diplomacy better, because it is a great tool for more effective disaster risk management, says Dr Albrecht Beck

Getting to the scene safely 44
The benefits of Emergency Vehicle Preemption systems are detailed by Anthony Hildebrand

Global road safety crisis 46
Road risk is a global problem of ‘epidemic’ proportions, with crashes killing more people than malaria, explains Emma MacLennan

Will Smart Cities dream of resilience? 48
Smart Cities are being addressed as a series of silos, making them vulnerable, according to David Prior

Networking for protection 51
Simona Cavallini, Julia Friedl and Margherita Volpe introduce a new sustainable networking meeting point for Critical Infrastructure Protection in Europe

Keeping the power on 52
Tony Kingham argues that societies should be investing in permanent, multi-faceted solutions to protect critical infrastructure

Water
Water for peace and resilience 54
Adapting the UNDAC system 58
Floods in Sierra Leone 62
French Riviera Floods 64
Reducing motorist deaths 66
California drought update 68
From policy to emergency response 70
Reducing coastal risk 74

Coastal protection p74



Mathijs van Ledden

Technology Research & Development

Dr Ian Portelli and Megan Mantaro introduce a new regular section, prompted by the popularity of *CRJ*’s online R&D blogs, and look at a new location referencing system in more detail

Drones in the emergency services 78
UAVs are one of the most talked about technologies of the last 12 months: Andrew Griffiths presents some practical considerations for first responders who might be considering investing in this technology

Ham radio in Belgium 80
Emily Hough looks at how amateur radio operators in one province of Belgium are working with authorities to provide emergency communications in the event of a major blackout

Monitoring critical buildings 83
Evangelos Sdongos and Dr Angelos Amditis describe a system that provides near real-time damage assessment of buildings’ condition and damage after a disaster such as an earthquake or terrorist attack

In Depth

Advanced situational awareness 86
Legal liability in nuclear accidents 90
Effective decision-making records 92

Regulars

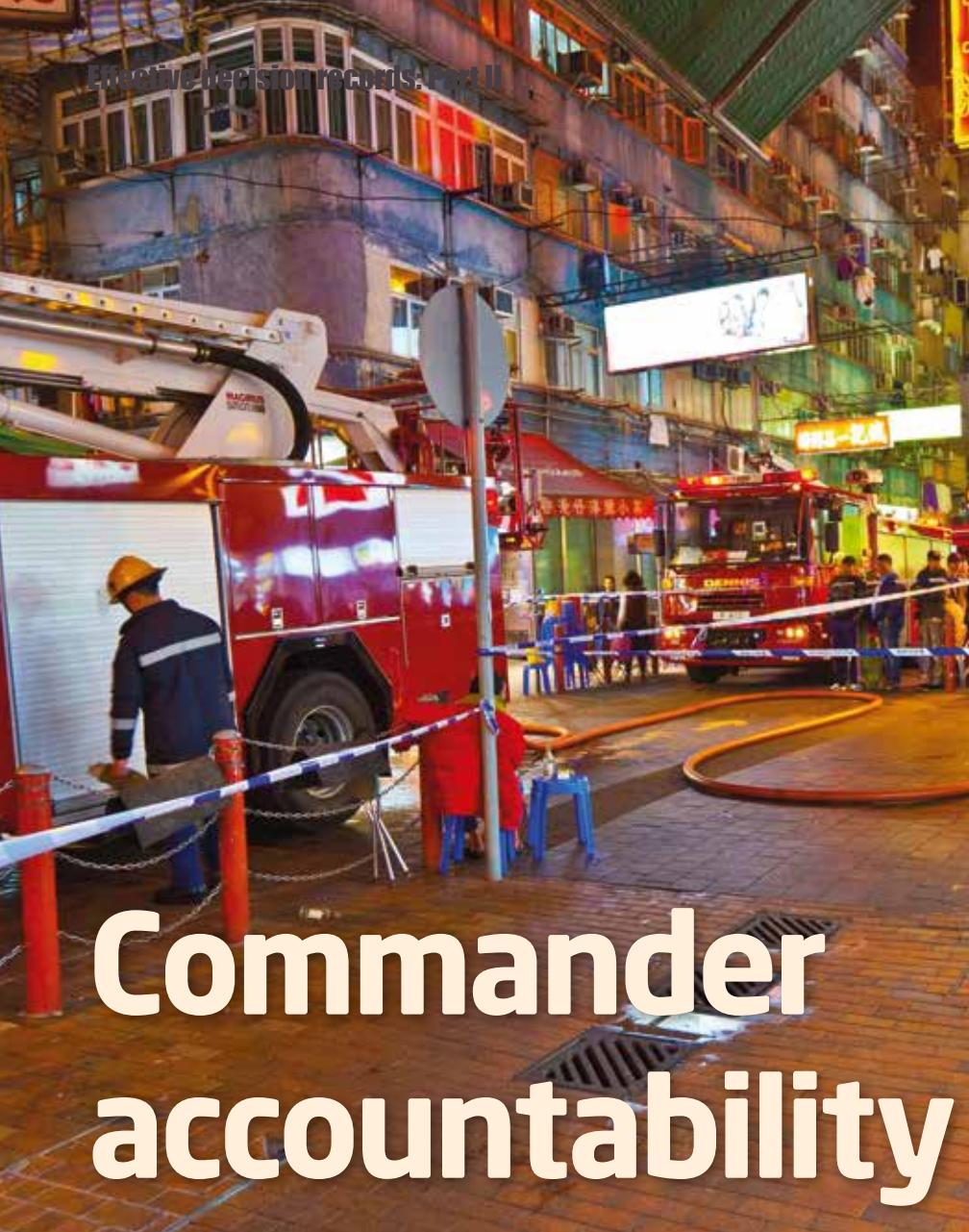
Events 94
Looking back 96
Europe 97
Frontline 98

Emily Hough speaks to Henri Ladyi, who demobilises rebel militias, especially child soldiers, in DR Congo

Demobilising child soldiers p98



Peace Direct



Commander accountability

Roger Gomm considers the importance of maintaining clear records during an incident, providing advice which, although primarily based within a UK context, is applicable to commanders wherever they may be in the world

All commanders are accountable and responsible for the actions and decisions made during a crisis or an emergency. They are also responsible for their own audit trail. Remember these words: "If it isn't recorded it didn't happen."

While your personal memory of an event may be good, the key to your records is that they aid recollection; they are not supposed to be a substitute for your memory. You may feel that you can rely on your recollection of events, but in the absence of a written record, you should expect the accuracy of your recollection to be challenged; this is likely to impact upon your professional and organisation's credibility.

Remember what is important is that these are your decisions; you need to have a process in place to deal with the recording of them. The value of contemporaneous notes is greatly

Emergency services commanders may find it hard to keep records of their decisions taken in an incident, but such records are vital if called upon to provide a rationale for what they did, and why

Joerg Hackemann

enhanced evidentially if they are taken in a certain way. To be admissible in evidence in criminal proceedings in the UK, they would have to conform to the *Rules of Evidence and statutory codes of practice (Police and Criminal Evidence Act 1984)*.

Importantly, the record should be made: "As soon as reasonably practicable." You remain responsible for your decisions; record them as soon as you can! That may include during the incident, after and, indeed, before (during planning for example).

All commanders and logists in the UK should reflect on *Section 139, Criminal Justice Act 2003*, which states: "A person giving evidence in criminal proceedings may refresh his memory from a document made earlier if he confirms: The document records his recollection of events, and recollection likely to be better than, than when giving evidence."

Decision-making must be recorded in a way that makes it auditable. Individual decision-makers must be identified and accountable for decisions they make. The rationale for a decision should be recorded along with the decision itself. And all decisions must be seen to be justifiable and robust, and more specifically:

- Proportionate (that there is a balance between competing rights and interests);
- Legal (actions are grounded in legislation or common law);
- Accountable (actions can be justified); and
- Necessary (different courses of action are considered).

This does not say that your decision has to be correct; it says your decision has to be justifiable according to what was known at the time the decision had to be made. This is a very important difference. As previously mentioned, no one goes out to make a wrong decision, so we like to look at the decisions made in line with a continuum of 'good to poor'.

Consider the next example:

- **Decision:** Not to arrest SMITH at this time.
- **Reason:** Insufficient evidence at this time.

Hopefully, you will agree that this is poor rationale or reasoning for the decision. We cannot judge the decision without more information being available. So it is not the decision that is necessarily poor – it is the reasoning. It tells the reader nothing, other than there is some evidence, not what it is and does not give anyone a chance to make a decision as to the appropriateness of it. It will not help you to justify your actions maybe some five years down the line.

- **Decision:** Not to arrest SMITH at this time.
- **Reason:** Anonymous information (see MIR6/57) has been received that BROWN was one of the persons involved in this incident. However there is no other information to confirm his involvement or any link/association with other named suspects. There is information linking these other persons named.

Until further information/intelligence is obtained I do not have anything to connect him to this incident except for anonymous information and therefore insufficient reasonable grounds to arrest SMITH at this time.

This decision will be reviewed following action as outlined in the next decision.

This is the same decision, but with sufficient rationale to explain to anyone why you did something, or in this case did not do something. Recording what you did not do and why can be as important as what you did do.

Turning to the role of a logist, during an emergency you find yourself too busy to make full notes. If so, remember the *UK Emergency Response and Recovery guidance* provides

three key reasons why decisions must be recorded:

- 4.6.1: To facilitate operational debriefs and evidence for enquiries;
- 4.6.2: To record a comprehensive record of events, decisions, reasoning behind key decisions and actions taken; and
- 4.6.3: Good record keeping allows lessons to be identified and made more widely available for those who might be involved in future emergencies.

I am sure you now recognise what a good line of questioning this would be during any judicial court hearing, and not an easy one to answer if you do not have a good record of your decisions and rationale.

The answer may be the service of a logist, whose role is to record all decisions made by a senior manager in their presence. A logist acts as a scribe, or a writer. Importantly, the record goes with the individual commander, not the logist. It will be the commander who is called to account or asked to explain a decision or action, not the logist.

Key role of logists

The key to the role is the relationship between the logist and the commander. In a dynamic and fast moving environment there is a need to communicate decisions and accompanying actions quickly – that is your role as the commander; the logist's role is to record contemporaneously what you, as the commander, have said and done.

The logist needs to be prepared, understand the role and responsibilities, and how you want to manage your decision log. He or she should be encouraged to ask questions to clarify points, remind you of actions and perhaps, during a quiet period, clarify the rationale for a decision (as soon as reasonably practicable). To build this understanding it is recommended that you seek and exploit training opportunities; record-keeping is a skill that is learned and professional training can be a great help.

Numerous command decisions will be made at the scene of an emergency. The following decisions and records should be created during the initial response phase, especially as they could be vital to any post event enquiry or learning.

Experienced commanders often take Dynamic Risk Assessment in their stride as part of the response process. The UK Joint Emergency Services Interoperability Programme (JESIP) describes

Dynamic Risk Assessment as a: "Process undertaken by individual agencies, reflecting the tasks/objectives to be achieved, the hazards that have been identified and the likelihood of harm from those hazards." It is not only sensible, but expected that assessment is recorded by the relevant commander from each agency.

One of the difficulties facing commanders from different organisations in a joint emergency response is how to bring together the available information, reconcile objectives and then make effective decisions together. The Joint Decision Model (JDM) shown in Figure 1 has been developed to enable this to happen. A fundamental part of the JESIP Joint Doctrine, the Joint Decision Model provides a common and consistent model that will allow operational and tactical commanders to make effective decisions together.

In common with most decision models, the JDM is organised around three primary considerations:

- **Situation:** what is happening, what are the impacts, what are the risks, what might happen and what is being done about it? Situational awareness is having an appropriate knowledge of these factors;
- **Direction:** what end state is desired, what are the aims and objectives of the emergency response and what overarching values and priorities will inform and guide this? and
- **Action:** what needs to be decided and what needs to be done to resolve the situation and achieve the desired end state?

The JDM develops these considerations and sets out the various stages of how joint decisions should be reached. One of the guiding principles of the JDM is that decision-makers will use their judgement and experience in deciding what additional questions to ask and considerations to take into account, to reach a jointly agreed decision. They must therefore be free to interpret the JDM for themselves, reasonably and according to the circumstances facing them at any given time. Strict adherence to the stepped process outlined in the JDM should always be secondary to achieving desired outcomes, particularly in time sensitive situations. A detailed and well-practised understanding of the JDM will facilitate clear and ordered thinking under stress.

Decision-makers may like to record their decisions using the JDM, perhaps using the Mnemonic VIAPOAR, which provides a useful structure for recording the rationale behind their decisions (brief notes in notebooks against individual letters). Any notes should be proportionate to the situation.

- V – The Values kept in mind during the decision-making situation
- I – What was known about the situation – Information
- A – How it was Assessed; what the working strategy was
- P – Any Powers, Policies, legislation that applied
- O – The main Options considered
- A – The decision made or Action taken
- R – What happened as a Result

If the JDM is being used to reach a decision then this should be reflected in the log. A log created in an organisation that purports to use the JDM but that doesn't mention it may create a problem in the future. Again, it will be expected that the report be recorded. Cordon type and locations, and other scene management processes, eg scene access control, rendezvous points and marshalling areas, will need to be recorded. This can be done by copying a map and drawing the locations and attaching the map to the official decision log. **CRJ**

- Next issue the author illustrates these decision-making concepts with examples drawn from real-life incidents.

Figure 1: Joint decision-making model (JDM)

