



Policy 1107

Subject

DE-ESCALATION

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By Order of the Police Commissioner

POLICY

The purpose of this policy is to ensure that members use De-Escalation Techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve a situation. When feasible, reducing the need for force allows members to secure their own safety as well as the safety of the public.

While members must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by Department policy (See Policy 1115, *Use of Force*).

CORE PRINCIPLES

Sanctity of Human Life. Members shall make every effort to preserve human life in all situations.

Value and Worth of All Persons. All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.

Peaceful Resolutions. Members shall avoid the use of force unless it is not possible to do so.

De-Escalation. Members shall use De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful commands without the use of force or with the lowest level of force possible.

Avoiding Escalation. Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.

Assessment. Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.

Use of Force: Reasonable, Necessary, and Proportional. Members shall use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.

Reporting Use of Force. Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the use of force by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

Duty to Intervene. Members shall intervene to prevent the abusive conduct or the use of excessive force by another member (See Policy 319, *Duty to Intervene*).

Duty to Provide Medical Assistance. After any use of force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.

Accountability. Members shall be held accountable for uses of force that violate law or policy.

Sound Tactics. Members shall comply with Departmental policy, follow training, exhibit sound tactics, and will be held accountable for poor tactical decisions, including failure to de-escalate and uses of force that violate law or policy.

Retaliatory Force. Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other punitive reason (See Policy 804, *First Amendment Protected Activity*).

DEFINITIONS

De-Escalation Techniques — De-Escalation Techniques are actions taken by members that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical re-positioning and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully.

Totality of Circumstances — The Totality of Circumstances consists of all facts and circumstances surrounding any event. The facts and circumstances may include but are not limited to:

- Whether an offense has occurred;
- The nature of the offense;
- The seriousness of the offense;
- The size and strength of the person;
- The number of persons;
- The availability of weapons;
- Whether the person is exhibiting signs of mental illness or is experiencing a behavioral health crisis;
- Whether a person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier;
- Other force options;
- Availability of non-force options, including tactical repositioning, going to cover, or other De-Escalation Techniques;
- Environmental factors;
- Availability of back up and specialized units.

GENERAL

1. De-Escalation Techniques seek to minimize the likelihood to use force during an incident, increase the likelihood of voluntary compliance, and/or lessen the amount of force that may be needed.
2. De-Escalation Techniques involve a range of tactics that can assist in slowing down or stabilizing an incident so that - when safe and feasible under the Totality of Circumstances - more time, options, and resources become available to safely resolve an incident.
3. The employment of De-Escalation Techniques is especially important to maintain member and individual safety during encounters with youth and persons experiencing a behavioral health disability or in crisis.

Examples of De-Escalation Techniques

4. De-Escalation Techniques may include, but are not limited to:
 - 4.1. Communication techniques to calm an agitated subject and promote rational decision making such as:
 - 4.1.1. Ensuring that only one member addresses the person and that other members present remain detached as much as safety permits,

NOTE: The presence of multiple members that are issuing commands to an agitated subject may escalate the incident by increasing the likelihood of miscommunication, and is less likely to result in a peaceful resolution. Whenever possible, only one member shall communicate with and address the person.

- 4.1.2. Regulating vocal tone and pitch (e.g., speaking slowly in a calm voice, rather than shouting commands),
 - 4.1.3. Using calming gestures and facial expressions (e.g., arms extended with palms out; avoiding angry expressions),
 - 4.1.4. Sharing the member's name, asking the person their name, and exhibiting a genuine willingness to listen,
 - 4.1.5. Practicing procedural justice techniques, such as explaining the member's actions and responding to questions (e.g., directly answering questions about why the police are there or taking action) in accordance with Policy 325, *Procedural Justice in Interactions*,
 - 4.1.6. Verbal persuasion (e.g., explaining, without threats, how the person would benefit from cooperation),
 - 4.1.7. Verbal advisements (e.g., respectfully explaining the person's rights or what the police want the person to do),

- 4.1.8. Verbal warnings (e.g., when necessary, notifying the person of the consequences of continued non-cooperation and then offering the person a chance to cooperate), and
 - 4.1.9. Avoiding the unnecessary display of weapons, including the CEW, a firearm, a baton, or OC Spray.
- 5. Decreasing the exposure to the potential threat by moving to a safer position. This may involve:
 - 5.1. Creating distance,
 - 5.2. Seeking cover,
 - 5.3. Tactical repositioning,
 - 5.4. Concealment, and/or
 - 5.5. Placing barriers between an uncooperative person and the member.
- 6. Slowing down the pace of the incident by slowing speech, taking deep breaths, and/or applying the critical thinking framework, including:
 - 6.1. Waiting out the person,
 - 6.2. Avoiding physical confrontation,
 - 6.3. Calling for extra resources outside of the person's hearing, whenever possible such as:
 - 6.3.1. Additional members,
 - 6.3.2. Specially-trained members (e.g., CIT-trained members, behavioral health care providers, negotiators, Qualified Bilingual Members, etc.), and
 - 6.3.3. Members equipped with less-lethal tools.

REQUIRED ACTION

Member

- 7. As part of their tactical planning, members shall begin to think through De-Escalation Techniques and the critical thinking framework (see Policy 1115, *Use of Force*) prior to arriving on the scene.
- 8. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a subject without proper evaluation of the situation, failing to leave sufficient space between the member and the subject, closing the reactionary gap, or escalating a situation.

9. When time and circumstances reasonably permit, members shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 - 9.1. Medical conditions,
 - 9.2. Behavior health disability,
 - 9.3. Developmental disability,
 - 9.4. Physical limitation,
 - 9.5. Language barrier,
 - 9.6. Drug interaction, and/or
 - 9.7. Behavioral health crisis.
10. A member's awareness of the possibilities outlined in **9.**, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the member when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
11. Members shall account for any fear-based reactions that youth and/or persons experiencing behavioral health disabilities or in crisis may experience during an encounter with law enforcement.
 - 11.1. If attempts to de-escalate an encounter with a youth or person experiencing a behavioral health disability or in crisis are unsuccessful in resolving the incident, and use of force is reasonable, necessary, and proportional, members shall consider personalized factors of the individual, including:
 - 11.1.1. Apparent age,
 - 11.1.2. Body size,
 - 11.1.3. Strength of the member relative to the individual, and
 - 11.1.4. The risk posed by the individual.
12. Any force used shall be de-escalated immediately as resistance decreases. If the individual stops resisting, the member shall stop using force.

Supervisor

13. Supervisors shall ensure an appropriate number of members respond promptly to an incident.
14. Supervisors shall assess members' tactical positioning and/or deployment of specialized equipment (e.g., bunker, CEW, less-lethal equipment).

15. Supervisors shall assess and document whether a member employed De-Escalation Techniques during a use of force review, including whether de-escalation efforts were successful.
16. Supervisors shall provide timely and constructive feedback directly to the member (see Policy 725, *Use of Force Reporting, Review, and Assessment*) and/or refer the member to further training if deficiencies are noted.

Education and Training (E&T)

17. The Commander of E&T shall provide updates and re-certification to all patrol members in De-Escalation Techniques during in-service training.

ASSOCIATED POLICIES

Policy 319, *Duty to Intervene*
Policy 325, *Procedural Justice in Interactions*
Policy 712, *Crisis Intervention Team*
Policy 713, *Responding to Mental Health Emergencies and Petitions for Emergency Evaluations*
Policy 725, *Use of Force Reporting, Review, and Assessment*
Policy 804, *First Amendment Protected Activity*
Policy 1103, *Communicating with Individuals Who are Deaf or Hard of Hearing*
Policy 1115, *Use of Force*
Policy 1202, *Interactions with Youth*
Policy 1735, *Language Access Services for Limited English Proficient (LEP) Individuals*

RESCISSION

Rescind Policy 1107, *De-Escalation*, dated 24 November 2019.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.