

De-escalation



Introduction

Campaign Zero's 8 Can't Wait initiative recommends that police departments "[r]equire officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force."⁴⁸

De-escalation employs techniques designed to safely stabilize a situation, reduce the immediacy of a threat, and resolve an incident with the least amount of force necessary.⁴⁹ The main goals of de-escalation are to defuse tense situations or conflicts, obtain voluntary compliance, prevent unnecessary use of force, and use the least amount of force if force is required.⁵⁰

The bedrock of de-escalation is communication.⁵¹ Common forms of de-escalation include techniques like active listening, explaining one's actions, reducing the intensity of a situation by creating distance or maintaining cover, and engaging support from medical professionals or other specially trained individuals.⁵²

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Policy review findings

The definitions for “de-escalation” and “de-escalation techniques” provide little detail and no examples

While APD policy does define the terms “de-escalation” and “de-escalation techniques,” the definitions lack detail and fail to provide examples to help clarify their meaning.⁵³

The term “potential force encounters” is not defined

APD’s de-escalation policy uses the phrase “potential force encounters” but does not define it.⁵⁴ This term is ambiguous and unnecessary. First, it is possible that an officer may initially gauge any encounter with a member of the public as one that could potentially result in a use of force. Second, de-escalation techniques like maintaining a safe distance, active listening, and explaining one’s actions are things that can be applied to all encounters. These strategies need not be reserved only for potential use-of-force encounters.

The policy does not adequately acknowledge or address factors outside of deliberate non-compliance that may affect someone’s ability to comply with officer commands

Law enforcement interactions do not take place in a bubble, so it is important for policing policies to address the real-life factors that may be at play during any given encounter that officers have with the public. Variables like external noises, language barriers, mental health indicators, physical size, age, vision and hearing capabilities, and medical conditions are all factors that can play into an individual’s ability to both acknowledge and follow instructions from officers.⁵⁵ APD policy fails to address these issues.⁵⁶

The policy discusses the potential for de-escalation efforts to fail but does not discuss the reasons that might happen

De-escalation efforts may indeed fail in some cases. APD’s de-escalation policy mentions this possibility but neglects to acknowledge or address some of the reasons why that might be the case.⁵⁷ Successful de-escalation cannot be accomplished by one person’s actions alone, but one person’s actions can be the reason that it fails. APD policy appears to put the onus of the success or failure of de-escalation efforts solely on the individual with whom they are being used.⁵⁸ The policy never reminds officers that their own actions can also impact de-escalation efforts.⁵⁹

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The current policy makes treating people with dignity optional

In 200.2.1(b)(3), the policy states that “to the extent possible and reasonable under the totality of the circumstances officers may use one or more of the following verbal techniques...”⁶⁰ The policy then goes on to list the techniques, the first of which being to “treat the subject with dignity and respect.”⁶¹ Placing this language after the word “may” has the effect of making it optional rather than mandatory.⁶² While some techniques may only be appropriate for some situations, officers should always be expected to treat community members with dignity and respect, and APD’s policy should reflect that. Communication is the bedrock of effective de-escalation, and that should be made more clear in APD’s policy.

Policy language tends to discourage de-escalation rather than incentivize it

Officers may already fear that if they use de-escalation tactics, which often require pausing and waiting, they may be accused of neglecting their duties because they did not spring immediately into action. In order to encourage compliance, the policy should make it clear that officers will not be penalized for engaging in appropriate de-escalation techniques.

Current APD policies relevant to de-escalation

The following APD policies are relevant to de-escalation:

- 200.1.2 Definitions;
- 200.2 De-escalation of Potential Force Encounters ; and
- 200.2.1 Assessment and De-escalation.⁶³

To view the full excerpts of these chapters, please turn to Appendix C.

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Recommended policy changes

Reformat the policies and add a new section to create a more linear and logical progression:

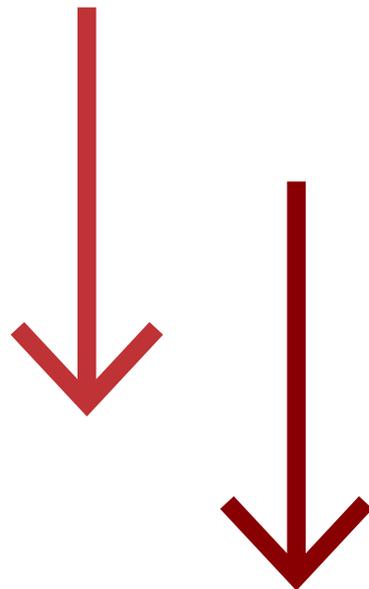
- (a) Keep section 200.1.2 Definitions;
- (b) Keep section 200.2. De-escalation (reformat the policy and remove the part of the title that reads “of Potential Force Encounters”);
- (c) Keep section 200.2.1 Assessment (reformat the policy and remove the part of the title that reads “and De-escalation”); and
- (d) Add a new section titled 200.2.2 Use of De-escalation Techniques

Replace the current policy language with the following:

200.1.2 DEFINITIONS

De-escalation – (1) The use of a range of techniques (e.g. communication, time, distance, cover, concealment, etc.) designed to create conditions that safely stabilize a situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least amount of force necessary. (2) Reducing or ending the use of force once a threat has diminished.

De-escalation Techniques – Tactics used by officers that are designed to increase the likelihood of gaining voluntary compliance and reduce the likelihood of using force during an encounter. Tactics may include, but are not limited to, the following: maintaining safe distance, active listening, clear communication, explaining what actions need to be taken and any alternatives, explaining the consequences of taking particular actions, and securing additional resources.



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200.2 DE-ESCALATION

Officers shall safely incorporate appropriate de-escalation techniques in all circumstances, and shall approach all encounters with the goal of preventing or minimizing uses of force and, in situations where compliance is needed, gaining voluntary compliance.

(a) While de-escalation efforts may fail in some instances, officers are expected to recognize their ability to impact the direction and outcome of many situations through their own conduct and decision-making. Officers shall not engage in unnecessary conduct that could be expected to escalate a situation. Examples include, but are not limited to, the following:

1. Becoming unnecessarily combative or aggressive;
2. Using insults, slurs, or rude gestures;
3. Unduly compromising one's own safety or the safety of others by making inappropriate or misguided tactical decisions; and
4. Unnecessarily rushing the pace of an encounter.

(b) Officers shall follow this order in accordance with other portions of the General Orders and/or specific Department-approved training that addresses de-escalation.

(c) Officers who, in accordance with this policy, take actions to de-escalate an incident will not be found to have neglected their duty as a result of those actions.

200.2.1 ASSESSMENT

(a) Gathering Information – As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional information and facts to develop an understanding of the totality of the circumstances relevant to the incident.

Pertinent information may include, but is not limited to, the following:

1. Factors that may impact an individual's ability to interact with officers, understand the nature of the situation, and/or voluntarily comply with instructions. Examples of such factors include, but are not limited to, the following:
 - a. Medical conditions;
 - b. Mental health diagnoses, Intellectual or Developmental Disabilities (IDD), or cognitive disorders;
 - c. Mental health crises;
 - d. Physical capabilities (taking into account factors like age, injury, or size);
 - e. Hearing or vision capabilities;
 - f. Language barriers;
 - g. Effects of drugs (street or prescribed) or alcohol; and
 - h. Conflicting noise or other distractions in the vicinity (e.g. multiple officers giving commands at the same time, traffic noise, lights and sirens, etc.).
2. The number of individuals involved in an incident and the number of people still at the scene; and
3. Events leading up to the call for service.

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(b) Assessing Risks and Benefits – After an officer has gathered sufficient information to form an understanding of the totality of the circumstances, they shall identify appropriate de-escalation techniques and determine how to safely employ them during the encounter. Factors that officers shall consider include, but are not limited to, the following:

1. Whether a particular action is immediately necessary (e.g. search, detention, arrest);
2. What risks and benefits may be associated with delaying immediate action;
3. Whether the situation requires, warrants, or could otherwise benefit from a supervisor's presence;
4. Whether other officers may be needed on the scene, including special units, such as CIT or CINT; and
5. Whether other resources (e.g. less-lethal weaponry, special equipment, or other emergency professionals, interpreters or other persons) are needed.

200.2.2 USE OF DE-ESCALATION TECHNIQUES

(a) Acknowledging that communication is crucial to de-escalation, officers shall at all times treat individuals they encounter with dignity and respect, and in the way the officer would wish to be treated if they stood in the individual's shoes. Officers shall pay particular attention to the manner in which they communicate (verbally and non-verbally) with individuals and shall consider how the tone, volume, cadence, and gestures with which they are communicating may be impacting an encounter.

(b) De-escalation also may involve actions such as securing additional resources, tactical repositioning, and employing verbal persuasion.

1. Securing Additional Resources – When the circumstances of an incident make doing so feasible and appropriate, officers should request and utilize additional resources. Officers should request resources that they, through relevant training and experience, believe would aid in resolving the situation without the use of force, or would help to minimize the use of force. Absent an immediate need to do so, officers shall avoid physically confronting an individual until such time as additional resources have arrived to assist. Additional resources may include, but are not limited to, the following:

- (a) Officer with special training, such as the Crisis Intervention Team or Critical Incident Negotiation Team;
- (b) Emergency medical professionals;
- (c) Mental health care providers;
- (d) Interpreters;
- (e) Supportive family members related to individuals involved;
- (f) Less-lethal weaponry; and
- (g) Additional officers.

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2. Tactical Repositioning – When the circumstances of an incident make doing so feasible and appropriate, officers should employ any one or more of the following tactical repositioning measures to try to minimize or avoid physical confrontation:

- (a) Maintain safe physical distance;
- (b) Maintain cover behind existing or assembled physical barriers; or
- (c) Communicate from a location that is concealed from the individual.

3. Verbal Persuasion – When the circumstances of an incident make doing so feasible and appropriate, officers should use one or more of the following verbal techniques to try to defuse tension and build rapport with individuals they encounter:

- (a) Listen to the individual's side of the story and permit them to express frustration;
- (b) Explain what the officer is doing, what other individuals can do, and what needs to happen;
- (c) Explain why the officer is taking a specific action, again permitting the individual to respond and acknowledging their perspective;
- (d) Provide the individual with alternatives, even if those alternatives may be limited;
- (e) Advise the individual of the consequences for noncompliance;
- (f) Offer reasonable, professional advice if it is expected to help; or
- (g) Provide the individual with adequate time within which to respond to directives. In determining how much time is adequate, officers should consider factors such as those listed in General Order 200.2.1.