CITY OF CHICO

POLICING REVIEW AD HOC COMMITTEE

Meeting Report

August 27, 2020, 1:00 p.m. – 2:30 p.m.

This meeting was conducted in accordance with Executive Order N-29-20

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1. **Call to Order** – Mayor Schwab – Meeting began 10 minutes late due to difficulties with committee members logging on to the WebEx platform.

Committee Attendees:	Mayor Ann Schwab, Vice Mayor Alex Brown, Councilmember Kasey Reynolds, Margaret Swick, Cory Hunt, Rob Berry, Interim COP Matt Madden, Omar Peña, Jim Parrott
Absent Members:	None

2. **Chico Police Officer Hiring and Background Checks – Matt Madden**

Chief Madden provided clarification regarding hiring and background checks.

<u>Background Process:</u> Those candidates who are selected to move to the next phase of hiring are entered in to a POST approved background process. This background is completed by a completely independent company who specializes in law enforcement employee hiring. The background has several parameters which are audited by POST for compliance once completed. Hiring dimensions investigated during the pre-employment background investigation include the following:

1. **Integrity**:
   CHARACTER – Job requires being honest and ethical.
2. **Stress Tolerance**:
   DEALING WITH STRESS – Job requires accepting criticism and dealing calmly and effectively with high stress situations.
   FREQUENCY OF CONFLICT SITUATIONS – How often are there conflict situations the employee must face in this job?
   DEALING WITH UNPLEASANT OR ANGRY PEOPLE – How frequently does the worker have to deal with unpleasant, angry, or discourteous individuals as part of the job requirements?
   SELF CONTROL – Job requires maintaining composure, keeping emotions in check, controlling anger, and avoiding aggressive behavior, even in very difficult situations.
3. **Decision Making and Judgment**:
   CRITICAL THINKING – Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
   FREQUENCY OF DECISION MAKING – How frequently is the worker required to make decisions that affect other people, the financial resources, and/or the image and reputation of the organization?
   INDUCTIVE REASONING – The ability to combine pieces of information to form general rules or conclusions (includes finding a relationship among seemingly unrelated events).
   DEDUCTIVE REASONING – The ability to apply general rules to specific problems to produce answers that make sense.
4. **Conscientiousness**:
   DEPENDABILITY – Job requires being reliable, responsible, and dependable, and fulfilling obligations.

INITIATIVE – Job requires a willingness to take on responsibilities and challenges.
ATTENTION TO DETAIL – Job requires being careful about detail and thorough in completing work tasks.
GETTING INFORMATION: Observing, receiving, and otherwise obtaining information from all relevant sources.

5. **Interpersonal Skills**:
   WORKING DIRECTLY WITH THE PUBLIC – Dealing directly with the public, such as serving customers in restaurants and stores, receiving clients or guests, etc. WORK WITH WORK GROUP OR TEAM – How important is it to work with others in a group or team in this job?
   CONCERN FOR OTHERS – Job requires being sensitive to others' needs and feelings and being understanding and helpful on the job.
   ACTIVE LISTENING – Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times.
6. **Communication Skills**:
   ORAL COMPREHENSION – The ability to listen to and understand information and ideas presented through spoken words
   SPEAKING – Talking to others to convey information effectively.
   WRITING – Communicating effectively in writing as appropriate for the needs of the audience.
   WRITTEN EXPRESSION – The ability to communicate information and ideas in writing so others will understand.

<u>The minimum standards for the regular basic police academy as mandated by POST:</u>
MINIMUM CONTENT AND HOURLY REQUIREMENTS
REGULAR BASIC COURSE (RBC) - STANDARD FORMAT
April 1, 2020

DOMAIN NUMBER	DOMAIN DESCRIPTION	MINIMUM HOURS
01	Leadership, Professionalism & Ethics	8 hours
02	Criminal Justice System	2 hours
03	Principled Policing in the Community	26 hours
04	Victimology/Crisis Intervention	6 hours
05	Introduction to Criminal Law	4 hours
06	Property Crimes	6 hours
07	Crimes Against Persons/Death Investigation	6 hours
08	General Criminal Statutes	2 hours
09	Crimes Against Children	4 hours
10	Sex Crimes	4 hours
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13	ABC Law	2 hours
15	Laws of Arrest	12 hours
16	Search and Seizure	12 hours
17	Presentation of Evidence	6 hours
18	Investigative Report Writing	48 hours

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21	Patrol Techniques	12 hours
22	Vehicle Pullovers	14 hours
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25	Domestic Violence	10 hours
26	Unusual Occurrences	4 hours
27	Missing Persons	4 hours
28	Traffic Enforcement	16 hours
29	Traffic Collision Investigations	12 hours
30	Crime Scenes, Evidence, and Forensics	12 hours
31	Custody	2 hours
32	Lifetime Fitness	40 hours
33	Arrest and Control	60 hours
34	First Aid, CPR, and AED	21 hours
35	Firearms/Chemical Agents	72 hours
36	Information Systems	2 hours
37	People with Disabilities	15 hours
38	Gang Awareness	2 hours
39	Crimes Against the Justice System	4 hours
40	Weapons Violations	4 hours
41	Hazardous Materials Awareness	4 hours
42	Cultural Diversity/Discrimination	16 hours
43	Emergency Management	16 hours
	Minimum Instructional Hours	589 hours
	The minimum number of hours allocated to testing in the Course are shown below.[1]	
	Additional instructional and testing hours for POST-required content	6 hours
TESTS		HOURS
	Scenario Tests (40 hours test administration; 18 hours scenario demonstration)	58 hours
	(LDs 1,4,7,20,21,22,23,25,30 and 37)	
POST-Constructed Comprehensive Tests		
	LD 34	1 hour
	RBC Test 1 (LDs 5,15,16,20,39)	3 hours
	RBC Test 2 (LDs 5,6,7,8,9,10,15,16, ,20, and 39)	3 hours
	RBC Test 3 (LDs 5,6,7,8,9,10,11,12,15,16,20,25,26, 28,37,39,40, and 43)	4 hours
Total Minimum Required Hours		664 hours

The above listed are the POST mandated minimum hours of instruction. The Butte College Police Academy has increased the number of training hours in various topics and has currently reached 965 hours. This is the case for nearly all regular basic police academy locations around the state.

<u>CIT Training – Officer Jim Parrott</u>

Crisis Intervention Training (CIT training) is a side by side mental health service/diversion program. It is taught by a team of officers who received special training on how to respond to people with mental illness and to learn what mental health services are available in the Chico area in order to divert them from the criminal justice system.

Chico PD began sending officers to CIT training 10 years ago to become certified after taking a week-long course. All officers started receiving a day-long CIT training 5-6 years ago. Training consists of an overview of mental illnesses, what local services are available, presentations by representatives from Butte County Mental Health, Enloe Hospital, and other local service providers, and training in de-escalation.

Officer Parrott addressed the narrative that he has heard that Chico Police Department needs additional training in de-escalation from civilians to improve a skill set that is perceived to be lacking. He feels Chico Police Officers are the most skilled in de-escalation in the community because it is what they do all day in responding for calls for service. The people the Chico Police Department critics would like to bring in are community members who quite often are the ones who call Chico Police Department when their attempts at de-escalation fail. Chico Police Department is 99% successful employing de-escalation and when they do need to use force, it is done in a manner that is deployed pursuant to policy. The idea that there is a problem needs to have some pushback. People using community mental health services are those who have already taken a step in the service provider's direction, indicating they would like some help. Chico Police Department is responding to people who didn't ask for help. They are in situations, such as being barricaded in a room, or walking down the street screaming. Chico Police Department officers are very skilled in de-escalation because they are using it every day in these situations. This is a skill that is learned on the street and not in a classroom. De-escalation training begins in the academy, is continued in field training and is modeled by training officers. Officers learn by emulating others and develop their own skillset through practice.

Cory Hunt shared has heard the community needs better treatment from officers. He's experienced it himself and thinks improvement is needed in de-escalation. He asked if the Chico Police Department saw any room for improvement.

Officer Parrott talked about the difference between feelings and data. He said testimonial experience is important to hear. Chico Police Department has never shied away from improving. They look for ways to have experiential training. They also provide feedback to officers in the field on de-escalation on how effective/ineffective it was.

Officer Parrott discussed of the community's expectation that the officers "be nice" when responding to a call, without recognition that officers need to take control of the situation and the circumstances demand that they gain immediate adherence to authority need to gain control over the situation. There are times that the circumstances are not debatable, they don't have time to debate and de-escalate their cooperation. Because people have these encounters and they feel the police weren't nice to them, the reality is the circumstances didn't dictate it.

Cory Hunt asserted this was not the reality all the time. He said there were situations that officers were pulling out guns when it was not necessary.

Rob Berry asked Cory Hunt for specific details. Cory Hunt shared he was pulled over and was asked who was in his passenger seat. When Cory Hunt didn't know his passenger's last name, the officer got mad and pulled out his gun.

Officer Parrott said he wasn't trying to take away from Cory Hunt's personal experience, he was offering the officer's perspective.

Margaret Swick asked how the Chico Police Department respond to shootings in other communities. Do they discuss it, do they view the video, do they use the incident they review their training, do they role-play it? How do they address morale?

Officer Parrott answered that there are national incidents that are looked at and reviewed. He also added that the reactions to the immediate situation is often different than after more information is received and to find the initial narratives were false. He discussed the case in Ferguson, MO as an example.

Chief Madden shared that when incidents occur in other agencies, the investigation takes time and he doesn't know what training occurs in those agencies. He said Chico Police Department will never miss an opportunity to train. Chico Police Department reviews critical incidents to determine if policy was followed, and if they were following policy, does the policy need to be updated. For instance, after the George Floyd incident, Chief Madden changed the City's carotid control hold policy.

Mayor Schwab asked how a community members register complaints of unnecessary force and what are the officers' responsibility when they witness excessive use of force and how are new training courses developed.

Chief Madden explained the complaint system and ways to register a complaint. A form is available at the police station, on-line, an officer will come to the person. All complaints are investigated. He is going to establish a Community Police Advisory Board. He has made the Chico Police Department's duty to intervene policy more robust. Chico Police Department tracks all use of force incidents and included in an annual report. Use of force incidents are a very low percentage of total annual calls. However, they don't track incidents of de-escalation. Chief Madden is identifying software which would tract de-escalation incidents and so this data will be included in the annual report. Use of force data is forwarded to the instructors and that information is constantly being incorporated into trainings.

Councilmember Reynolds asked about Lexipol, why we use it and if there are other services available. Chief Madden answered that Chico Police Department used to update their own policies. However, the policy binder has expanded and is now six inches thick. To ensure policies are not out of date or out of alignment with laws, Chico uses this third party service that most law enforcement agencies in California use. Lexipol updates the policy whenever a change is made, each officer must log on to the system, read the policy and sign they've read the update or new policy. Lexipol constantly updates the policy and it is objective.

Chief Madden provided comments regarding the company Chico Police Department uses for hiring background investigations. When he was hired, Chico Police Department used retired officers for the investigations. An internal background process is subjective, so Chico Police Department worked with HR to identify an outside firm. Chief Madden had a POST consultant review the investigations and the POST representative said they were incredibly thorough.

Vice Mayor Brown related she felt a little bit irked when incidents are whittled down to emotional responses. She's hearing we're doing great, and would like to know where we go from here and how we can provide more CIT training. She would like to know if there is value from bringing in trainers from outside Chico Police Department.

Officer Parrott said they bring in outside training all the time and is a specific component of CIT training.
A critical component of the CIT model is to bring in family members or actual patients to talk about their experiences to find out their perception of processes.

Vice Mayor Brown expressed a desire to speak about existing use of force policies and possible new policies.

Chief Madden agreed and pointed out that there are many pending pieces of legislation at the State level that will impact us at the local level.

Rob Berry expressed a desire to discuss issues around perception and context.

3. **BUSINESS FROM THE FLOOR/PUBLIC COMMENT** - Members of the public may address the Committee via WebEx or by email at policepubliccomments@chicoca.gov at this time on any matter not already listed on the agenda, with comments being limited to three minutes or as determined by the Chair. The Committee cannot take any action at this meeting on requests made under this section of the agenda

Addressing the Committee were: Julian Zener, Lana McGuire, Marty Dunlap, Scott Rushing, John Martin, Summer O'Neal

Questions raised/comments made:

1. Impression that Officer Parrott feels our training is superb and therefore our interaction with the public is superb and there is nothing to change and I would push back on that. I would also push back on the emotional response. Both sides have valid views, especially when a weapon was brandished.
2. Minneapolis policy had been in place for several years against neck compressions and they mandated intervention. There can be a discrepancy between policy and what is actually done.
3. I'm interested in what training changes have been made apropos of AB 392 where the adequacy using protentional of force has gone from reasonable to necessary.
4. My understanding of a policy being made by a private company, Lexipol, that leaves the community voice out of the conversation. A community advisory board I have heard about, but I have never, ever, ever met anyone that's tried to present the voice or brought information back. I have no trust for such an entity and it seems like there needs to be more developed that allows for community voice and our value system as a community.
5. Training comes from the different entities and then there's field training. Well field training is done by particular officers. During the time of Mr. Floyd's death it looks as though there was field training happening. I do not suggest a level of violence would be used on a typical basis against Chico citizens or visitors, but the training is dependent upon the value system of the department
6. Citizen complaints. I have had many people come to me over the more than 30 years I have lived in the community to tell me that something really disturbing has happened to them. And when I talk to them about making a complaint they were fearful, very fearful they're not going to do it. There's a segment of the population within our community that doesn't have these experiences. But when you're talking to young folks, people of color, low income folks, it tends to happen and so the fear is higher and they're not going to rush and go make a complaint. There's probably some complaints made but the folks that I've talked to with the severity of the situations, they were not willing.
7. I really appreciate the engagement, but it feels really one sided so far. I hope there is some balance that is created and I'm a little offended by the defensiveness from Cory's voice. He had something really important to say and I was impacted by hearing his experience. It felt like

no one else was impacted by it could there be at least a little humanity shared there. So I don't understand when it is appropriate or not appropriate for a gun to be drawn and I've heard of many situations when it has happened and its concerning

8. I really appreciate the comments of the last speaker and I'm pretty much in support of everything she said. I am concerned about the defensiveness of Officer Parrott as he was presenting information that all of our officers are extremely skilled. Well we've had problems. And then also from Madden that we have a robust citizen complaint system but we've had problems and I think as a person from the community I would like to hope we do have an opportunity to have an openness in this discussion. Because we want to build mutual respect and trust between the community and our law enforcement officers. And so whatever it takes to try to help the Police Department not to feel as defensive that they have to protect themselves and their position. We know they're doing the best they can, we know they can do better and we need them to do better.
9. Regarding using a third party for assessments. How does the public know that these officers are psychologically prepared for the job whether it is to use lethal force or to use de-escalation? Is there annual evaluations? Are they screened one time in their career, are they having a good day or a bad day? I'm very concerned about the psychiatric fitness not only to do their job but for their own safety and the third party situation. Do they evaluate that? And is there any verification that their information is accurate for Chief Madden or the department to analyze? I'd also like to know what is the number of citizen complaints.
10. I am a local citizen. I'm just meaning to learn more about what our police department is doing and I don't feel I've learned anything about what they are doing about our current, the issue about police reform about race relations. So I was disappointed to see there wasn't really a presentation being made and you know while in the meeting went through the attachment and I see that there is a lot of information that goes into their background check. And I guess this is a question that could be considered: when are they re-evaluated again? And how does that background check help if it's just one time before they're hired? Does help you understand if they have any history behaving badly towards people of color? Does it highlight any possible racist behavior? So that's one question.
11. I see that you have implicit bias, racial profiling, diversity two hours every five years after initial five hours.
12. Perception. I know Parrott used the word feelings. It sounded very condescending and I don't think that's a very good analogy. Perception is everything. If the perception in the community is that the police department is doing everything, then albeit. Community perception is important.
13. I was stopped by an officer and I thought he treated me very rudely. He asked me three times if I had been drinking.

4. <u>ADJOURNMENT -</u> Adjourn to the Adjourned Regular Meeting of Thursday, September 10th, 2020 from 1:00 – 2:30 p.m.

CITY OF CHICO MEMORANDUM

TO: Policing Review Ad Hoc Committee DATE: August 21, 2020

FROM: Chief Matt Madden FILE:

SUBJECT: Chico Police Training Review

Committee Members,

We have continued to review our processes and procedures concerning the way Chico Police completes and documents employee hiring and training. I am submitting the following information as educational material for the Police Review Ad Hoc Committee:

Becoming a Police Officer in California, specifically in Chico, is a very challenging and rewarding task which uses multiple vetting processes to ensure only the highest quality candidates are selected to serve our citizens. The hiring process starts with a thorough application and resume review by Human Resources and Risk Management. Once the applicant is approved by HR/RM they are scheduled for a written and physical exam, which meet the requirements of California Commission on Peace Officer Standards and Training (POST). This process typically reduces the overall candidate pool as the testing process is very arduous.

The next step in the process for those successfully passing the first two testing processes is to be interviewed by a panel comprised of experienced sworn and non-sworn employees within the police department. If the candidate is found to meet the high standards of the police department, they are moved to an executive interview comprised of both Deputy Chief's of Police. This interview is again a measure of the candidate's overall quality and abilities to perform within the high standards we set for success within our community.

Those candidates who are selected to move to the next phase of hiring will enter a POST approved background process. This background is completed by an independent company who specializes in law enforcement employee hiring. The background has several investigative parameters and regulations which are audited by POST for compliance once completed. Hiring dimensions investigated during the background include the following:

1. **Integrity**:
   CHARACTER – Job requires being honest and ethical.
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During the background investigation, an independent polygrapher will test the candidate for any signs of deception. The questions asked will stem around questions asked during the background process. If the candidate indicates significant signs of being deceptive, we will discontinue the

hiring process. There are times during the polygraph where a candidate shows a slight sign of being deceptive on a minor issue. This is handled by the polygrapher asking further clarifying questions to being out the truth. This can still also lead to discontinuing the hiring process.

It should be noted the background investigation for a Lateral Police Officer entails a more detailed process than a Entry Level or Police Academy Trainee. Specifically, the background investigator will get a chance to review files related to the candidate's personnel matters, training, and internal affairs investigations. This ensures we are provided a clear picture of any potential disqualifying matters related to legally protected employee files requested during a standard California Public Records Act request. In the review of these files, we will also learn how the candidate was rated within their employee evaluations and every training they have attended. Obviously, we want to know all issues related to the candidate's current performance and any disciplinary issues as a Peace Officer. The background investigator will have a conversation with the organizational members to learn further information beyond the evaluation process or personnel files. Valuable information is gleaned during this process, which can disqualify a candidate.

Once the background has been completed, it is audited by several members of the Chico Police command staff. The identified investigative parameters are of interest to ensure we are, in fact, vetting a highly qualified candidate. After the background has been vetted and deemed acceptable, the Chief of Police will hold a conditional job offer interview. The Chief will again vet the candidate at his/her level to ensure they meet the high standards set by the community. If the Chief finds the candidate acceptable for employment, they are provided with a conditional job offer. The final steps entail a medical evaluation to include a physical and psychological review. This information is guarded by HR/RM to ensure there are no potential allegations of discrimination based on the findings.

The POST background manual and regulations can be found at the following website:

https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator

Upon hiring, the following will occur depending on the classification of employment:

- Lateral Police Officer: POST academy graduate with at least the minimum 664 hours of POST mandated academy training. However, nearly all have attended POST academies with the increased hours like the Butte Academy with 965 hours. Officer enters the field training program and averages 400-600 hours of supervised training before being released as a solo Chico Police Officer
- Entry Level Police Officer: Butte Academy or other POST academy graduate with at least the minimum 664 hours of POST mandated academy training; 965 hours of POST academy training if they graduate from the Butte Academy. Officer enters the field training program and averages 800-1000 hours of supervised training before being released as a solo Chico Police Officer
- Police Academy Trainee: Trainee enters the Butte Academy and will ultimately receive 965 hours of academy training over six months. Once they graduate from the academy, they will enter the field training program and average 800-1000 hours of supervised training before being released as a solo Chico Police Officer

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TESTS

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RBC Test 3 (LDs 5,6,7,8,9,10,11,12,15,16,20,25,26, 28,37,39,40, and 43)	4 hours
Total Minimum Required Academy Instruction Hours	**664 hours**

The above listed are the POST mandated minimum hours of instruction. The Butte College Police Academy has increased the number of training hours in various topics and has currently reached 965 hours. This is the case for nearly all regular basic police academy locations around the state.

Every year, Police Officers receive 60 hours of regularly scheduled departmental training which is attended every other month. The topics covered in the regularly scheduled training include perishable skills and enrichment. Beyond the regularly scheduled department training, we provide monthly training in Use of Force/De-Escalation tactics and Firearms/Range training. Likewise, Commanders and Sergeants will hold briefing training which entails a multitude of topics that engage and involve every Police Officer. This amount of training every Police Officer receives on a monthly basis can easily surpass 10 hours in various topics. There are several courses we assign to employees which are completed via the POST Learning Portal website. Those mandated courses are as follows:

- Tactical Communications - 2 hours bi-annually
- Domestic Violence - 2 hours bi-annually
- Implicit Bias, Racial Profiling, Cultural Diversity - 2 hours every five years after initial 5 hours

The aforementioned training applies to every Police Officer within the Chico Police Department. We currently have several Police Officers who are assigned to collateral assignments which also require additional mandated training. Those specialties are as follows:

- K-9 Handler: 16 hours monthly
- Special Weapons and Tactics (SWAT): 15 hours monthly (Snipers receive 20 hours)
- Hostage Negotiations Team: 32 hours annually
- Use of Force Instructors: 4 hours quarterly
- Range Instructors: 8-16 hours annually

All training received within the police department is tracked in multiple audit trails. All in person training requires those attending to sign a POST course roster worksheet, which will include their POST training identification number. The attendance within these courses are certified by the training coordinator and logged within the employee training files.

All POST certified courses attended will be recorded within the POST Electronic Data Interchange (EDI). The EDI system is an electronic data base system managed by POST and authorized department training coordinators. This information can be compared to a college transcript as it is a printable report based on the training identification number. The POST

training identification number is used to track the employee starting from the academy and throughout their career.

The Chico Police Department was allocated $185,000 for FY 19/20 Training. In order to provide clarity on how these funds are spent throughout the organization, please see the following information which will answer your questions:

Mandatory Training (87% or $162,479)
This training is required by federal law, state law and/or department policy. This training, whenever possible, should be completed within a specified time period after appointment. This applies to all police department employees.

Desirable Training (12% or $22,521)
This training has been identified by the department as beneficial to an employee in a specific job assignment. Desirable training may also be training that has been identified by the employee as beneficial to his or her development.

Sworn total use of training funds = 89.5% or $165,669
Non-Sworn = 10.5% or $19,331

As you can see from summary of the Chico Police training, it is a very big machine which can consume our time and budgets. This is not a complete representation of our entire training program. I have provided you with a summary of the most important areas we must ensure training is provided and documented in accordance with departmental standards, Legislative mandates and POST requirements. It should also be noted, much of our training comes from a desire to make our employees exceed the standard set forth by the Legislation and POST.

From: Diane Suzuki-Brobeck
To: Police Public Comments; Alex Brown; aschwab@ci.chico.ca.us
Cc: Margaret Swick
Subject: Question for Ad Hoc
Date: Tuesday, August 25, 2020 5:00:23 PM

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The country is in trauma once again with the recent visuals of Jacob Blake, an unarmed young black father shot in the back in front of his three children. My question to Chief Madden: Will you and how will you brief your officers on this incident and give direction to them so that this never happens in our community?
Diane Suzuki
Concerned Citizens for Justice member

Diane Suzuki
CC4J Concerned Citizens for Justice – Chico
guardians not warriors
Visit our website: http://tiny.cc/CC4JWebsite
Like our Facebook page: http://tiny.cc/CC4J-Facebook

From: charlie yarbrough
To: Police Public Comments
Cc: Margaret Swick
Subject: PUBLIC COMMENT ITEM
Date: Wednesday, August 26, 2020 7:37:02 AM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Re the agenda for the 27Aug20 meeting: This is already the third meeting with as yet no public list of all the topics to be considered. And also no list yet of the kind of recommendations is the committee going to officially make or not make.

And no summary of public comments in the previous meetings and/or emails.

Is there any plan to listen to and consider anything except city assurances that all is well?

I'm basically a police supporter, but this series of staff presentations seems to simply ignore or deny in advance the many legitimate complaints that the chico-lexipol document is deeply flawed and does not actually match state law.

Also it's very confusing as to what the city is actually responding. Again, a topics list that all presenters talk to would be helpful and its absence encourages the cynical view that city administration is flooding us with information in order to not have to really listen and consider changes.

Are the cynics right? Is this just a whitewash? I sure hope it isn't, but that's not so obvious at this moment.

Charlie Yarbrough
charliey1001@gmail.com
273 E 3rd Ave, Chico, CA 95926
530-961-2041

From: Natalie Hanson
To: Public Comments
Subject: Questions ahead of today"s policing committee at 1 p.m.
Date: Thursday, August 27, 2020 9:18:35 AM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Hi,

I wanted to contact ahead of the committee today with my questions:

- After two days of de-escalation/crisis intervention training in 2017, how many officers have been hired since then? Why was that not a regular part of their training regime?

- What does the union think about new training?

- How will the police department deal with the logistics of more training?

Thank you,

--
Natalie Hanson
News Reporter, City of Chico
Chico Enterprise-Record
Cell: (619) 665-5887 | Office: (530) 896-7763
Email: nhanson@chicoer.com
Find me on Twitter @NatalieH_Orion

From: George G.
To: Police Public Comments
Subject: Credibility ?
Date: Thursday, August 27, 2020 1:51:10 PM

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During this meeting, Mr. Parrott's repeated attempts to discount and discredit Mr. Hunt's firsthand in person experience is yet another example of why CPD has a credibility problem.

From: Emily Alma
To: Police Public Comments
Subject: Police Review - comment
Date: Thursday, August 27, 2020 2:07:14 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

I want to hear Jim Parrot respond directly to the personal experience that Cory Hunt presented regarding a Chico Police Officer drawing a gun on him for NO reason. Parrot basically dismissed Cory's experience without acknowledging that the action of the officer even MAY have been inappropriate.

So far all we are hearing is all the ways that Chico PD is above reproach. This is how Police Complaints are dealt with. This is how Cory's personal example was dealt with; those experiences are COMMON in Chico among people of color and the homeless. Chico PD must stop dismissing these negative encounters of civilians under the rug. The public needs to hear from Chico PD that they are open to improving how they deal with the public, especially the most vulnerable among us.

--
Emily Alma

"... this is about the fight for the soul of our democracy. We cannot afford to lose this one." Rep. Elijah Cummings, 1951-2019, Rest in Peace

From: George G.
To: Police Public Comments
Subject: Current Law ?
Date: Thursday, August 27, 2020 2:10:43 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Distracting talk about California laws that are not yet in effect is interesting. Is Chico PD in compliance with the laws that are now in effect?
AB392, SB1421, SB978.

From: Emily Alma
To: Police Public Comments
Subject: Re: Police Review - comment
Date: Thursday, August 27, 2020 2:19:36 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Re Police Community Advisory Board - if they are starting up again, please Chief Madden, work with the public to allow for true public discourse and exchange.

Agree with Lana McGuire's response regarding dismissiveness of Cory's experience of having a gun drawn by Chico PD

On Thu, Aug 27, 2020 at 2:06 PM Emily Alma <emilyearth41@gmail.com> wrote:

> I want to hear Jim Parrot respond directly to the personal experience that Cory Hunt presented regarding a Chico Police Officer drawing a gun on him for NO reason. Parrot basically dismissed Cory's experience without acknowledging that the action of the officer even MAY have been inappropriate.
>
> So far all we are hearing is all the ways that Chico PD is above reproach. This is how Police Complaints are dealt with. This is how Cory's personal example was dealt with; those experiences are COMMON in Chico among people of color and the homeless. Chico PD must stop dismissing these negative encounters of civilians under the rug. The public needs to hear from Chico PD that they are open to improving how they deal with the public, especially the most vulnerable among us.
>
> --
> Emily Alma
>
> ***"... this is about the fight for the soul of our democracy. We cannot afford to lose this one." Rep. Elijah Cummings, 1951-2019, Rest in Peace***

--
Emily

"... this is about the fight for the soul of our democracy. We cannot afford to lose this one." Rep. Elijah Cummings, 1951-2019, Rest in Peace

From: Natalie Hanson
To: Police Public Comments
Subject: Policing committee question
Date: Thursday, August 27, 2020 2:29:38 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Hi,

Here was my question for the committee on top of the others that were sent earlier today.

We have talked so much about training being the answer to handle many different situations, without considering structural bias or systemic racism. I was wondering if next the department would hold a discussion about policing culture and biases and how they are addressed within the department or could be improved, as trainings are only one piece of the conversation. There has been a national conversation about how to assess how a department handles discussions about race and to allow community members to be heard in an open discussion with the police and look for ways to improve the culture. I was wondering if this could please be discussed next time? Thank you.

Thank you,
--
Natalie Hanson
News Reporter, City of Chico
Chico Enterprise-Record
Cell: (619) 665-5887 | Office: (530) 896-7763
Email: nhanson@chicoer.com
Find me on Twitter @NatalieH_Orion

From:	Stina Cooley
To:	Police Public Comments
Cc:	Andrew Jared
Subject:	New POST de-escalation strategy
Date:	Thursday, August 27, 2020 4:24:44 PM
Attachments:	DeEscalation.pdf

Good Afternoon Committee Members,
Committee Member Swick wanted to share this document for your information that she referenced during the meeting today.

- To avoid any potential Brown Act violations please do not "reply all" to this email.

Please feel free to contact me with any questions.

Thank you.

DE-ESCALATION

Strategies & Techniques

FOR CALIFORNIA LAW ENFORCEMENT

"De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation"

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(Inside cover)

DE-ESCALATION

Strategies & Techniques for California Law Enforcement

California Commission on Peace Officer Standards and Training

DE-ESCALATION:
Strategies & Techniques for California Law Enforcement
2020

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California Commission on Peace Officer Standards and Training

Published 2020

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Whenever a **gender**-specific term is used, it should be understood as referring to both **genders**, unless explicitly stated. This is done solely for the purpose of making the text easier to read.

THIS PUBLICATION was created under contract with the Government Training Agency (CA). It is part of a diverse body of information that develops the concept of de-escalation in law enforcement and offers considerations for statutory compliance and the advancement of policy, training, and the safety of officers and those they serve. A POST editorial review board helped produce the content herein.

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The reason why we exist as an organization…

POST MISSION STATEMENT

The mission of the California Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California law enforcement in serving its communities.

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FORWARD

Recent legislation in California, including Assembly Bill 392 and Senate Bill 230, have emphasized the continued need for law enforcement to leverage de-escalation tactics. Keeping communities safe is unquestionably of paramount importance for law enforcement. How law enforcement officers perform this obligation and how their actions are perceived by the community is of equal importance. A simultaneous focus on the foregoing will help facilitate trust within the community and reduce violent physical encounters.

In October 2019, the California Commission on Peace Officer Standards and Training (POST) convened over 100 subject matter experts from across the country to discuss de-escalation. Experts included law enforcement officers and dispatchers, mental health clinicians, attorneys and prosecutors, law enforcement auditors and monitors, and college professors. The POST "De-escalation Strategies and Techniques for California Law Enforcement" summarizes the findings and recommendations of the experts and stresses the importance of cultivating positive community engagement and agency culture; creating achievable strategies and clearly defined policies; leveraging training; and personnel wellness.

The recommendations identified by the subject matter experts and memorialized in this report are intended to assist law enforcement personnel in attaining safety and security while mitigating the potential for violent confrontations. POST staff are forever grateful to the many individuals who participated in, and assisted POST with this important endeavor.

Manuel Alvarez, Jr.
Executive Director

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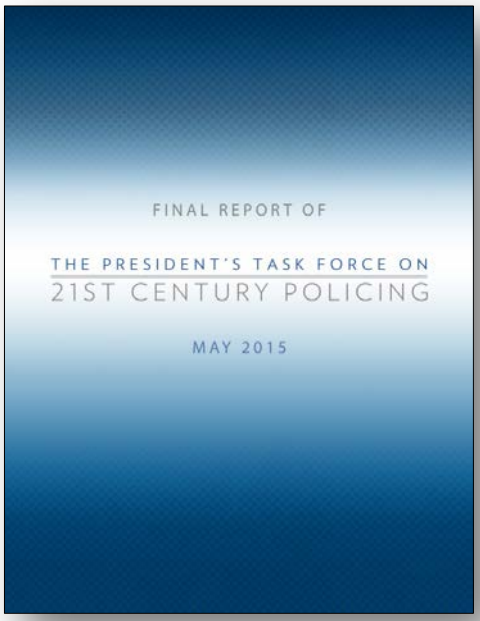
PREFACE

Our nation's Law Enforcement members are often called First Responders because they are the first to arrive at the scene of an emergency, a public contact, or call for service. Such emergencies and calls can be dangerous, even life-threatening. Despite imminent danger, they rush toward hazards, assume risks so others don't have to, and they confront diverse threats. These actions fall under the blanket of public service and protection of the communities they serve. This service is a law enforcement officer's duty; it's what they swore an oath to uphold.

There are strong societal expectations of law enforcement to operate under high standards, professionalism and civility, impartiality and fairness, and transparency. Such desired expectations are often challenging when having to confront those who are angry or violent, mentally impaired, under the influence, or who think an officer's lawful authority or the law does not apply to them. Officers and Deputies will apply their lawful influence, ranging from mere presence to deadly force and they often do so with immediacy and under the worst of conditions. Their actions should be balanced and measured; as these actions are assessed and reassessed to be reasonably and objectively congruent with law, policy, and training. Communities deserve public policy and service that mandate the highest policing standards possible, especially when it applies to the use of force or the seizure of a person.

Few would disagree that the decade preceding this publication has been challenging for law enforcement. There has been a notable emphasis on and necessity for the reemergence of Community Oriented Policing (COPS), but more specifically on specific components of COPS. Community policing, in all of its forms and applications, has been around for many years and in principle and as a philosophy, is timeless; however, like all things, as a philosophy and public strategy, it should develop, improve, and adapt to an ever-changing societal landscape.

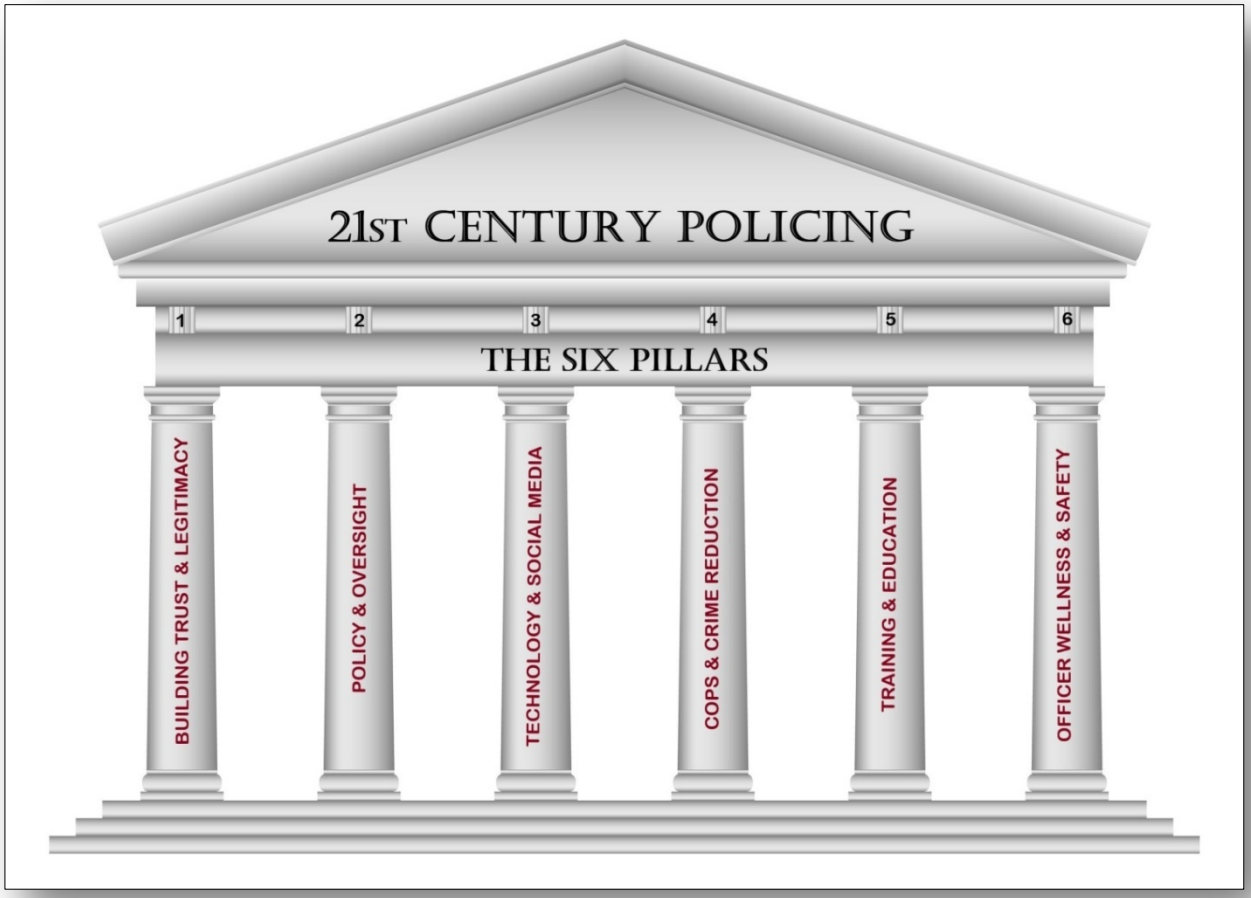


In December 2014, President Barrack Obama issued an Executive Order appointing an eleven-member task force to develop a project called **21st Century Policing** to respond to a number of serious incidents between law enforcement and the communities they serve and protect.

The President wanted a quick, but thorough response that would begin the process of healing and restore community trust. In May 2015, the final report on 21st Century Policing was published and this comprehensive report had a notable impact on national law enforcement. In the following years,

training was heavily influenced by the content of this report and the continuing necessity for improved relations between the police and members of the public.

As 21st Century Policing was integrated into law enforcement and influenced organizational philosophy, policy, and all levels of training, it became known primarily as Procedural Justice and Principled Policing. Through necessity, the umbrella of Community Oriented Policing expanded to



adopt and integrate Procedural Justice and Principled Policing as the next evolution to meet today's societal needs and to solve identified foundational problems being experienced by law enforcement. The contemporary elements of 21st Century Policing consist, in part, of six pillars:

21st Century Policing: The 6 Pillars

Pillar One:	**Building Trust & Legitimacy**
Pillar Two:	**Policy & Oversight**
Pillar Three:	**Technology & Social Media**
Pillar Four:	**Community Policing & Crime Reduction**
Pillar Five:	**Officer Training & Education**
Pillar Six:	**Officer Wellness & Safety**

Additional important aspects of Procedural Justice and Principled Policing that fell under the umbrella of Community Policing included:

- **Fair and Impartial Policing (Impartiality)**
- **Transparency**
- **Implicit Bias**
- **Police Legitimacy**
- **Constitutional Policing**
- **Tactical Communication**

One area in particular that has evolved and has the potential to pose a serious threat to law enforcement is **Police Legitimacy** or more accurately described; a lack thereof. This concept, left unaddressed, could have dire and long-lasting repercussions. When society begins to believe that the police no longer are legitimate, then the police are viewed to no longer have lawful authority. This scenario creates the potential for confusion, division, distrust, and the societal subversion of public safety in the best-case scenario and civil unrest, violence, and anarchy in the worst.

In recent years, there has been a sharp increase in the hyper-focus and scrutiny of high-profile uses of force by police. Anti-police/government groups were formed, organized, and even externally funded and their efforts at civil unrest included targeting law enforcement with hate-related speech and threats or violence. Adverse trends became commonplace on the Internet and through social media depicting those defying, aggressively challenging, and even menacing the police while video recording the contacts for mass public consumption. Mainstream media coverage of police incidents often lacked impartiality and reporting was sensational-based in that it was cosmetic, rushed, and lacked facts or journalistic thoroughness. These problematic and collective societal conditions, among others, could have a substantial adverse impact and far-reaching consequences.

The potential consequences of this troublesome scenario serve as a stark national warning and illustrates a critical necessity for law enforcement to develop, grow, and adopt improved strategies to meet today's challenges; legitimacy. Community Oriented Policing, 21st Century Policing, Procedural Justice, and Principled Policing exist to serve as a pathway to establishing and reestablishing public trust, police legitimacy, and the safety of law enforcement professionals and members of the public.

In California, law enforcement adopted these strategies and philosophies, thus committing to growth through change. These strategies and philosophies were implemented through training and education, policy and organizational standards, and tangible day-to-day applications in the field. Through this ongoing evolution, a specific sub-component emerged and was singled out and identified as a key element [emphasis added] that had great potential to address many of the identified foundational problems.

- **This key element could help law enforcement achieve success in their problem-solving efforts to accomplish specific desired goals and to mitigate possible weaknesses.**

- **Law enforcement may experience improved contacts, less confrontations or use of force, and improved image, respect, collaboration, and public trust.**

- **This component, employed as a deliberate overt action, is a skill and as a skill can be formalized and improved through training, video, publication, and policy.**

- **This skill is preemptive in that if applied effectively, its' value works to eliminate a potential problem *before* it becomes a problem; a form of Community Policing Risk Management of sorts.**

In short, law enforcement can and should be considered legitimate. This key element, identified to assist in accomplishing this critical goal, and the focus of this publication is **de-escalation.**

De-escalation is not new and every officer, without exception, has used and benefitted from a variety of applied de-escalation techniques, directly and indirectly, their entire careers. De-escalation, broken into the sum of its own parts, is skilled communication, conflict resolution, crisis intervention, and influence. Those skilled at de-escalation are persuasive and understand how to defuse aggression, anger, unlawful defiance, or uncontrolled emotions. De-escalation achieves control verbally before action should be taken to accomplish control physically.

This specific form of communication was formalized and introduced commercially and substantially into law enforcement in the mid-nineties and was known as ***Verbal Judo - The Gentle Art of Persuasion***. While Verbal Judo is still taught and practiced, in recent years law enforcement has adopted the term, Tactical Communication. Today, de-escalation incorporates any and all skills that might allow law enforcement professionals to more effectively solve some of the significant and contemporary problems facing law enforcement.

In October 2019, the Commission on Peace Officer Standards and Training (POST) convened a large summit in San Diego, California consisting of 100+ law enforcement subject matter experts and a diverse assortment of industry professionals to conduct an in-depth exploration of de-escalation. The mission of this exploration was to develop extensive data that could be translated into publication, training, and policy, in part, to help meet legislative and statutory requirements. The summit was attended by POST Leadership, Analysts, and Staff Members, Police and Deputy Sheriffs of all ranks, Dispatchers, University Professors, Attorneys, Legislative Representatives, Law Enforcement Trainers and Subject Matter Experts, Deputy District Attorneys, Department of Justice Attorneys', Nurses, the Executive Director of the California Police Chiefs Association, key staff from Arizona and Oregon, staff from the California Peace Officers Association, and a variety of private industry personnel with insight and expertise connected to de-escalation. The summit was hosted by CA POST and presented by the Government Training Agency (San Diego, CA) and the facilitation, gathering of all data, and documentation was carried out by facilitation teams from the Government Training Agency consisting of POST Master Instructors.

"De-escalation achieves control verbally before it should be accomplished physically."

The mission of this four-day POST Summit and the purpose of all those who generously offered their valuable insight was to identify and develop in-depth and broad information surrounding the nature of de-escalation for law enforcement. Their contributions were recorded and methodologically analyzed by summit facilitators. From this work emerged a robust exploration of the definition and meaning of de-escalation and de-escalation techniques, as well as four foundational themes that frame de-escalation for California policing, policy, and training:

1. **De-escalation Achievability and Procedure**
2. **De-escalation Culture and Philosophy**
3. **De-escalation Training**
4. **Wellness and Emotional Intelligence**

This work, examines these themes—their characteristics and how they may develop and support officers' capacity for the judicious and responsible exercise of the use of force…

"…*with respect for human rights and dignity and for the sanctity of every human life*." (PC 835a)

De-escalation is not a singular noun. Instead, it is a philosophy and perspective that highlights the officer's capacity for analytical thought, personal wellness, emotional intelligence, empathy, communication, and their competence and confidence with defensive tactics and legal matters. Consequently, much of the focus of these four themes is not on practical strategies and techniques, but it is instead focused on an examination of the culture and customs of policing, and how these may best prepare officers to police equitably, justly, and legitimately.

This comprehensive collection of data was assembled, processed, and authored as a publication for the California Commission on Peace Officer Standards and Training. This publication provides law enforcement with valuable insight into de-escalation in order to best achieve compliance with statutory law, improved public policy, the development of quality training, increased officer/public safety and the reduction of physical force, and the establishment and re-establishment of police legitimacy.

Although this information and the strategies herein are detailed and comprehensive, this manual is intended as a resource rather than a substitute for adequate training, policy, and other needed forms of agency support for de-escalation (Community Oriented Policing, Procedural Justice, and Principled Policing). Comments and suggestions concerning this manual should be directed to your POST Regional Consultant.

After thirty years of crisis counseling, de-escalation, negotiation, and persuasion, I'm convinced few things require as much skill as talking dangerous people into handcuffs

— Von Kliem (Use of Force Expert)

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ACKNOWLEDGMENTS

This guideline manual for de-escalation strategies and techniques could not have been developed without the combined efforts of a number of organizations and individuals. Contributions from the Commission on POST staff and the work of the Government Training Agency in coordinating and providing the logistical support for this publication has been invaluable.

POST would like to extend its gratitude to the law enforcement community and other professionals who gave of their time and expertise to contribute to the success of this project:

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INTRODUCTION

De-escalation, in all its forms and definitions, is not a stand-alone remedy for conflict or force. Rather, de-escalation is an implicit commitment and explicit skill, one of many, that should be used whenever possible, but at the officer's discretion and when feasible under the totality of the circumstances to minimize, divert, or eliminate conflict or force. Such discretion is guided by policy and law and enhanced through training and organizational culture. De-escalation serves as a potentially powerful tool, among others, with a diverse assortment of descriptors that will be explored in this publication. Dr. George Thomson (Founder of Verbal Judo) eloquently described the *practice* of de-escalation as:

"Redirecting behavior with words…
staying calm in the midst of conflict, deflecting verbal abuse,
and offering empathy in the face of antagonism"

Across the country, law enforcement officers collectively make upwards of 45 million of contacts each year under every circumstance conceivable. From a broad perspective, the vast majority of these contacts are successful and productive; business as usual. Unfortunately, the nature of the job, beyond public service, includes enforcement, protection, and the exertion of statutory authority (power). This professional burden is carried by police in the form of responsibility, duty, and public service. The simple reality is that sometimes police need to engage in conflict or physical force to gain lawful control and sometimes deadly force to protect their own lives or the lives of others. Most would agree that these options are always the last resort when lesser attempts to control have been attempted and failed or lesser attempts are not appropriate or safe based on the prevailing circumstances.

The concept of de-escalation is straightforward, simple, and direct. While its academic construction is important, the definition, history, and intellectual theories pale in comparison to its successful and tangible application in the field. De-escalation is *always* preferred over its alternative. De-escalation has saved lives countless times, thus the justification and necessity to explore and adopt this subject is without measure. Additionally, the desired byproduct for the successful training and application of de-escalation is less fear, reduced force, and fewer injuries. Further, the benefits of effective de-escalation include improved public/media image and relationships, reduced civil litigation, and of critical importance; a sweeping restoration of police legitimacy.

This publication is a call to action. Its content is meant to reintroduce and re-emphasize de-escalation, technique and philosophy, as a strategy based on real-world achievable skills to better address solvable problems; to do it better today than yesterday. The contents herein offer statutory requirements, clarification and definition, tactics, resources, diverse considerations for implementation, and illustrate the necessity and value of de-escalation as a tool to make policing more effective, safer, and to earn legitimacy in the eyes of the community that law enforcement serves.

The POST Commission's ***vision*** for this publication is to provide peace officers and dispatchers the principles of de-escalation and how it can provide effective tools during contacts with the public and result in improved decision-making, reduction in situational intensity, and outcomes with greater voluntary compliance. As such, the ***mission*** is to improve the law enforcement officer's ability to better understand the "facts," in volatile situations and consider alternatives to measures of force, *before* the application of force.

De-escalation *Problem-Results Model*

The following model provides an illustrative and topical overview; an action plan of sorts for law enforcement. The model utilizes the P-A-R Formula (Problem–Action–Result), thus offering agencies a quick-start reference and a broad-view approach that illustrates a programmatic beginning, middle, and end.

De-escalation Problem-Results Model: Agency Implementation

What are the ***PROBLEMS*** to be addressed and solved?

What ***STRATEGIES*** should be identified, selected, and developed to solve the problems?

With the strategies well identified and made into an action plan, how will the strategies be turned into tangible ***ACTIONS***; then practiced, reinforced, refined, and evaluated?

The measurement of success: After the strategies have been put to action and carried out, what are the ***RESULTS*** when contrasted and compared to the original identified problems?

COMPARE

PROBLEMS

1) Perceived Inequity/Implicit Bias
2) Public Distrust
3) Social Justice
4) Civil Unrest
5) Hostility/Escalation/Violence
6) Use of Force/Officer Safety
7) Civil Liability

(POLICE LEGITIMACY?)

STRATEGIES

- 21st Century Policing
- In-service & POST Training
- Officer Health/EI
- Transparency
- Senate Bill 230

Procedural Justice (Six Pillars)

- Building Trust & Legitimacy
- Policy & Oversight
- Technology & Social Media
- Cops & Crime Reduction
- Training & Education
- Officer Safety & Wellness

Principled Policing

- Neutrality
- Voice
- Respect
- Trustworthiness

Constitutional Policing

- Statutory Law
- Case Law (State/Federal)
- Civil Rights
- Policy

POST De-escalation Publication

ACTIONS

- Implement SB 230
- Policy Revision/Updates
- In-Service/External Training
- Academy Training
- Tactical Communication
- Public/Media Education

DE-ESCALATION

"De-escalation is the process of using strategies & techniques intended to decrease the intensity of the situation"

RESULTS

1) Fairness/Impartiality
2) Public Trust
3) Justice for All
4) Civil Harmony/Public Support
5) Community Relations
6) Decreased Uses of Force/ Increased Officer Safety
7) Risk Management
8) Gaining Voluntary Compliance
9) Defusing Crisis/Intervention
10) Reduced Complaints
11) Better Desicion-making
12) Mitigating Unintended Actions

(LEGITIMACY)

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What this publication is…

This publication is a timely, detailed, and information-rich living document designed to inform, benefit, and provide California law enforcement with relevant and diverse content about a critical concern for policing across the country. Further, it provides pending legislation (statutory law) information requiring change and compliance and offers law enforcement organizations with ideas, resources, and pertinent information to meet these challenges.

This publication is a guide for organizations to use as a valuable resource and serve as an ongoing reference to help agencies develop both standardized and effective policies. The content of this publication may serve law enforcement trainers, experts, supervisors, and managers to better develop relevant and quality comprehensive training. Such training is designed to minimally:

- **Increase officer and public safety by reducing the use of force**
- **Establish and re-establish positive public perception and police legitimacy**
- **Mitigate liability, complaints, and the disconnection and misperceptions between the police and the community through improved communication**

Law enforcement's use of force is a way to bring control to a problem that is out of control. Law enforcement's use of de-escalation is a way to bring control to a problem before it requires force. They work together in succession: de-escalation to force and force to de-escalation and while de-escalation is certainly preferred instead of, or prior to force, it does not restrict it, limit it, or replace it; they are both critical tools, among many, in a professional officer's diverse toolbox.

What this publication is not…

This publication is not an all-inclusive exhaustive or complete (finished) exploration of de-escalation; no such document exists and if it did, it would be thousands of pages long and impossible to navigate or implement.

This publication is not the definitive "how-to" manual or official mandate that dictates how law enforcement agencies shall draft their policies or construct their training.

This publication does not suggest that de-escalation is a panacea that wholly replaces an officer's necessity to use objectively reasonable, justifiable, and lawful force to defend themselves or those they serve.

De-escalation: Strategies & Techniques for California Law Enforcement

Executive Summary

In October 2019, the Commission on Peace Officer Standards and Training (POST) convened a large summit in San Diego, California consisting of 100+ law enforcement subject matter experts and a diverse assortment of industry professionals to conduct an in-depth exploration of de-escalation. The mission of this exploration was to develop extensive data that could be translated into publication, training, and policy, in part, to help meet legislative and statutory requirements.

This executive summary is offered to provide a concise working overview of the Commission's comprehensive publication on de-escalation. Under today's unique and dynamic social climate, diverse de-escalation strategies, techniques, and the publication's peripheral topics have never been more relevant, timely, and critical.

The POST publication is a detailed, multi-pronged, and thorough examination of de-escalation with topics that include:

- The safety of law enforcement officers and those they serve.
- Showing a process of using strategies and techniques intended to decrease the intensity of the situation.
- Utilizing a multitude of developed skills, methods, and mindset to reduce or eliminate the use of force and establish police legitimacy. De-escalation seeks to achieve control verbally before it needs to be accomplished physically.
- Providing tangible tools, ideas, techniques, and resources to help law enforcement professionals' better resolve conflict through a wide variety of options and applications.
- Integrating the tenets of 21st Century Policing, Procedural Justice, Principled Policing, Community Oriented Policing, and Officer Wellness and Emotional Intelligence.
- Providing the legal qualifications/mandates and statutory framework for Senate Bill 230 (effective January 1, 2021) and Assembly Bill 392.
- Providing agencies with information on de-escalation to assist in the development of training direction and content and the expansion of department policy.

De-escalation Content Summary

The front matter of the publication highlights the recent historical developments of the President's Task Force on 21st Century Policing and its primary objectives (Six Pillars). Included is the integration of Procedural Justice, Principled Policing, and Community Oriented Policing and the important tenets that fall under the umbrella of these critical areas of law enforcement.

The publication introduces the ***Problem-Results Model*** that provides a topical overview of the current **problems** to be solved, **strategies** to be identified and developed, **actions** that should be taken, reinforced, and evaluated, and the **results** that illustrate the measure of progress/success.

Legal Qualifications and Statutory Framework

A catalyst in the necessity for the publication is the comprehensive requirements and changes detailed in Senate Bill (SB) 230, which becomes effective on January 1, 2021 and Assembly Bill (AB) 392, which became effective on January 1, 2020. The content of these bills are detailed in the publication. Of particular note, **De-escalation** and the **Duty to Intercede** are inclusive under SB 230.

> This bill would, by no later than January 1, 2021, require each law enforcement agency to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things. The bill would require each agency to make their use of force policy accessible to the public. By imposing additional duties on local agencies, this bill would create a state-mandated local program.

De-escalation Defined

"De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation."

The publication breaks down the definition into the definitive sum of its own parts: process, strategies, and techniques to achieve a desired successful outcome. Also covered are the desired skills and traits that contribute to effective de-escalation, what de-escalation is not, and a detailed listing showing what causal factors may contribute to how de-escalation efforts may fail.

The publication provides an overview of the summit participant's unique perspectives of the adoption and use of de-escalation, developing a de-escalation mindset, and the officer's duty to intercede (aka intervene); **Penal Code Section 13519.10 (a)(10)(2)** and **Government Code 7286 (a)(8).**

De-escalation: Achievability & Procedure

Policies and frameworks outlining the implementation of de-escalation practices in the field should be adequately flexible to allow officers to select the best course of action in given circumstances. **Adequate Flexibility = Professional Discretion** (critical in law enforcement).

De-escalation "*should be part of an organizational system and practice*" (Michael Bishop, San Diego Harbor Police). Change comes from within; organizations should foster a culture of de-escalation practices among all personnel, so the practice can be mirrored when interacting with the public. **De-escalation is an internal strategy and is not just techniques, but a collective (culture) way of thinking (philosophy/mindset)**.

Key Elements:

1) Strategies covering personnel mindset (training, culture, health and wellness);
2) Achievable tactics, techniques, and procedures for top-down de-escalation;
3) The foundational importance of communication;
4) Establishing and maintaining open dialogue with the community; and
5) The necessity for review and assessment standards to be achievable and clearly stated.

De-escalation: Culture & Philosophy

Summit participants consistently made the assertion that establishing a policing culture focusing on a philosophy that policing exists for the primary purpose of protecting life, is the foundation for any successful De-escalation program. Participants emphasized throughout the Summit that De-escalation is not simply a technique or tactic that can be addressed in a singular element of policy, training, or policing procedure. De-escalation is a product of an overarching commitment through organizational culture and philosophy to protecting life. This proposition requires a top-down acceptance by practitioners and the communities they serve.

Key Elements:

1) The Warrior vs. Guardian mentality and the development of a guardian mindset culture;
2) Desirable characteristics are closely related to personnel practices (i.e. recruitment, hiring, retention, evaluation, and promotion); and
3) It is important to develop a feedback system with established methods to measure success or problems.

De-escalation Training

The importance of effective de-escalation training weighed heavily in the contributions of summit participants. Every theme included a focus on the need for effective internal and external training. To this end, the summit participants offered five principal assertions for police de-escalation training: 1) De-escalation training should be pervasive; 2) Successful de-escalation training begins in the basic academy; 3) FTO programs should be consistent in transitioning de-escalation concepts to tangible application; 4) De-escalation training should be consistently interlinked to in-service (roll-call training, videos, and meetings) and advanced officer training; and 5) Supervisors and managers should receive training not only on the mechanics of de-escalation, but also on the methods for the communication of de-escalation philosophies inclusive of the organizational mission and vision.

Key Elements:

1) De-escalation training should be engaging and learner-centered;
2) Education for police de-escalation should be offered to the public;
3) De-escalation should include specific content (recommended content is included); and
4) Specialized de-escalation training includes Dispatchers, Academy Instructors, FTOs, and Supervisors/Managers.

De-escalation: Wellness & Emotional Intelligence

As policing changes, becomes more sophisticated, and develops to meet contemporary challenges, health, wellness, and emotional intelligence (EI) for law enforcement is substantially important; even life-saving. The President's Task Force on 21st Century Policing highlighted six primary areas of focus surrounding six pillars. The sixth pillar is Officer Wellness and Safety. The Law Enforcement Mental Health and Wellness Act of 2017 (LEMHWA) was signed into law in January 2018, recognizing that law enforcement agencies need and deserve support in their ongoing efforts to protect the mental health and well-being of their staff. An enlightened organizational culture, quality training, and available stigma-free resources for good mental and psychological health are just as vital as good physical health for law enforcement officers. To enjoy the success and longevity of a quality law enforcement career, officers must consider a holistic approach to wellbeing; the whole package—mind (EI) and body (wellness).

Key Elements:

1) Maximizing the quantity and quality of life;
2) Understanding the "rules" to achieving wellness;
3) Wellness programs and training;
4) Understanding what Emotional Intelligence and Officer Wellness are;
5) Proper emotional intelligence incorporates the ability to accurately assess and recognize your own emotional state or state of mind;
6) Factors that contribute to an adverse emotional state;
7) Assessment and self-regulation;
8) The considerations and components of an officer wellness program;
9) Wellness and the organizational culture; and
10) Wellness resources, publications, and technology.

De-escalation: Methods, Techniques, & Tactics

The most successful officers possess situational flexibility and spontaneous adaptability. Their methods, techniques, and tactics are not an assortment of preplanned actions; they don't react, they respond and do so in a fluid manner. They revise their approach on the fly and continually adapt, assess, and reassess until something starts to work. This trial and error approach enjoys the most

flexibility and success when officers have a broad and varied assortment of methods and techniques to choose from; like tools in an assorted toolbox. The more options officers have, the more effective they are at de-escalation and such options can range from applied empathy and a yielding friendly approach to immediate physical force. The key is to ebb and flow; never be static until success has been realized, the objective has been accomplished, or de-escalation is no longer an option.

Key Elements:

1) Pre-contact assessment of the situation and the subject;
2) Move, distract, or isolate;
3) Giving others a voice;
4) Using your supervisor effectively;
5) It's not what you say, it's how you say it;
6) Your goal in control;
7) Be explanatory;
8) Identify the source of hostility;
9) Control non-verbal communication;
10) Take your time – slow things down;
11) Winning by losing;
12) The power of civility;
13) Update your contact;
14) Identify your potential external allies;
15) Special populations job aid;
16) Crisis Intervention Training (CIT) techniques/training;
17) After action debriefings/reports are critical for success;
18) Successful de-escalation is de-escalation well documented;
19) Concluding your contact – developing an effective exit strategy; and
20) De-escalation during civil unrest/protests.

De-escalation: A Complete Understanding

Throughout this publication, there are innumerable ways to develop an understanding of, and carry out the "art" of de-escalation. There are tools to train officer's with and to give them knowledge and skills that will assist them their journey to successfully addressing and concluding in the best possible manner many, if not most, of their contacts and calls for service. Terms like Procedural Justice or Police Legitimacy are significant and should not be treated lightly and related contemporary terms such as De-escalation and Duty to Intercede also carry significant weight. California law enforcement operates under very strict rules with each agency providing hundreds if not thousands of policies and

procedures to follow. Laws must be followed and the constitution of both California and the United States is paramount – our citizens must be protected. We trust that you will find the publication to contain information that will allow your agency to serve the public in the best possible way.

CHAPTER 1

LEGAL QUALIFICATIONS AND STATUTORY FRAMEWORK

A catalyst in the necessity for this publication is the comprehensive requirements and changes detailed in Senate Bill (SB) 230, which becomes effective on January 1, 2021, and Assembly Bill 392, which became effective on January 1, 2020.

One word, in its varied forms, that is consistent in all foundational descriptions used to identify the purpose, mission, and duty of law enforcement is the word, ***Service***.

Public Service | Public Servant | To Protect & Serve

Providing new standards that improve policy and training that reduces the use of force through constitutionally sound policing is meeting the critical responsibility to better serve.

To achieve this honorable responsibility, law enforcement leaders, the Attorney General, California State Legislators, the American Civil Liberties Union, the Peace Officers Research Association of California, the California Police Chiefs Association, related advocates, and community stakeholders and organizations worked in partnership to revise and modify California law. These collaborative efforts provided improved statutory guidance for law enforcement's use of force.

SB 230 is the result of these collective efforts to help minimize the use of force, in part, through constitutional policing, providing the highest level of protection and safety for members of the public, and to develop the most effective and comprehensive policies and training available to assist Peace Officers successfully meet their duty to serve.

This bill requires each law enforcement agency to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things. This bill requires California POST (The Commission) to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force.

Additionally, the bill requires the Commission to develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for the use of force, as specified. The bill requires law enforcement agencies to adopt and promulgate a use of force policy and states the intent of the Legislature that each law enforcement agency adopts, promulgate, and require regular and periodic training consistent with the agency's policy that complies with the guidelines developed under this bill.

The successful implementation of SB 230 in combination with AB 392 will provide California's over 600 agencies and nearly 90,000 sworn peace officers with training, backed by policy, to reflect the new standards. It will provide the knowledge and skills needed to reduce the use of force and best utilize community policing to deliver the most safe, effective, and exemplary public service and law enforcement possible.

De-escalation is a foundational part of SB 230 and law enforcement agencies should thoroughly examine, adopt, and integrate the contents of SB 230 into their organizational philosophy/culture, policy and procedures, and training. Agencies should ensure that key organizational staff is wholly familiar with SB 230 as it is integrated into revised and improved policies and developed and presented through training and publication.

Senate Bill No. 230

SB 230, Caballero. Law enforcement: use of deadly force: training: policies.

(1) Existing law requires each law enforcement agency to annually furnish specified information to the Department of Justice regarding the use of force by a peace officer. Existing law requires the Department of Justice, once per year, to update a summary of information contained in the reports received on its internet website. Existing law requires a department or agency that employs peace officers or custodial officers to establish a procedure to investigate complaints by members of the public against those officers.

This bill, by no later than January 1, 2021, requires each law enforcement agency to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things. The bill requires each agency to make their use of

force policy accessible to the public. By imposing additional duties on local agencies, this bill creates a state-mandated local program.

(2) Existing law establishes the Commission on Peace Officer Standards and Training in the Department of Justice and requires the commission to adopt rules establishing minimum standards regarding the recruitment of peace officers. Existing law requires the commission to develop guidelines and implement courses of instruction regarding racial profiling, domestic violence, hate crimes, vehicle pursuits, and human trafficking, among others.

This bill requires the commission to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force. The bill requires the commission to develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for the use of force, as specified. The bill requires law enforcement agencies to adopt and promulgate a use of force policy and will state the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with the agency's policy that complies with the guidelines developed under this bill.

This bill will make findings and declarations regarding the intent of the bill, as it pertains to law enforcement agencies' use of force policies, including that those policies may be introduced in legal proceedings and may be considered as a factor in determining the reasonableness of an officer's actions, but do not impose a legal duty on an officer to act in accordance with the policy.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) This bill will also make its provisions operative contingent on the enactment of Assembly Bill 392 of the 2019–20 Regular Session.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares:

(a) The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone.

(b) Law enforcement officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they

should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely.

(c) Vesting officers with the authority to use necessary force as determined by an objectively reasonable officer and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

(d) The authority to use force is a serious responsibility given to peace officers by the people who expect them to exercise that authority judiciously and with respect for human rights, dignity, and life.

(e) The intent of this act is to establish the minimum standard for policies and reporting procedures regarding California law enforcement agencies' use of force. The purpose of these use of force policies is to provide law enforcement agencies with guidance regarding the use and application of force to ensure such applications are used only to effect arrests or lawful detentions, overcome resistance, or bring a situation under legitimate control.

(f) No policy can anticipate every conceivable situation or exceptional circumstance which officers may face. In all circumstances, officers are expected to exercise sound judgment and critical decision-making when using force options.

(g) A law enforcement agency's use of force policies and training may be introduced as evidence in proceedings involving an officer's use of force. The policies and training may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.

(h) Every instance, in which a firearm is discharged, including exceptional circumstances, shall be reviewed by the department on a case-by-case basis to evaluate all facts and to determine if the incident is within policy and in accordance with training.

SECTION 2. Chapter 17.4 (commencing with Section 7286) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.4. Law Enforcement Use of Force Policies

7286. (a) For the purposes of this section:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force includes, but is not limited to, the discharge of a firearm.

(2) "Feasible" means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

(3) "Law enforcement agency" means any police department, sheriff's department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the

California State University, or community college, the Department of the California Highway Patrol, the Department of Fish and Wildlife, and the Department of Justice.

(b) Each law enforcement agency shall, by no later than January 1, 2021, maintain a policy that provides a minimum standard on the use of force. Each agency's policy shall include all of the following:

(1) A requirement that officers utilize **de-escalation** techniques, crisis intervention tactics, and other alternatives to force when feasible.

(2) A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

(3) A requirement that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.

(4) Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.

(5) A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

(6) Procedures for disclosing public records in accordance with Section 832.7.

(7) Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.

(8) A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

(9) Comprehensive and specific guidelines regarding approved methods and devices available for the application of force.

(10) An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased.

(11) Comprehensive and specific guidelines for the application of deadly force.

(12) Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Section 12525.2.

(13) The role of supervisors in the review of use of force applications.

(14) A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.

(15) Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.

(16) Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

(17) Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted.

(18) Factors for evaluating and reviewing all use of force incidents.

(19) Minimum training and course titles required to meet the objectives in the use of force policy.

(20) A requirement for the regular review and updating of the policy to reflect developing practices and procedures.

(c) Each law enforcement agency shall make their use of force policy adopted pursuant to this section accessible to the public.

(d) This section does not supersede the collective bargaining procedures established pursuant to the Myers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4), the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4), or the Higher Education Employer-Employee Relations Act (Chapter 12 (commencing with Section 3560) of Division 4).

SECTION 3. Section 13519.10 is added to the Penal Code, immediately following Section 13519.9, to read:

13519.10. (a) (1) The commission shall implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force. The guidelines and course of instruction shall stress that the use of force by law enforcement personnel is of important concern to the community and law enforcement and that law enforcement should safeguard life, dignity, and liberty of all persons, without prejudice to anyone. These guidelines shall be a resource for each agency executive to use in the creation of the use of force policy that the agency is required to adopt and promulgate pursuant to Section 7286 of the Government Code, and that reflects the needs of the agency, the jurisdiction it serves, and the law.

(2) As used in this section, "law enforcement officer" includes any peace officer of a local police or sheriff's department or the California Highway Patrol, or of any other law enforcement agency authorized by law to use force to effectuate an arrest.

(b) The course or courses of the regular basic course for law enforcement officers and the guidelines shall include all of the following:

(1) Legal standards for use of force.

(2) Duty to intercede.

(3) The use of objectively reasonable force.

(4) Supervisory responsibilities.

(5) Use of force review and analysis.

(6) Guidelines for the use of deadly force.

(7) State required reporting.

(8) **De-escalation** and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.

(9) Implicit and explicit bias and cultural competency.

(10) Skills including **de-escalation** techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.

(11) Use of force scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision-making.

(12) Alternatives to the use of deadly force and physical force, so that **de-escalation** tactics and less lethal alternatives are, where reasonably feasible, part of the decision-making process leading up to the consideration of deadly force.

(13) Mental health and policing, including bias and stigma.

(14) Using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

(c) Law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on use of force. The commission shall assist where possible.

(d)(1) The course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field on use of force. The groups and individuals shall include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public.

(2) The commission, in consultation with these groups and individuals, shall review existing training programs to determine the ways in which use of force training may be included as part of ongoing programs.

(e) It is the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with an agency's specific use of force policy that, at a minimum, complies with the guidelines developed under subdivisions (a) and (b).

SECTION 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SECTION 5. This act shall take effect only if Assembly Bill 392 of the 2019–20 Regular Session is enacted and becomes operative.

Senate Bill No. 230 Source: California Legislative Information
Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB230

Assembly Bill No. 392

On August 19, 2019, Governor Gavin Newsom signed AB 392 into law. AB 392 is an act to amend Penal Code Sections 196 and 835a of the Penal Code, relating to California's peace officers.

The Governor and members of the legislature accepted substantial input from a variety of law enforcement associations and legal counsel in amending AB 392's original language (AB 391). AB 392 specifically updates California's legal standard that governs when force can be used and how to subsequently evaluate such force, by modification of California standards to be congruent with the federal standard of "objective reasonableness." Objective reasonableness has been a foundational and long-standing standard as held in numerous United States Supreme Court and lower federal court rulings. The new law went into effect on January 1, 2020.

Existing law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer.

Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Existing law does not require an officer to retreat or desist from an attempt to make an arrest because of resistance or threatened resistance of the person being arrested.

Under existing law, a homicide committed by a peace officer is justifiable when necessarily committed in arresting a person who has committed a felony and the person is fleeing or resisting such arrest.

Existing case law deems such a homicide to be a seizure under the Fourth Amendment of the Constitution of the United States, and as such, requires the actions to be reasonable.

This bill redefines the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless the person is immediately apprehended.

The bill also affirmatively prescribes the circumstances under which a peace officer is authorized to use deadly force to affect an arrest, to prevent escape, or to overcome resistance.

SECTION 1. Section 196 of the Penal Code is amended to read:

196. Homicide is justifiable when committed by peace officers and those acting by their command in their aid and assistance, under either of the following circumstances:

(a) In obedience to any judgment of a competent court.

(b) When the homicide results from a peace officer's use of force that is in compliance with Section 835a.

SECTION 2. Section 835a of the Penal Code is amended to read:

835a. (a) The Legislature finds and declares all of the following:

(1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.

(2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

(3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

(b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

(c)(1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

(d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other **de-escalation** tactics.

(e) For purposes of this section, the following definitions shall apply:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood

of the harm, but is one that, from appearances, should be instantly confronted and addressed.

(3) "Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

Assembly Bill No. 392 Source: California Legislative Information
Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB392

CHAPTER 2

DE-ESCALATION DEFINED

California Commission on Peace Officer Standards and Training:

*"De-escalation is the **process** of using **strategies** and **techniques** intended to decrease the intensity of the situation."*

Process

The first step in the effective and formal deployment of de-escalation is to ensure it has a top-down organizational commitment from all the stakeholders. The identification of de-escalation is followed by understanding its substantial necessity in professional law enforcement and the desired internal and external benefits of its successful adoption and application. The better the understanding of de-escalation; the better the buy-in. Buy-in and adherence to the use of de-escalation is always best supported by providing and reinforcing clear and concise expectations followed by diligent follow-up and accountability.

Once wholly adopted, de-escalation is researched, developed, and formalized. It is refined, improved, and customized for transference into policy/procedure and education in the form of publication, training, and video/media. In addition to policy, any statutory law, legislation, or case law requirements that influence de-escalation should be inclusive in such publications, training, and video.

The previous two paragraphs have described a ***process***. The process in the POST definition is a key foundational term, as it illustrates a system, methodology, or a progressive plan that has a beginning, middle, and a desired end. The process in this definition sets the stage for implementation where the planning, development, and knowledge of de-escalation turn into strategy and the tangible application of it. This preoperational process gives de-escalation its content, relevance, and readiness for use.

Strategies & Techniques

When formally adopting de-escalation into policy and training for its use, the ***strategies*** serve as the planning phase or pre-application strategy. De-escalation strategy illustrates the *HOW* we are going to do it and *WHY* we are going to do it that way. De-escalation ***techniques*** are the tangible actions taken to deliver de-escalation and the execution of ***process*** and ***strategies***.

PROCESS:

- Identifying external statutory mandates & legislation
  - SB 230/AB 392
- Agency adoption and integration of statutory requirements
- Agency-specific de-escalation needs assessment followed by top-down buy-in
  - Needs Assessment: Statutory mandate, improved policy, enhanced training, reduced use of force, officer safety, restoration of legitimacy, liability mitigation/risk management, professionalism
- Development & revision of Department policy
  - De-escalation/Use of Force
  - SB 230/AB 392 requirements
- Internal & external de-escalation training for all staff

STRATEGIES:

- Develop division & bureau-level implementation planning (methods of execution)
- Develop & plan methods of individual and team deployment of de-escalation
- Develop formal follow-up & performance evaluation standard for de-escalation skills

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TECHNIQUES:

- Execution: Process + Strategy + Action = Applied de-escalation
- Assessment of implementation
  - Supervisory effectiveness/success assessment & accountability audits (body-cam review)
  - Adjustments & revisions
  - Performance evaluation

De-escalation Desired Skills & Traits

Communication Skills	***Influence/Persuasion***	***Trustworthiness***
Patience	***Redirection/Redefining***	***Command Presence***
Empathy	***Impartiality***	***Equity/Balance***
Deflection/Diffusion	***Calmness***	***Civility/Respect***
Altruism	***Tonality***	***Understanding***
Demeanor/Persona	***Professionalism***	***Confidence***
Justification	***Lawful Authority***	***Tactics/Teamwork***
Legitimacy	***Unbiased/Neutrality***	***Humility***
Control/Physical Control	***Ethical Manipulation***	***Active Listening***
Focus/Clarification	***Conflict Resolution***	***Mastery of Ego***
Language	***Authenticity***	***Non-verbal/Physicality***

**"Knowledge is not power; it's potential power.
Execution will trump knowledge any day."**

– Tony Robbins

Many would argue that a large sharp tactical knife sitting atop a table is a deadly weapon. It is not, at least not yet. It is a potential deadly weapon. By itself and without deployment, it is a paperweight. Taken into the hand and put to use, only then does the knife realize its potential as a weapon.

Knowledge is not power; execution is power. Knowledge alone is great, but it's half the battle, as without execution, it's little more than good intentions. Applied knowledge through action is the key to success. Understanding de-escalation and all its definitive components, statutory requirements, and potential is the stepping stone to the overt application (execution) of that knowledge. This application (action) is the development of new policy, the presentation of quality training, and the implementation and overt practice of both by public safety personnel.

What De-escalation is Not

It is important to understand and to define what de-escalation is, but just important to know what it is not. De-escalation should never be considered as weak on crime, backing down, giving up, and certainly not a detriment to officer safety. De-escalation should be used whenever possible, but used at the officer's discretion based on the totality of the circumstances. De-escalation is not static; it is fluid and can be started, paused, restarted, or stopped at any time. The new statutory requirements that include de-escalation are not adverse to police work; they don't limit an officers' ability to defend themselves or restrict officers from doing their jobs. Rather, officers will be provided better training, improved policy to follow, and enhanced statutory guidance to perform their jobs more effectively.

"What Senate Bill 230 won't do is criminalize our law enforcement for doing their jobs..."

Brian R. Marvel
San Diego Police Department/PORAC

De-escalation is not a substitute for officer safety, but rather it is a component of it. De-escalation is a potentially powerful tool, a tactical tool, one of many, that should be used when it can be used successfully and suspended when it can't. De-escalation does not limit an officer's ability to control a situation, but used skillfully, enhances it. The most effective law enforcement professionals possess a forward, a neutral, and a reverse and have the skillful dexterity to lawfully apply all three under circumstances that are tense, uncertain, or rapidly evolving.

The most effective law enforcement professionals possess a *forward*, a *neutral*, and a *reverse*.

De-escalation Failures

In helping to best define what de-escalation is not, it's important to identify and understand de-escalation failures. These clearly identifiable factors will likely make de-escalation efforts very difficult, if not impossible.

Failure: When there is a conflict between what you say and what you do

What officers do and what they say should be harmonious, without conflict, and congruent. When they say one thing and then do another, this can be problematic. If an officer is dealing with an angry person and states, "*I understand what you're saying*" while at the same time, is rolling his eyes and maintaining an obvious smirk, this represents overt insincerity or disrespect, is unprofessional, and easily seen as such by the person contacted. This behavior and negative perception of it is 100% preventable by the officer.

"What you do speaks so loud, that I can't hear what you say."

(Actions speak louder than words)

- Ralph Waldo Emerson

Failure: Prejudging others or being judgmental

Prejudging others is very common and part of human nature. Attempting to maintain zero prejudgment, especially in law enforcement, is not realistic or functionally possible. Prejudgment, said another way, is sizing someone up (tactical threat analysis, call assessment, and situational awareness) and may serve officers well as part of their efforts toward officer safety. Prejudgment becomes problematic or unprofessional when it is displayed externally or acted upon inappropriately.

An officer contacting a subject who was wearing a vest with motorcycle patches affiliated with a known outlaw (criminal) motorcycle club may "prejudge" this individual as a possible threat. To do otherwise would be tactically unsound and could lead to poor officer safety. Officers can use their experience and training to *internally* assess a subject without being *externally* judgmental, unprofessional, or showing bias. This is situational awareness and deliberate vigilant assessment. Whether judgment is present or not in the officer's mind, de-escalation occurs when such judgment is not acted upon toward the subject being contacted and officers display an impartial, professional, and balanced external demeanor. **Prejudgment based on religion, national origin, race, color, or sex has no place in law enforcement.**

Failure: Gratuitous criticizing or belittling others

Unwarranted criticizing or belittling others is often confrontational and has no value in public service or an officer's efforts toward de-escalation. Gratuitous criticizing is not counseling, instructing, or offering direct and honest constructive advice. The adverse aspects of criticism, delivered poorly, translate to disparaging remarks not meant to improve, but rather to mock or ridicule.

Failure: Name-calling or using derogatory descriptors

Calling someone names or use of derogatory labels is immature, ineffective, and is aligned more with bullying than police work. Such behavior invites confrontation or noncompliance and in nearly all cases will be viewed as conduct unbecoming an officer. Officers should rise above pettiness and represent themselves as the mature person in the room.

Failure: Unnecessary ordering or hyper-authority/autocratic

Officers, who rely on hyper-control where it is not needed or are unnecessarily over-authoritative, using excessive orders, may be viewed as having a lack of confidence or skill that will need to be compensated for with the improper use of intimidation or coercion. An order delivered haphazardly

by a police officer might invoke confrontation, but an order strategically delivered as steadfast directions or instructions, providing authoritative, but respectful limitations, or convincingly describing the options available might provide better results.

Failure: Making inappropriate threats or bluffing

There may difficulty discerning between an officer giving a warning or making a threat. While warnings, professionally delivered, are a common and an appropriate a part of an officer's duties, threats may be ineffective and counterproductive. Bluffing can be problematic in that if an officer's bluff is called and the officer can't back it up or follow through, the officer will likely lose credibility, not taken seriously, or challenged/tested more aggressively.

Failure: Minimizing or dishonoring (overt disrespect) another person

To minimize or dishonor another is to treat or tell them that they are unimportant or that they don't matter. When members of the public speak to the police, they want to have a voice; to be heard. When an officer with authority and power whose dual role is to serve, minimizes or dismisses a subject; it is likely that person may be humiliated, feel disrespected, and become angry. To be minimized is to be slighted, dismissed, and treated with deliberate indifference.

Failure: Taking sides; lacking neutrality, and failing to be impartial

A powerful catalyst that may prompt hostility, defiance, or increase the likelihood of viewing law enforcement as unprofessional is the lack of neutrality or improperly taking one side over another. Officers who appear to lack fairness, impartiality, or obedience to applied equity may experience great difficulty in trying to de-escalate a situation.

Failure: Participating in needless prolonged debate or arguing

Law enforcement professionals should be explanatory and have the patience to ensure their message or directions are clearly understood. When feasible, they should have an assortment of unrushed options (Plan B, Plan C, etc.) or resources at the ready, and use every communication tool possible to best resolve any situation or problem. However, officers need to use caution when the contact or interaction turns into a prolonged repetitive debate or escalates to an ongoing argument. When the officer's efforts to bring the situation to a successful conclusion have been attempted and exhausted, officers should have an exit strategy and move to an appropriate conclusion.

Failure: Unnecessary volume when speaking or yelling

Utilizing an authoritative volume or having to yell certainly has its appropriate place in police work and is a component of command presence; however, yelling is often the exception, not the rule. The key descriptor here to avoid is, "unnecessary." Yelling should be reserved for the need to be heard, to appropriately exert authority, or to demonstrate urgency. Yelling out of anger or to intimidate is often ineffective and may represent an officer who appears out of control. It's not what you say; it's how you say it.

Failure: Letting emotion or anger influence your behavior or actions

There are a number of situations where it may be challenging for officers to control their emotions or fully suppress their anger. Successful officers are skilled at not taking things personally. They are operators and understand that emotions and anger are a perfectly natural part of the job and their human psychology/physiology. It is certainly appropriate (human) to become emotional or angry. The key is to express such emotions or anger in the appropriate manner and degree, at the right time, and in the right place. Failure occurs when an officer loses control and allows emotion or anger to influence their behavior or actions in ways that are unprofessional, unethical, excessive, unintentional, or unlawful.

Failure: Falling for challenges

"*If you did not have that badge and gun, I would…*"

Most experienced officers and deputies have heard this statement before. This is a challenge and law enforcement professionals don't accept or act on challenges. Challenges may be physical; prompting a fight or the challenge may be verbal where a subject's goal is to start an argument, upset the officer by chipping away at the officer's ego, or to distract the officer, thus putting him or her at a disadvantage. Challenges or provoking officers might also be done to elicit a poor response that can be captured on video to be used against the officer for a complaint, litigation, or to disseminate on social media.

Failure: Being inflexible & lacking adaptability

Officer: *Let me see your driver's license, registration, and proof of insurance*

Driver: *Why did you stop me sir?*

Officer: *Your driver's license please*

Driver: *Okay, can you tell me why you stopped me?*

Officer: *I'm not going to argue with you, give me your driver's license*

Driver: *I will, but what did I do wrong…why did I get pulled over?*

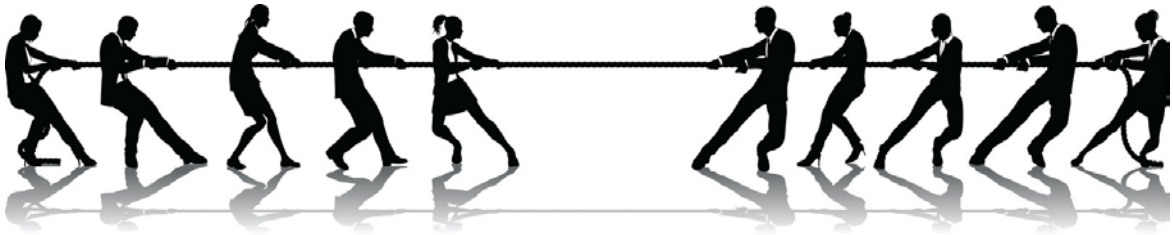
Officer *I am not going to tell you again…give me your license or you're going to jail!*

Driver: *Can I speak to your supervisor?*

Officer: *Get out of the car, do it now!*

Officers certainly have the discretion to request a driver's license prior to explaining the reason for the traffic stop, as this may be their common practice or under the specific circumstance of the stop is tactically the best option. However, in the interest of problem solving, expediency, professionalism,

and having the flexibility to meet the driver half-way; wouldn't simply explaining to the driver the reason for the stop after they asked be the best solution to de-escalate this developing conflict? The officer could have politely said, "*I stopped you because your registration expired last month.*" This easy and quickly applied flexible compromise would likely prevent the problem before it became a problem.



Failure: Use of inappropriate profanity

The use of profanity with members of the public by law enforcement has been debated for years. Many law enforcement leaders contend that profanity is unprofessional and should not be used, as it is conduct that is unbecoming an officer. Profanity used toward an individual may be heard by other uninvolved parties and such language might cast a poor image of the officers and the organization or profession. An officer who uses profanity might be viewed as angry, hostile, unprofessional, or out of control. Profanity, used for compliance or control, might not have the desired result; causing the situation to escalate and its recipient to become confrontational or combative.

JANUARY 19, 2017 4:35PM

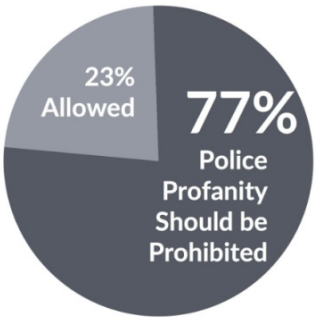
77% Say On-Duty Police Shouldn't Swear at People

BY EMILY EKINS

Nearly 20% of Americans **report** a police officer having used profanity with them. Yet, an overwhelming majority—77%—of Americans say police should be prohibited from using profanity or swearing at citizens while on the job. Twenty-three percent (23%) say police ought to be allowed to swear at citizens while on duty, according to a **newly released Cato Institute/YouGov survey**.

Americans Say On-Duty Police Shouldn't Use Profanity with People

Do you think on-duty police officers should be allowed to or prohibited from using profanity (swearing) at citizens while on the job?



CATO INSTITUTE/YOUGOV
2016 CRIMINAL JUSTICE SURVEY

Some disagree; instead arguing that profanity serves a purpose as a verbal tactic or method to express the severity of the moment. They contend that profanity is a part of adult communication or carefully selected and applied "street language" that accomplishes specific objectives:

- **To get a distracted or uncooperative subject's immediate attention in exigent circumstances.**

- **To gain compliance or control where softer language would otherwise be ineffective.**

- **To better communicate with, influence, or control particular subjects who may only respond to or comply with such assertive language.**

If an officer chooses to use profanity, it should be used tactically, sparingly, within department protocols, if any, and responsibly to achieve a specific desired result. Profanity should be applied with consideration to volume, location, and proximity to others. Inappropriate profanity that is vulgar or gratuitous is not conducive with de-escalation efforts and it does not look or sound professional when used by uniformed officers. Profanity sounds even worse when listened to in a video or audio recording by a third-party, such as a jury, the media, or the Chief of Police, especially when it is after the fact and without context. The belief that profanity or "street language" is sometimes needed to be effective should be carefully weighed against the likelihood that members of the public hearing officers use profanity may view them as unprofessional or illegitimate.

Officers should also consider that bystanders or witnesses who observe an officer's reasonable use of force are more likely to see the same use of force as excessive when profanity is used in combination with the force. Further, law enforcement professionals should consider that they can be verbally effective, authoritative, and exemplify a substantial degree of influence and command presence and do so successfully without the use of profanity.

Failure: Not understanding the power of verbal and non-verbal communication

There is a substantial amount of literature, books, studies, and training surrounding body language and the many forms of diverse communication methods. The more officers understand and are able to apply skilled and deliberate communication techniques, the more effective and successful they will be while carrying out their duties. In contrast, officers lacking knowledge followed by poor skills and inexperience in controlling their verbal and physical communication will suffer in their performance and have difficulties controlling or de-escalating problems. Both verbal and physical communication effectiveness are among the most important skills a law enforcement professional can possess. How information is spoken verbally and presented physically is powerful. How the communication is delivered (verbal/physical) controls the success or failure of the message.

Example

Verbal: Read each sentence below aloud and say each uppercase, red, and italicized word using a deliberate varied tonality (emphasis, inflection, volume, or added enunciation). As each sentence is read aloud and each identified word in each sentence is spoken with a little special attention, each of the six **identical** sentences will remarkably have six **different** meanings.

I never said you stole the money

(But somebody else said you stole it)

I ***NEVER*** said you stole the money

(Honest statement, I never said it)

I never ***SAID*** you stole the money

(But I wrote it down or somehow indicated you stole it)

I never said ***YOU*** stole the money

(But I said somebody else stole it)

I never said you ***STOLE*** the money

(But I said you took it or borrowed it)

I never said you stole ***THE MONEY***

(But I said you stole something else)

This example clearly shows how subtle variances in how (not what) we say can make a major difference in the meaning of the message. We have many options in how to control the message or how to lose control of it. The value of applied verbal and non-verbal communication skills when used by an officer could make the difference between collaboration (de-escalation) and confrontation (use of force).

Examples

Non-verbal: If someone is talking to you, explaining something to you, or telling you an important story; despite how engrossed you are in them or how intently absorbed you seem to be in what they are saying, if you glance away and look at your wristwatch, the person speaking will likely feel disrespected and become upset, thus making an officer's efforts at de-escalation more difficult.

You did not utter a single word. All you did was look at your watch for just a moment. While you quickly checked the time, you were surely still listening. Your good intentions (what you think or

feel) do not matter, but your actions speak volumes. Your accidental message to your speaker delivered a very impactful and easily misinterpreted message, which effectively indicated that you were not interested in what the speaker was saying and had somewhere else to go. Your body sent an unintended message because you failed to control your body.

Non-verbal: An officer stands very close to a community member while explaining something to them. One might say the officer was in the person's personal space or in their face. Adding to the problem is the officer is big; adorned with external body armor (vest), a jacket, a gun belt, and tactical boots. While the officer's intentions are honorable and helpful, the person he is speaking to feels intimidated and overwhelmed. The officer is friendly and loves helping others. He is a father, a husband, a volunteer at church, and a soccer coach, all of which is unknown to the person he is speaking to. The community member feels nervous, threatened; even bullied, because all they see is an armed authority figure looming over them. This simple misperception is a physical problem of proximity with the simple remedy of taking a step or two back.

Failure: Becoming distracted and losing sight of your objective/objectivity

When encountering a subject who is angry or emotional (escalated, triggered, or activated) and through their behavior, language, verbal aggression toward you, or the nature of the crime or status of the victim, you find yourself becoming distracted, side-tracked, or caught up in the circumstances of the moment, take a brief figurative step back. Focus on the objective; why you are there, what do you need to accomplish your job, and how are you going to get it done. Distraction, in all its forms, can impact an officer's situational awareness and lead to force that is unintended or otherwise avoidable.

De-escalation is Not Only for Force Mitigation

De-escalation is not only about minimizing or eliminating the use of physical force; its benefits extend well beyond physical-only confrontations.

> *A young patrol sergeant stopped to observe two of his officers contact a known heroin addict on the sidewalk. The lead officer spoke very authoritatively to the subject, clenched the subject's fingers behind his head, tapped the inside of the subject's ankles with his boot ordering him to spread his legs, and conducted a search for weapons.*
>
> *The officer questioned the subject, checked his eyes and inner-arms, and completed a field interview card. Their conversation was professional, but stern; certainly not sociable (business only) and it was semi-accusatory; "You better not lie to me." The subject had a lot of experience with police contacts and was going through the motions, but it was obvious the stark disposition of the officer made the subject shut down. He was obviously frustrated at being stopped* ***again*** *and he gave only limited cooperation and minimal answers to questions.*
>
> *The lead officer finished with the subject and left while the sergeant and cover officer stayed behind. The sergeant noted some military tattoos on the subject's arms and had a conversation with him about his service. The sergeant made it clear the subject could leave at any time, but asked his permission to ask personal questions about his addiction and if he had ever tried to quit or enter a methadone program. The sergeant confided that he had some*

friends from high school who suffered from addiction and that the insider personal information the subject provided was very much appreciated.

The sergeant gave the cover officer some money and asked if he would go to the store they were in front of and buy coffees for him and the subject. No police officer had ever purchased a coffee for this man before or spoke to him face to face or as anything other than a drug addict sitting on the curb with his ankles crossed. In the brief 10-15 conversation, it was no longer a police contact, but rather it was two guys drinking coffee, telling stories, and laughing on the sidewalk and it was evident that the subject had felt dignity, probably for the first time in a long time and most unexpectedly, from a police official.

As the sergeant ended the conversation to resume his duties, the subject told the sergeant the location of a "chop shop" where stolen cars were being stripped and stolen property was being bought and sold. The sergeant thanked him, provided him with a business card, and they parted ways.

This scenario depicts the skilled and subtle use of de-escalation that is beyond just force mitigation or managing confrontation. It shows the achievable benefits derived from a 15- minute investment of time and it provided an excellent first-hand demonstrative lesson of de-escalation for the young officer, especially when contrasting and comparing the talented sergeant's efforts with the first officer's contact. Further, the information the subject provided was worked on by investigators and subsequently led to the execution of a search warrant of a home and three-car garage. Over $100,000 of stolen property and seven guns were recovered with multiple felony arrests and all this was the byproduct of a fifteen-minute conversation, some patience and civility, and the price of a cup of coffee.

Definitive Perspectives from the Summit

"Make de-escalation a golden thread in everything we do"

A notable trait of those who are considered to have breached the level of intellectual or creative genius is their ability to develop and use multiple perspectives. They looked at problems in diverse ways. Consider looking at a problem from a purely emotional perspective and follow that by examining the problem pragmatically. If you were very wealthy, what would the problem look like and what if you were living in poverty? What if you were an adult or child or a man or a woman and what if you were disabled, what would the problem look like then and how about if the problem was a violent confrontation? Is the perspective different from someone who is suffering from fear and someone living in total safety? Are there differing perspectives between republicans and democrats or college professors and farmers?

The police deal with the dynamics of all of these diverse members of society and the greater an officer's perceptual acuity and dexterity, the better their understanding of how to manage the contact successfully. Perspective drives perception. What and how we see something, drives what we think about it and how we respond to it.

Leonardo da Vinci believed that, to gain knowledge about the form of a problem, you begin by learning how to restructure it or assume differing perspectives of it. He felt that the first view he took of the problem was biased. A problem reconstructed; looked at differently, may be easier to understand, thus easier to solve. A problem seen through a revised lens; or better, multiple lenses, may be determined to have diverse solutions or at least one solution that did not exist before. When police officers attempt to resolve conflict through de-escalation, success is much more likely if they have the skill and flexibility to look at the conflict from varied perspectives, thus creating a number of possible solutions.

There is no single way to define or look at de-escalation. Everyone has both similar and distinctly differing perspectives. This concept has a lot of moving parts and a lot of ways it can be applied. During the De-escalation Summit, many accomplished subject matter experts who were a diverse and varied group of professionals gave their unique *perspectives* of what de-escalation is or is not. Here is a valuable and insightful sampling of their definitive findings:

- De-escalation is not the absence of force, but a validation of timing and degree.

- De-escalation is balancing officer safety and finding the right solution to bring the situation to a positive conclusion.

- De-escalation reduces the chance of injury through the use of evaluation and regulation and other tools to help calm and diffuse situations.

- De-escalation is a peaceful resolution of an incident by constant evaluation and transition. Some de-escalation definitions are 50 or 75 words and very academic. We need to keep this simple and clear.

- De-escalation increases the likelihood of gaining voluntary compliance to facilitate favorable outcomes without compromising public or officer safety.

- One focus of police de-escalation should be officer mindset, emotional intelligence (EI), and wellness.

- De-escalation does not replace force options. This message to law enforcement officers is important.

- The core of de-escalation is time and creating more opportunities to talk and create safety for individuals, especially those with disabilities (mental illness in all its forms).

- Conflict avoidance; reducing conflict without the use of force, reducing conflict by using less force, and risk and threat mitigation.

- The word, "de-escalation" scares front-line officers and confuses administration.

- "Reasonable" vs. "unreasonable" effort to de-escalate a situation in the context of new laws. Make it attainable.

- Ensuring officers know that de-escalation does not mean not using force or waiting too long to use force.

- How we define or should define officer safety as a part of de-escalation.

- Any conversation about de-escalation should include the topic of bias.

- De-escalation is verbal pre-engagement before physical engagement to gain voluntary compliance.

- De-escalation should be a thread of commonality in everything the police do.

- De-escalation is not quantifiable; it has no parameters. It could last five or fifty minutes and is only limited by an officer's experience, training, skill, tenacity, empathy, and imagination. De-escalation is complimented by tactical competence and verbal prowess. De-escalation ebbs and flows and it could quell a confrontation with the ease of a simple smile or the tactical maneuvers of a SWAT Team. De-escalation is never static; it's fluid and always evolving to meet the challenge at hand.

- De-escalation should not be too narrowly defined; like community policing, it should be a principle or philosophy, not a program.

- De-escalation success is based on an end-game mindset. All knowledge, skills, and abilities are utilized to reach your desired *end-game* result that, when possible, is void of physical force. Covey's habit for this is to begin with the end in mind.

- De-escalation should include the practice of the four tenets of procedural justice; **Fairness, Voice, Transparency, Impartiality**.

- Using de-escalation to decrease intensity is always secondary to using de-escalation to prevent intensity in the first place.

- Under SB 230, Sec. 1, the legislature finds and declares under subsection (a): Law enforcement officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques that may

persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely.

- Summit Participant, Police Chief Sylvia Moir contributed a powerful and illustrative metaphor by referring to the symbol of the American eagle on the back of a U.S. one-dollar bill and comparing it to the police. The eagle is holding arrows; weapons of war and an olive branch; symbolic of a peace offering or reconciliation. The duality of this symbol suggests that the police have an olive branch to extend, thus striving for peace, but they also carry the implements (weapons) to use force. Police cannot exist having one without the other. De-escalation suggests the police do everything possible to extend the olive branch, but are never without arrows to defend themselves and protect others.

Developing a Definitive De-escalation Mindset

The true value of effective de-escalation is found in the proper **MINDSET,** the **METHODS** used, and the **ACTIONS** taken by police officers that result in a problem successfully resolved without the use of force.

Mindset + Diverse Methods + Skilled Application = Successful De-escalation

This is especially true when force is justified and objectively reasonable, but officers choose alternative methods because they have the professional incentive to do so. This incentive is based on training and supported by policy, law, and organizational culture.

The often-conceptualized idea of de-escalation has vast potential. Commitment to this concept combined with sound policy and followed by quality training serve as the stepping stones to tangible application. The full potential and benefit of successful de-escalation is only realized in its everyday use by officers to diffuse anger, influence or re-direct conflict, and safely manage a situation without the need to use force.

As you examine the remainder of this publication, in addition to the statutory mandates, training suggestions, definitions, techniques, and law enforcement implementation strategies, consider grasping and embracing de-escalation as a ***mindset***. De-escalation should be more than an applied technique; consisting of both art and science. De-escalation should be a collective culture and organizational philosophy that can have a great return on investment. Consider the following powerful parallels between the art of Aikido and the skilled application of de-escalation when developing your valuable mindset.

As part of the Koga Institute (System), Robert Koga (LAPD 1955-1979), a prolific law enforcement trainer and highly respected martial artist/teacher (Sensei), offered an insightful Aikido-related maxim that has notable illustrative relevance to de-escalation for law enforcement. Sensei Koga said…

"Never meet force with force. Let force take the path of least resistance. Force will then dissipate."

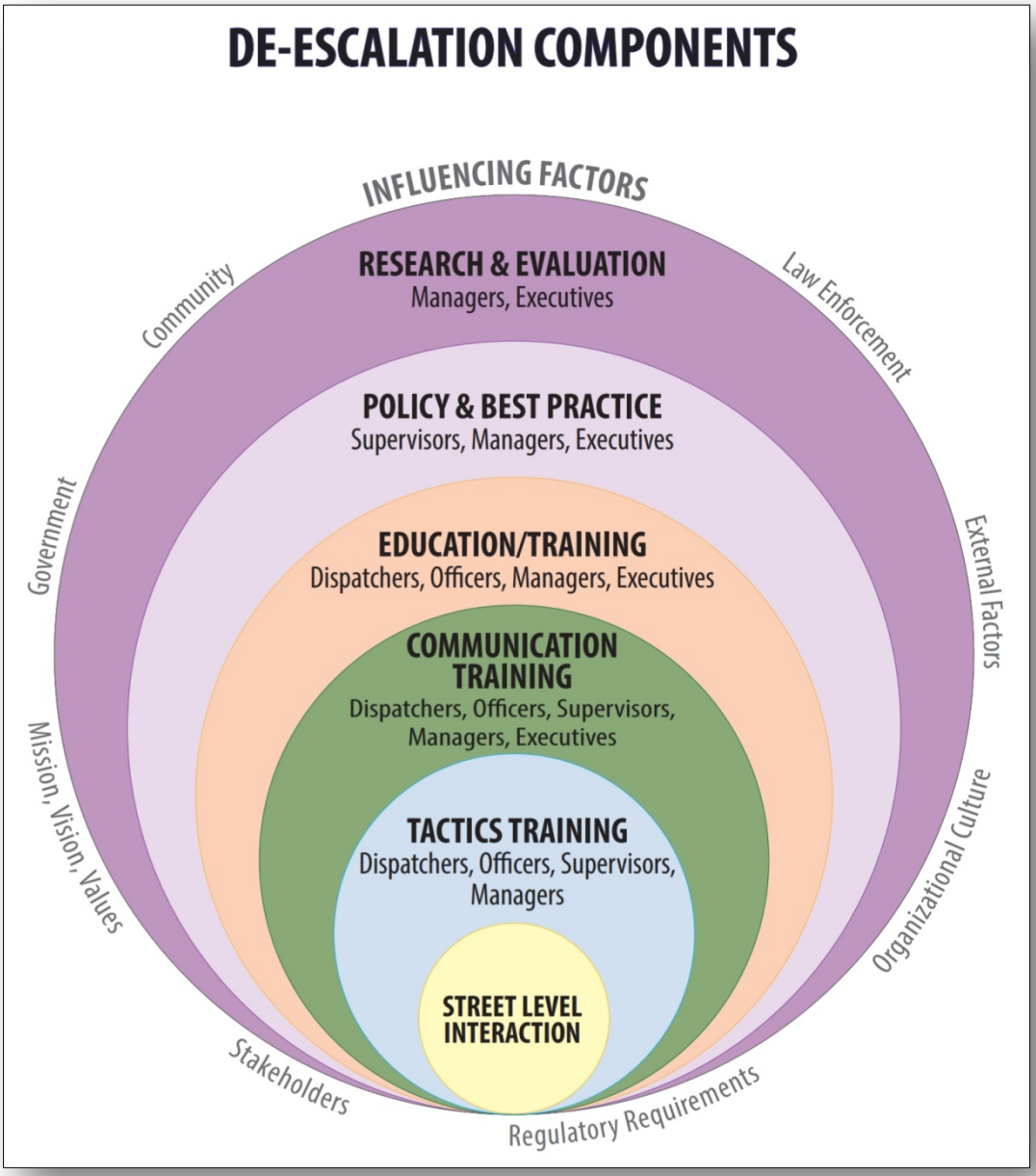
De-escalation is a Police Officer's Aikido

Confronting somebody skilled in **Aikido** with hostility, anger, or force would be ineffectual. **Aikido** is the art of acting without acting. Force cannot find its target; thus it finds no place to land. There is never an impact or an injury and force is not returned; force is absorbed, redirected, and its inertia influenced, guided, diffused, and diminished. Imagine trying to punch, antagonize, or argue with a target that is not there; it's futile, like trying to walk across quicksand. Trying to fight with a Master of **Aikido** is like trying to fight with smoke. **Aikido** is not just tactical, but rather it is substantially philosophical; a mindset. It is a direction that is followed seeking harmony over conflict and resolution over confrontation. **Aikido** overcomes the energy of a physical attack before it can achieve any momentum like trying to sprint across smooth ice.

Please reread the above paragraph one more time, but this time, replace the word, **"Aikido"** with the word, **"De-escalation."** *De-escalation is a Police Officer's Aikido*.

De-escalation Components Model

The **POST De-escalation Components Model** provides a definitive overview of de-escalation broken down into the sum of its own parts. The model illustrates the multiple important layers for de-escalation in law enforcement organizations and the model identifies important stakeholders and their influencing factors.



Duty to Intercede

Defining de-escalation includes the de-escalation of those contacted in the field and through calls for service and personal de-escalation; self-control, composure, and a focused and calm mind and body. There is also a third and very important prong to defining de-escalation called **Duty to Intercede** that requires clear and comprehensive understanding.

In Chapter 2 of this publication under Section 2 (Chapter 17.4 in Division 7 of Title 1 of the California Government Code) Law Enforcement Use of Force Policies, duty to intercede is introduced:

7286. (a) For the purposes of this section:

(8) A requirement that an officer **intercede** when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Additionally, under **SECTION 3**, Penal Code Section 13519.10 (a)(10)(2) includes the **Duty to Intercede.** These sections should be examined carefully as they will serve as key components in department policy and agency training.

When officers observe a colleague, partner officer, or other law enforcement official using excessive or improper force or violating the constitutional rights of a suspect or other person in their presence, they cannot [emphasis added] act as a bystander or uninvolved observer. Under these circumstances and given a realistic opportunity, officers have a duty to intercede/intervene as soon as possible under the circumstances. While officers may be hesitant to intervene with the immediate actions of another officer, especially a senior or ranking officer, they should be assured their efforts will not only help the suspect, but also potentially save the partner officer, the agency, the city or county, and the profession from an assortment of adverse outcomes (unjustified injuries or death, a damaged organizational image or reputation, negative media coverage, civil unrest and rioting, substantial civil liability, state and federal criminal charges, and the loss of a career).

Such intervention should not be an unspoken or professionally taboo subject; rather it should be illuminated and discussed as a part of training, roll-call/briefings, field debriefings, after-action reporting, body-cam/video review, policy, and team-building efforts. As a result, if it happens in the field, it is not a reaction, but executed as a response that is pre-planned and tactical. The officer's intervention should occur when they witness force that is clearly beyond that which is objectively reasonable under the circumstances and at the first opportunity, intercede to prevent or stop the unreasonable force. Doing nothing or remaining as a bystander may expose officers, in part, to criminal and/or civil liability for failure to intervene. Most agencies have a strict policy which requires officers to notify a supervisor immediately (or as soon as practical) when force is used or an officer's duty to intercede is exercised.

Note: In order to maintain good working relationships, trust and teamwork; after interceding in another officer's actions, it is critically important to have a thorough debrief, with supervisory oversight, of the situation to highlight the reasons for interceding. Not having this discussion has the potential for negative reactions (miscommunication, confusion, or distrust) and adverse feelings left unresolved between both the officers involved and in the organization.

CHAPTER 3

DE-ESCALATION: ACHIEVABILITY & PROCEDURE

The summit participants collectively agree that law enforcement organizations should be provided with clear definitions, guidelines, and tools before they can be held accountable for changes in behavior.

"If we are going to hold people accountable to the outcome, it has to be achievable. It is unethical to do otherwise."

– Professor Steven James, Ph.D
Washington State University

Policies and frameworks outlining the implementation of de-escalation practices in the field should be adequately flexible to allow officers to select the best course of action in given circumstances. **Adequate Flexibility = Professional Discretion** (critical in law enforcement).

De-escalation "*should be part of an organizational system and practice.*" Change comes from within; organizations should foster a culture of de-escalation practices among all personnel, so the practice can be mirrored when interacting with the public. **De-escalation is an internal strategy and is not just techniques, but a collective (culture) way of thinking (philosophy/mindset).**

All personnel should have willingness and the ability to de-escalate as a balanced approach, maintaining the confidence when to use appropriate force or not to. The following categories present themes experts suggested as guidelines for creating achievable procedures for the effective use of de-escalation tools and techniques.

Personnel Mindset

Personnel mindset toward de-escalation is crucial to effective implementation and continued use of de-escalation techniques as part of organizational compliance.

A. Training to recognize and reduce implicit bias associated with using de-escalation practices is crucial to successful internal and external implementation.

B. Organizational communication should be free from biased language.

C. Focusing on internal and external communications at every organizational point of contact is important; from the front desk or dispatch, where the public makes their initial contact with the organization, to incidents in the field (any type of engagement).

D. Policies and guidelines should clearly prohibit bias in policing and promote open-minded approaches to resolving incidents within the organization when interacting with the public.

E. Personnel should be instilled (through training and practice) with a positive mindset, emotional intelligence, and wellness capacities (**See Chapter 6**):

   1. Promote effective conduct for problem-solving with minimal use of force
   2. Renew/reemphasize purpose and expectations to reduce complacency
   3. Reduce liability and manage or *prevent* risk for all involved parties

F. Policy and guidelines should emphasize and reinforce the successful use and consistent implementation and practice of de-escalation.

G. Personnel who develop the capacity (through training and practice) to reason and think their way through their actions rather than simply react will:

   1. Avoid reverting back to potentially less effective past practices.
   2. Identify and avoid the individual and organizational barriers that cause resistance to change or revert back to less desirable methods.

H. Organizations that engage in quality training and practice can promote the increased confidence in physical skills needed to deter over-compensating behaviors that may result in excessive force, which can:

   1. Reduce injuries for officers and their contacts.
   2. Reduce insecurities or lack of confidence in job performance.
   3. Reduce laziness, reluctance, or hesitation to engage in proactive duties.
   4. Reduce the fear of discipline for improper use of force.

I. Organizations should stress the importance of consistency during the enforcement of regulations or laws through:

   1. Increased preparedness and pre-event planning.
   2. Effectively assessing and reassessing progress during an incident.
   3. Correction of repetitive mistakes and addressing the fear and misunderstanding of failure/failing.
   4. Better identification and response to stress.

5. Avoidance of erosion/degradation of perishable and other skills.

J. Encourage improved physical and mental health (through education, training, practice, resources, organizational and peer support) to support:

1. Positive community role models.

2. Better organizational recruitment opportunities through avoidance of public shame or damage to organizational reputation because of adverse behavior.

3. Offer support to personnel in maintaining good health and wellness to avoid:

   a. Fatigue.

   b. The potential for burnout.

   c. Inappropriate conduct or use of force.

   d. Poor work/life balance.

4. Personnel wellness should be supported by various practices including:

   a. Mental wellness smart phone apps (**See resources under Chapter 6**).

   b. Available contract clinicians.

   c. Peer support programs.

   d. Contract or peer nutritionists.

   e. Peer or contract physical fitness advisors.

   f. Paid workout time.

   g. Organizational support through training and the on-going practice of meditation, Yoga and breathing practices to improve mental balance, flexibility, circulation, and focus.

K. Personnel capacity for de-escalation is grounded in their resiliency and adaptability.

L. Personnel should know their triggers and the triggers of their partners/peers:

1. Recognize when others are triggered or acting in an inflammatory manner.

2. Have the capacity to respond to, defuse, and redirect self and others.

M. *"De-escalation should be pushed* (presented) *out as a general way of doing things, rather than using it just in certain situations. It should become who you are."*

Achievable Tactics, Techniques, and Procedures

Achievable tactics, techniques, and procedures should have clearly communicated and measurable performance outcomes. Clearly stated and measurable performance outcomes ensure effective implementation and a successful measure to better assess de-escalation practices. De-escalation practices cannot be linear because they won't fit every situation; they should be common sense-based and flexible practices. All personnel should have the willingness and the ability to de-escalate as part of a balanced approach and have the confidence and skill to use appropriate force if there are no other alternatives.

A. Policies and guidelines should align personnel through common language and standardized protocols:
    1. Dispatch and operational personnel should convey the same message.
    2. Emergency responders should use common language and protocols:
        a. Fire.
        b. Mental health.
        c. Emergency medical personnel.
        d. Custody personnel.

B. Pre-engagement techniques and tactics should include:
    1. Planning and discussion of strategies and tactics.
    2. Situational awareness and background.
    3. Pre-load and manage available resources for appropriate and timely deployment as necessary.
    4. Gather reliable intelligence and effectively share available information through the most efficient means:
        a. Radio transmission or phone.
        b. Computer Aided dispatch (CAD).

C. Train and practice effective defensive tactics as part of continued de-escalation practice. Competencies should include, but are not limited to:
    1. Communication during an incident should be well-managed:
        a. Use common language with all involved.
        b. Agree on which technique(s) and tactic(s) will be used.
        c. Be certain everyone is aware of the desired outcome.

2. Strategic, clear communication using the L.E.E.D. approach (Listen, Explain, Equity, Dignity):
    a. Soften interaction when possible.
    b. Speak in common language, rather than professional jargon.
    c. Use appropriate volume.
    d. Be aware of how tone of voice and demeanor can affect a situation.
    e. Use active listening skills.
    f. Show respect for the subjects involved.
    g. Be culturally aware of all subjects involved.
    h. Have a way to close the situation so all feel there is positive resolution (win-win).
3. Crisis intervention
4. Arrest and Control
5. Less-than-lethal weapons
6. Firearms
7. Resource availability and appropriate deployment
8. Decision-making skills
9. Critical thinking skills
10. Emotional intelligence
11. Effective breathing techniques to control emotion and stress

D. Successful de-escalation practice should include confidence and proficiency in physical skills, as well as proximity and body awareness:
    1. Personnel should know their triggers and recognize when others are triggered during encounters.
    2. Learn how to defuse a situation that includes the capacity to redirect self and others.

E. Personnel should have self-awareness adequate to recognize and redirect themselves if they are being emotionally drawn into events:
    1. Officers should recognize when they are creating their own jeopardy, exigency, or risk (slipping into being part of the problem over working toward the solution).

F. Think rather than simply react (responding is more effective than reacting).

G. Proactive mental engagement will allow for pre-planned, thoughtful, and critically analyzed responses to dynamic incidents.

H. Use diverse resources during problem-solving situations:

   1. Develop and practice healthy/safe habits for successful resolution of any encounter.
   2. Know which technique fits the current situation and when to change tactics.
   3. Know how to safely avoid the use of force during an encounter.
   4. Know when and how to use disengagement as a technique/tactic. Consider disengagement as avoiding a battle to subsequently win the war.
   5. Carefully weigh decisions that might result in adverse action taken against personnel and public safety.

I. Establish rapport to build trust and elicit de-escalating behavior:
(Rapport is commonality and mutuality; people like those who are like them)

   1. Learn from feedback and adapt as the situation changes.
   2. Constantly assess and re-assess the situation:
      a. Is there an opportunity to gain more time to continue working toward resolution through continued de-escalation?
      b. Can you maintain enough distance for safe interaction and continued de-escalation?
      c. Is there effective cover available to support continued de-escalation?

J. Remain adaptable to changing situations:

   1. Be prepared to re-establish rapport if necessary.
   2. Be prepared to change behavior/tactics to improve de-escalation of an encounter that has begun to deteriorate.

K. Supervisors should give personnel sufficient time to safely use de-escalation techniques.

L. De-escalation should be an integral and standardized part of call intake prioritization and protocols.

Effective Communication is the Foundation of De-escalation

Communication is the foundation of de-escalation and runs through all aspects of organizational processes and procedures. Achievable measures for internal/external communication procedures should begin with clear communication of the organizational de-escalation philosophy and plan to everyone; including the community.

A. Include an internal pre-planning discussion before implementing de-escalation practices within the organization.

1. The credibility of those delivering the message will influence its effectiveness:

    a. Leadership, including informal leaders throughout the organization, should speak with one voice.

    b. All levels of leadership should maintain the integrity of the message throughout the organization.

    c. Communication regarding accountability and transparency is paramount.

2. All personnel should be clear on the definition of what de-escalation is and isn't.

3. Clearly communicate reasons for policy changes on de-escalation.

    a. Consider communication of policy change other than by e-mail (e.g. Roll-call Training).

    b. Consider generational differences during messaging of policy change.

    c. Communication should take a "bottom up" approach or "vertical staff meeting" format.

    d. Establish clear, concise, and realistic expectations and reinforce regularly.

    e. Be sure there is no misinterpretation of the message.

4. Wording is important:

    a. Carefully weigh the use of should vs. shall.

    b. Create soft operational margins when appropriate.

5. Leave room for modification to organizational procedures and practices; allow personnel to participate in a debriefing of the plan:

    a. Feedback should be honest and respectful.

    b. All personnel should keep an open mind when providing or receiving feedback (beware of the influence peer pressure can have on communication).

    c. Recognize the value of input from line-level personnel; the "group" is a great resource and has good information to offer—tap that resource.

6. All personnel should be clear on the organizational and statutory expectations for using de-escalation.

7. Clearly identify the specific skills required for successful de-escalation (**See De-escalation Desired Skills & Traits in Chapter 2**).

8. Communication should be ongoing, rather than a "one and done" situation.

B. Clearly identify the objective(s) of all external communications:

1. Maintain the integrity of the message(s).
2. Non-verbal communication should support the message(s)

(Note: ***Integrity means wholeness or completeness. Something done or practiced with true integrity renders it impenetrable, uncompromising, and cannot be breached by outside influences, pressure, or what's popular. If you have integrity in being honest, then you never lie, never spread false rumors, and what you say is factual and nothing can compromise your truth because it is whole and complete.*****)**

C. Organizations should ensure consistency of messaging practices:

1. Communicate directly with trainers and mentors.
2. Coaching and mentoring programs should support and reinforce the message.

Establish & Maintain Open Dialog with the Community

Open dialogue with the community about organizational practices is crucial to establishing and maintaining achievable community engagement and communication procedures.

A. Proactive community engagement should be continual, include a process for input, and build rapport and trust through:

1. Meetings/committees.
2. Website & social media (Facebook, Twitter, Linkedin):
   a. Share activities and establish connections.
   b. Do not delete negative comments.

B. Context is important when conveying information to the public:

1. Generational differences play a role in providing context.
2. The message should connect with everyone.

C. Open dialogue with the community includes establishing relationships which can have a positive influence in a variety of conducive settings:

1. *"Utilize community forums to redefine what the organization is all about"* (Mark Marvin, PERT Coordinating Council for San Diego County)
2. Citizen and teen academies
3. Chief's advisory board/council
4. Police foundations
5. Special events (Coffee with a Cop, Tip-a-Cop, etc.)
6. During foot patrol/community policing practices
7. At community business events
8. Open house & town hall meetings
9. National Night Out
10. Police public speaking (schools, businesses, civic groups)
11. Explorer Post functions
12. Ride-along programs
13. Volunteers
14. School Resource Officers
15. Station tours
16. Community Lead Officers or Command Team area and reporting district responsibility

Community Oriented Policing

Open dialog with the community is great for community policing, establishing relationships, and promoting a positive law enforcement image, but done correctly, it also has dual-benefits with regard to enforcement.

Community Relationships - Pass Out Your Business Cards: *During slower periods of the shift and time permitting, an officer used to park his patrol car in the parking lots of various strip-malls; business complexes with 10, 15, 25 small store/businesses. He would enter each business and introduce himself to the employees or owners and pass out his business card. He asked them if they have had any trouble lately with shoplifters, gangs, extortion, or graffiti. He looked through the store, asked questions, and answered them. He asked about their security system and if they had cameras; then asked to look at them and check behind the business by exiting the rear door. This process only took a few minutes, but it established a face-to-face connection, a sharing of first names, and showed that there was a human-being behind the badge who was interested in helping, if he could. This is* ***Community Policing*** *and nine times out of ten, the contact and interaction was standard and uneventful; however, it served its relationship building objective.*

On one occasion while the officer was, "passing out business cards," the employee of a video store led him to the back-rear door. The officer passed a giant shelving unit that had six master VCRs recording to forty-eight slave VCRs surrounded by hundreds of VCR tapes and counterfeit spine labels. This video lab was mass producing unlawful pirated bootleg movies. While passing out business cards at a beauty salon and engaging in a pleasant conversation with the owner, the officer heard noises coming from behind a wall. He subsequently discovered it was a false wall that slid open and led to a well-equipped in-progress massage and prostitution business. On a third occasion, the officer passed through the small back room of a doughnut shop and discovered fifteen immigrants, including small children, living there on the floor, and who were being exploited as cheap labor by other businesses. With their passports taken away, their families in their respective home country were being extorted.

Passing out business cards and forging relationships or at least developing familiarity with the police, is one of many spokes in the wheel of community policing. And, community policing done correctly, can also serve as proactive efforts that are tough on crime. This simple technique and others like it are how successful officers communicate with the community, reduce fear, build professional relationships, discover criminal activity, and cultivate potential allies/supporters in the community.

D. Utilize community service providers and advocates to increase the perspective of legitimacy.

E. Work hand-in-hand with community leaders on prevailing challenges including:

   1. Non-compliance by civilians during encounters with law enforcement personnel.
   2. Reactive, rather than proactive behaviors by law enforcement officers.
   3. Community trust and (mis)perceptions about law enforcement personnel.

F. Educate the community about available resources related to de-escalation and problem resolution.

G. Train dispatch or other personnel to communicate the de-escalation plan and process prior to the arrival of field personnel.

H. Post-incident communication with the community:

   1. Explain the use of de-escalation practices during the incident.
   2. Explain why force was used before, during, or after de-escalation procedures were implemented.
   3. Explain why de-escalation was not used if that was the case.

I. Maintain continual open dialogue with the community:

   1. Send messages regarding organizational reform.
   2. Highlight officer wellness.

3. Promote community interaction, especially at lower levels of management.
4. Express the importance of community support and compliance with public safety personnel even if they don't immediately agree with what they are being asked/told to do.
5. Capitalize on community relations officer relationships with community groups.
6. Create general message campaigns to discourage others from incentivizing people to resist or assault public safety personnel.
7. Establish officer "walking teams" as a frontline community interface.
8. Use social media to send messages about good interaction between law enforcement personnel and the community.
9. Get ahead of media stories that may impact the community/agency relationship.

J. Consider media academies to communicate the importance of unbiased and non-inflammatory reporting of events.

Review & Assessment Standards should be Clearly Stated and Achievable

"If you're going to hold officers accountable there must be clear standards by which to hold them." (Ashley Heiberger, Rosenbaum & Associates). Achievable review and assessment procedures should use clear measurement standards as part of the process.

There is a danger of creating, "…*policy that can be adopted by none*."

A. Quality assurance should include best practices based on information from evaluators reviewing reports.

B. After action reviews should include an examination of what worked and why.

C. Model policy should be used based on best practices to help standardize operational procedures adopted by the organization.

D. Identify specific points of conduct to be evaluated during the review of an interaction:

1. De-escalation action checklists may create potentially negative consequences:

   a. Assessing personnel based on specific standards may be counterintuitive to thinking outside the box when handling unique situations with uniquely appropriate des-escalation methods.

   b. Time constraints during an incident leave little room to cover everything on the checklist.

   c. Personnel should be able to use the appropriate technique(s) for the situation, rather than following a static or prescribed course of linear actions.

d. Different methods may work in situations that are not always described within policy/guidelines, on checklist, or covered by training.

e. There should be room for deviation.

2. Issues may arise that can justify using or not using specific mandates identified in policy, guidelines, or on checklists:

a. Offer latitude to use alternatives based on the conduct provided.

b. Include a means to describe the alternative technique used, as well as the result.

c. Provide means to compare/contrast outcomes (explain why the alternative technique worked better than the prescribed action or recommended option).

E. Conduct regular reviews of de-escalation practices to evaluate effectiveness and to consider where revision or improvements might be made.

F. Research and compile best practices data on de-escalation strategies using sources such as body-worn camera footage and case law decisions.

G. Keep in mind, personnel behavior may not be the issue in unsuccessful resolution during de-escalation:

1. The subject involved may exhibit behavior that dictates the outcome; not <u>every</u> incident/problem can be de-escalated.

2. Other subjects who are present may influence the behavior (good or bad) of the involved subjects or law enforcement addressing the problem.

3. Personnel should be assessed impartially and based on prescribed criteria post-incident if an outcome does not meet community expectations or the incident is not resolved to everyone's satisfaction.

4. Despite their efforts, personnel may not be able to de-escalate a situation.

H. Identify clear roles for first-line supervisors in documenting de-escalation practices among agency personnel:

1. There should be post-incident follow-up with line-level personnel, whether the outcome is positive or negative (*Debriefing*).

2. Use a tracking process to identify trends and assess officer perceptions of whether their use of de-escalation techniques is effective.

3. Supervisors should not fill in gaps in reports:

a. Hold subordinates accountable and correct their reports, not by just correcting the mistake, but by teaching the correction.

b. Require full descriptions of the decision-making process and associated actions taken.

4. Supervisors should identify any policy or training issues resulting from an incident.

I. Conduct internal and external surveys/audits to examine de-escalation practices:

1. Obtain public views of officer de-escalation conduct..
2. Utilize use of force reviews to measure whether de-escalation techniques are being employed.
3. Evaluate the effectiveness of the de-escalation practices employed.

J. Consider investigative and training after-action reviews as a tool to determine if de-escalation training and implementation are working:

1. Involve management in the review process.
2. Use academic resources as a means of measuring effectiveness.
3. Flag body-worn camera video where de-escalation was successfully used as a means of measurement and reinforcement tool (FTOs and supervisors should flag these).
4. Use Internal Affairs/Professional Standards data as a means of measuring effectiveness:
   a. Use of force complaints (increased or decreased?)
   b. Civil actions.

K. Ensure de-escalation is an element in all processes, including recruitment, hiring and the promotional process.

☑ First, if an agency wants its staff to do something or do something in a particular way or with a specified frequency, it should ensure that such mandates, procedures, or operational practices are real-world, explicitly stated, achievable, and measurable.

☑ Second, if a procedure is created in the form of training, formal/informal instruction or direction, through memorandum, or policy, it should be clear and absent any ambiguity. The procedure, if applicable, should target specific personnel and be detailed, but concise, well researched and meticulously approved, and it should have a single primary message rather than compound convoluted or multiple messages. Procedures should be written, when possible, to be improved or added to (living document) and where feasible, connected by reference to other relevant information or connective directions. The procedure should have a numeric or name filing identification for digital retention and easy reference. Lastly, such procedures should be disseminated with training, formal or otherwise, and receipt of the procedure and the confirmation of its understanding should be signed for and retained.

CHAPTER 4

DE-ESCALATION: CULTURE & PHILOSOPHY

"The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone."

– Senate Bill Number 230

De-escalation is not a singular noun. Instead, it is a philosophy and perspective that highlights officers' capacity for analytical thought, personal wellness, emotional intelligence, empathy, communication, and their competence with defensive tactics and legal matters. Consequently, much of the focus of these four themes is not on practical strategies and techniques, but it is instead focused on an examination of the culture and customs of policing, and how these may best prepare officers to police equitably, justly, and legitimately.

As Plato wrote, "In a republic that honors the core of democracy—the greatest amount of power is given to those called Guardians. Only those with the most impeccable character are chosen to bear the responsibility of protecting the democracy."

If you use force successfully, somebody *loses*. If you use de-escalation successfully, everybody *wins*.

Summit participants consistently made the assertion that establishing a policing culture that focuses on a philosophy that policing exists for the primary purpose of protecting life, is the undergirding that provides foundation for any successful De-escalation program. Participants emphasized throughout the Summit that De-escalation is not simply a technique or tactic that can be addressed in a singular element of policy, training, or policing procedure. De-escalation is a product of an overarching commitment to protecting life. This proposition requires an acceptance by practitioners, and the community they serve, of Plato's thinking above and the ideas outlined by Sir Robert Peele in his 9 Principles of Law Enforcement (Peele, 1829). These time-tested ideas and the description of justice and guardianship are touchstones for current practitioners of law enforcement responsibilities.

As a reminder, a few of those Peelian principles most directly applicable to the topic of De-escalation are outlined below [emphasis added].

PRINCIPLE ONE

> *The* ***basic purpose and mission*** *for why police exist is to* ***prevent*** ***crime and disorder as an alternative to the repression of crime and disorder*** *by military force and severity of legal punishment.*

PRINCIPLE FOUR

> *The degree of* ***cooperation of the public*** *that can be secured* ***diminishes, proportionately, to the necessity for the use of physical force*** *and compulsion in achieving police objectives.*

PRINCIPLE SIX

> ***The police should use physical force*** *to the extent necessary to secure observance of the law or to restore order* ***only when the exercise of persuasion, advice, and warning is found to be insufficient*** *to achieve police objectives; and* ***police should use only the minimum degree of physical force which is necessary on any particular occasion*** *for achieving a police objective.*

In considering the context for how a successful organization can establish these ideas as part of the policing/agency culture and philosophy, participants identified the following principal assertions as imperative elements to creating and sustaining such a culture.

- **Understanding the barriers to establishing a De-escalation culture.**
- **Establishing a culture that fosters a guardian ideal conducive to a mindset of De-escalation.**
- **Effectively communicating ardent subscription to this philosophy both internally and externally.**
- **Recognizing and rewarding desirable characteristics and behaviors during personnel practices (Selection, Hiring, Retention, Evaluation, and Promotion).**
- **Promoting individual Wellness and Self-Regulation to improve demeanor and decision-making.**
- **Increasing confidence of response personnel through comprehensive training on De-escalation, Tactics, and Use of Force.**
- **Developing a feedback system with measurable metrics to evaluate success.**

Warrior vs. Guardian (Servant):

It is important to understand the barriers that may influence the transition to a developing "*Guardian*" culture and philosophy that favors and promotes de-escalation.

As outlined in the *Final Report of the President's Task Force on 21st Century Policing (2015)*, political climate, budget reductions, crime rates, the "War on Drugs" and many other factors have driven the slow transformation of law enforcement culture over the decades. While the overarching goal remains the protection of life and property, the means by which these goals are accomplished has changed significantly. As a result, policing agencies have become more focused on rapid resolution of a particular problem (putting fires out) and much less oriented toward the underlying relationships necessary for long term effectiveness. The perceived or actual lack of time and resources creates a paradigm wherein response to incidents and the associated methods toward resolution become directive rather than collaborative in nature. A policing culture that seeks an expeditious resolution to incidents, rather than the least confrontational, will likely resort to the use of force more readily. The circumstances described above, and many other ancillary political and social factors have resulted in a policing culture that has drifted slowly toward what is often referred to as a "Warrior" rather than "Guardian" mentality. (Rahr, 2015)

In recent years, several very high-profile incidents involving law enforcement use of force have initiated discussions oriented toward the idea of de-escalation. However, current policing culture, and the underlying history it grew out of, has made the return to a service or guardian mentality complicated. Participants in the Summit emphasized frequently that a thorough understanding of this history and the impact it has on current policing culture are the "lynch pin" to returning to a guardian mindset which fosters De-escalation. Participants provided the example of younger officers who have not had the experiences of the last decades and their propensity to adopt new and different ideas. They attribute this flexibility of thinking to the idea those new to the profession have not yet been acculturated to current common practice.

Developing a Guardian Mindset Culture

Participants in the Summit placed emphasis on the idea that all too often the evaluation of interactions between officers and the public they serve are based on a review initiated by a negative outcome. There is scarcity from both an internal and external perspective of positive interactions which are recognized for the behaviors that led to a resolution not involving force. This tendency for a focus on negative outcomes and understanding the circumstances that led to them, while necessary, can create an environment that inadvertently ignores positive behaviors. Participants placed a significant value on the importance of establishing a culture which chooses to reward successful De-escalation as often or more often than it examines and publicizes the less positive situations. Doing so provides for positive modeling of desired conduct and exemplifies the organizational commitment to these values.

Establishing a "guardian culture" requires policing to go beyond examining a single incident to determine if practitioner officers used proper tactics and techniques to render an otherwise chaotic situation safe. It additionally goes beyond evaluating whether the situation was resolved using that force which authorized by law and policy. The need to establish an agency culture wherein the guardian mentality is 'Woven into every aspect of policing operations', was heavily weighted by Summit

participants. This idea consistent with the idea of Procedural Justice (Tyler, 2019), is anchored in an internal culture which values individuals and seeks to improve the personal and professional wellbeing of all employees.

Establishing a guardian culture which seeks opportunities to De-escalate in all situations means developing an overarching philosophy focused on the idea that is the inherent responsibility of all officers to place sanctity of life above all else. It cannot be accomplished through a simple vision and mission statement or policy that requires officers to demonstrate specific techniques in certain situations; it involves a core principle of operations that should govern all other aspects of the organizations role in society.

Communicating a Guardian Mindset

Participants in the Summit identified communication both internally and externally as a recurring theme associated with de-escalation and the policing culture. Similarly, participants placed an emphasis on the importance of executives driving the move toward a guardian mentality through their conduct and communication as imperative to the success of this change. The message outlining this philosophy should be communicated directly from the Chief Executive and demonstrated through both word and deed. Additionally, Summit participants consistently asserted the idea that management at all levels should convey their belief in a law enforcement culture wherein de-escalation is at the forefront. Culture change cannot be accomplished simply by establishing mission and vision statements which support this idea; it should be lived out daily through the conduct of all policing personnel.

Communicating the message should be unambiguous and establish clear expectations for all personnel. While, as previously stated, culture change goes beyond standard documents, participants did place value in having Mission and Vision statements which were internalized by all personnel and conspicuously posted throughout the organization. Participants further saw a benefit in the use of posters and roll call briefing items which underscore the importance of De-escalation as a matter of practice. Core concepts associated with De-escalation should be revisited in post incident debriefs and emphasized during regular evaluations.

Similar to the concepts for internal communication, conveyance of this philosophy should be done clearly and consistently as it pertains to the community. While participants emphasized that the day to day interaction between policing practitioners and the community would be the strongest means of

delivering the message, there was value in other forms of communication. Participants identified the following as key in delivering a consistent, clear message to the community:

- **Conducting regular community meetings involving executive and command staff.**
- **Establishing an agency website which publishes Mission and Vision statements and provides an avenue for community feedback.**
- **Regular media events wherein the philosophy can be emphasized and positive examples of police/public interaction can be highlighted.**
- **Consistent participation in community events providing an opportunity for interaction outside of an enforcement context.**
- **Candid, empathic acknowledgment in those instances where policing practitioners depart from established expectations for conduct.**

Promoting Wellness & Self-regulation to Improve Demeanor & Decision-making

While this topic is addressed in other portions of the Summit report, it is important to note that Summit participants placed significant emphasis on the importance of individual wellness, emotional intelligence, and self-regulation as pivotal to establishing a guardian culture that favors De-escalation. Participants felt officer wellness and emotional intelligence were pre-eminent in affecting policing practitioner thinking associated with every policing action. Participants in the Summit believed there were several critical elements to achieving officer wellness including:

1. **Reducing the stigma associated with Emotional Wellness.**
2. **Provision of resources that can be readily and confidentially accessed.**
3. **Peer awareness of critical warning signs.**
4. **A robust training program focused on Wellness and Emotional Intelligence.**

Summit participants pointed out that failure to provide for employee wellness has a detrimental impact on the employee, their ability to make timely effective and sound decisions and impacts the overall cultural wellness of the organization. (**See Chapter 6**)

Recognizing and Rewarding Desirable Characteristics and Behaviors During Personnel Practices (Selection, Hiring, Retention, Evaluation and Promotion)

Summit participants placed a very high value on the idea of identifying characteristics in employees that are conducive to a guardian culture favoring De-escalation. Evaluation of the type begins with the selection process, is emphasized at the academy, continues throughout every aspect of training, and should be revisited during evaluations and incorporated into all promotional processes.

Specifically, one of the overarching themes in this area was with regard to hiring. Participants believed that pre-hiring interviews and focused psychological testing should include questions which examine the candidate's capacity for analytical thought, Emotional Intelligence, empathy, and self-regulation. Identification of candidates who possess the capacity to further develop these characteristics early in the process provides for a strong foundation on which to build a culture which favors De-escalation.

Participants identified the following techniques as suggested means of recognizing and rewarding conduct consistent with De-escalation philosophy:

- **Body worn camera video demonstrating successful De-escalation should be shown during meetings and briefings as a positive means of exemplifying and influencing current and future behavior.**
- **De-escalation skills should be an integral part of every evaluation process and promotional examination.**
- **Successful De-escalation should be recognized and rewarded in the presence of peers and when appropriate, the community.**
- **Real world, contemporary examples of successful De-escalation should be used for training purposes.**
- **Demonstrated practice of De-escalation skills and understanding of the "Guardian" culture as an integral part of every examination for promotion or special assignment.**

Building Confidence & Competence Through Training in a De-escalation Culture

While training is covered in-depth in this report in another section, participants did emphasize with respect to culture and philosophy, that all policing personnel should receive training in De-escalation, Tactics, and Use of Force which was sufficiently robust to allow for a very high degree of confidence when implemented in the field. This efficacy for their ability to resolve situations safely will result in a lower degree of intensity infused into a given situation due to concerns for self-preservation.

Developing a Feedback System with Measurable Metrics to Evaluate Success

Any discussion of establishing a culture which requires a different way of thinking requires some form of measuring the breadth and depth that the new ideas are being received and implemented. Unlike measuring success with a specific linear program or initiative, a change in policing culture which favors De-escalation can be more difficult to measure. Participants felt strongly that true measurement of success in this area requires more than just a tracking of use of force statistics. While the use of force metric will certainly provide some indication regarding force trends, it is not singularly a true indicator of culture shift.

In addition to the tracking of use of force statistics, participants recommended the following measurable metrics as a means of evaluating overall success.

- **Regular community meetings to ensure their perspective and suggestions for improvement.**
- **On-going evaluation of media reports to evaluate public opinion.**
- **Internal discussions at meetings, briefings, and other events to provide for 360-degree feedback.**
- **Evaluation of depth of understanding during evaluation, promotions, and special assignment interviews.**
- **Continuing professional training, which evaluates understanding and reemphasizes key ideas and desired traits and behavior.**

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CHAPTER 5

DE-ESCALATION TRAINING

Training – Internal and External

The importance of effective de-escalation training weighed heavily in the contributions of summit participants. In fact, every theme included a focus on the need for effective training. To this end, the summit participants offered five principal assertions for police de-escalation training.

DE-ESCALATION TRAINING SHOULD BE PERVASIVE

De-escalation training should begin in the police academy and continue consistently throughout officers' careers. Further, it should be taught not as a standalone topic, but instead as a norm in policing culture, with pertinent skill sets woven as a common thread throughout education and training. De-escalation should be taught comprehensively, with a common definition, and consistent requirements and expectations statewide. In fact, the requirements for courses described in 11 CCR § 1070 should be updated to include relevant de-escalation capacities.

The failure to maintain statewide consistency may negatively impact the community by producing inconsistent and inequitable policing. Inconsistency and inequity; treating some people differently than others, are primary contributing factors that negatively impact police legitimacy. Officers and other police staff might also struggle to navigate variations in training that impact academies, organizational values, policing paradigms, and the standards of personnel assessment.

THE BASIC ACADEMY

Successful de-escalation begins at the basic academies, not as a standalone learning domain but as a theme interlaced into every applicable element so that it may become a cultural norm for new officers. Further, due to its standardized curriculum, the basic academy system may be used as the mechanism by which de-escalation is standardized for the California policing profession overall. Consequently, academy instructors should have a superior understanding of both de-escalation and adult learning concepts necessary to more effectively guide new officers' development. POST Basic Course Learning Domain 20 – Use of Force/De-escalation.

FIELD TRAINING PROGRAMS (FTP)

Field Training Officers (FTO) should be consistent in carrying forward the concepts of de-escalation learned in the academy and emphasize to recruits the benefits to officers and public safety. **The FTOs' influence and modeling of de-escalation behavior to new officers as part of the organizational culture is critical [emphasis added]**. The FTO development course should include de-escalation concepts aligned with the basic academy as well as teaching methods (presentation skills, adult learning, and effective communications) by which to effectively teach these strategies. The adoption and application of de-escalation in the FTP should be well supervised and supported by FTP Coordinators, FTP Administrators, and FTOs.

IN-SERVICE AND ADVANCED OFFICER

As with the academy, de-escalation should be taught to tenured officers, not as training in a vacuum, but rather as a thread of commonality, woven into all appropriate training, including briefing meetings/roll-call training. It is also imperative that the philosophy and message of de-escalation is reinforced by supervisor and manager attendance at training alongside line staff. This contributes to a shared organizational understanding as well as clear and collective expectations for performance.

SUPERVISION AND MANAGEMENT

Supervisors and managers should receive training not only on the mechanics of de-escalation, but also on methods for the communication of de-escalation philosophies inclusive of organizational mission and vision. They should also be given the opportunity to develop their skills with communication, assessment, and conducting productive and generative conversations with those under their leadership. De-escalation training for supervisors and managers, beyond skills and performance, should also embrace the broad view; viewing de-escalation from a bird's eye organizational and industry perspective. Supervisors and managers should also consider their responsibilities in identifying and recording de-escalation as part of their officer's performance standards for performance evaluations and in-field assessment and coaching.

De-Escalation Training Will be Engaging and Learner Centered

This theme indicates that police de-escalation training should occur in a manner that is learner-centered, giving students an ample opportunity to conceive of multiple reasoned responses to events, while also giving them the analytic and empathetic capacities to select the response best suited for particular encounters. De-escalation Summit participants overwhelmingly called for scenario-based training that is designed to be authentic to real-world practitioner experiences. They also expressed concern that de-escalation not be taught solely via instructional methods that only transmit information to students, such as lecture and PowerPoint, because students get few opportunities to

critically examine and practice learned material and skills. Further, summit participants specified that learners should be evaluated using explicit high-order learning outcomes derived from expected real-world performance and not low-order learning outcomes focused only on physical attendance or a students' receipt of in-class content.

In response to this problem, Summit participants collectively offered insights and guidance for the delivery of de-escalation training:

- De-escalation training and concepts should be woven throughout police training instead of being isolated in a standalone class. For example, de-escalation should be integral in communications, mental illness, human disabilities, defensive tactics, less-lethal weapons, and firearms classes. This approach will support de-escalation becoming a deep part of the policing culture instead of simply a passing fad.

- 11 CCR § 1070 classes should be revised to include appropriate aspects of de-escalation.

- Desirable de-escalation tactics and techniques should be clear and emphasized and students should be given ample time to actively practice them throughout training sessions.

- Frequent role playing and scenario-based exercises should be a principle method of de-escalation training, with a focus on officer's development of their communication, problem solving, and empathetic skills. Most scenarios should feature low-stakes; everyday encounters that focus on positive outcomes. Further, scenario roles should be at least partially performed by community members so as to make the training more authentic to the real world. Students should also be challenged by scenarios earlier and more consistently in their training sessions. This will allow for more time for reflection on performance and practice, followed by remediation when required, of learned skills.

- Student learning outcomes have got to be measurable and stated explicitly at the beginning of training and consistent feedback should be given throughout the duration of training. The measurement or validation of learning often comes in the form of a testing or performance evaluated process to show desired degrees of proficiency or to meet pre-identified performance standards. Training should:

  - **Provide clear and concise expectations.**

  - **Tell/show them what success looks like.**

  - **Clearly demonstrate what meeting or exceeding the standard is.**

- De-escalation training outcomes should be authentic and directly transferable (i.e. situated) to the real world.

- De-escalation training and learning outcomes should not be based on a narrow checklist of performance behaviors. Instead training ought to focus on developing officers' capacity for reasoning and adaptation to diverse events and contexts. ***Reasoning*** skills and ***adaptation*** dexterity provide learners with the malleable tools needed to successfully engage the immeasurable number of scenarios and circumstances they could be exposed to in police work that could never wholly be simulated or covered in training.

- Training should include learner practice for all stages of encounters, including pre-engagement, engagement, adaptation and repair, and resolution and conclusion.
- De-escalation training needs to include opportunities for students to reflect on their own performance and become accustomed to and skilled at articulating their reasoning verbally (testimony) and in written form (reporting).

De-Escalation Trainers Should be Skilled in Creating Adult Learning

Police de-escalation trainers should be highly competent in two ways. They should 1) be knowledgeable and exemplify the commitment to and practice of police de-escalation and 2) be able to facilitate learning that is engaged, learner-centered, and effectively presented. Such training should provide students with opportunities for critical thought, learning by doing, and self-evaluation. Within these two characteristics, Summit participants suggested the following considerations for the identification of de-escalation trainers:

1. De-escalation Knowledge and Practice

- Use instructors having professional experience that is relevant to the topic and who may offer alternative/diverse perspectives, such as retired officers, judges, attorneys, or appropriate community members.
- Instructors statewide should have a consistent and current understanding of de-escalation definition, philosophy, and strategies. While state-wide training does not have to be identical, such training should be foundationally standardized and generally consistent.
- Buy-in for de-escalation may be encouraged through the use of line-staff as instructors, given that they also meet the other desirable de-escalation instructor characteristics.

2. Capacity to Facilitate Blended and Varied Learning

- Instructors should be required to attend instructor development courses, such as the Basic Instructor Certificate Program within the Instructor Development Institute (IDI).
- Instructors should have the teaching skills necessary to teach de-escalation in a way that is relevant and meaningful to students for their own contexts, and not rely only on lecture and PowerPoint. Training should be blended, varied, engaging, and diverse. When possible, instructors should connect the existing curriculum to the learner's pre-existing experience.
- Instructors should have a thorough understanding of emotional intelligence (EI) and specifically how it may be used to encourage student self-awareness and self-reflection.

Notably, Summit participants indicated that the Field Training Officer (FTO) is a vital role for the development of practical de-escalation competencies in new officers. Certain recommendations were offered specifically for the FTO role that is in addition to the characteristics noted above.

To provide the most effective de-escalation training, FTOs should:

- **Be exceptionally skilled in emotional intelligence, both in self-awareness, self-management, and awareness of the condition of others (empathy).**
- **Be skilled in recognizing and defusing adverse triggers in themselves and their recruits.**
- **Have exceptional coaching and mentoring skills.**
- **Have an understanding of de-escalation as it is taught in the academy (Learning Domains) so as to maintain a consistent message.**
- **Have a background in teaching/training and education that will enhance their effectiveness in the FTO learning environment.**
- **Attend specialized training to guide them in the most effective ways to coach and exploit the elements of de-escalation (skills and mindset).**

To empower FTOs with these additional skills, Summit participants suggested that the current FTO course be revised to include an updated focus on these capacities to keep pace with societal changes and change within the policing industry.

Overall, summit participants emphasized the need for de-escalation trainers—whether in the academy, FTO, or advanced officer—who believe in de-escalation, have passion for teaching it to others, and who envision themselves as coaches/mentors for others to develop the skill. This observation is important because it is supported in existing research on effective teaching. Recent studies caution that, although police educators may conceptually understand engaged student-centered learning, they may default to teacher-centered transmissive instruction simply because they cannot imagine how productive learning would work in their own classrooms (Birzer, 2003; Chappell, 2008; McCoy, 2006; Oliva & Compton, 2010; Shipton, 2011). Consequently, it is vital to provide police trainers, including de-escalation instructors, with adequate formal opportunities to develop their competence and identity as productive educators (Norris, 2018; Shipton, 2014).

Education on Police De-escalation Should be Offered to the Public

The Summit participants called for de-escalation education not only for members of the policing profession, but also for members of the public. It was emphasized that public education is necessary to help communities understand 1) the goals for police de-escalation training, 2) what de-escalation is and is not, and 3) that de-escalation is not a panacea to prevent all violent encounters. The overall goal of public-facing de-escalation education is to enable the public to make reasoned examinations of events in which the police use force. In particular, de-escalation education should be offered to the media, community leaders, social and outreach workers, and advocacy organizations. The ROI of partnering with and educating the public, done effectively and consistently over time could be significant.

Public de-escalation training was envisioned as a combination of informational social media posts; presentations to the public; and engaging, hands-on training sessions in which community members experience interactive training methods such as force options simulators, scenarios, and use of force training. These training sessions would not be intended to teach the public to engage in the use of force but rather to experience the time-critical decision making and problem-solving processes required of police officers.

De-escalation summit participants believed that public education will result in:

- Greater public understanding of the challenges faced by the police.
- Greater understanding of the limitations of police de-escalation.
- Increased shared understanding and communication between the police and community (establishing new or strengthening existing relationships).
- More accurate perceptions and rehabilitation of police legitimacy.
- Increased officer wellness.
- Decreased need for the use of force due to public understanding.
- Increased police understanding of community expectations.

De-escalation Training Should Include Appropriate Content

The Summit generated substantial recommendations for de-escalation training topics and content. In the subsection immediately following, general considerations are offered that are applicable for all policing personnel. This is followed by specialized considerations for particular law enforcement roles.

Recommended General De-escalation Training Topics

1. Echoing the *Final Report of the President's Task Force on 21st Century Policing (2015),* Summit participants specified that policing philosophy and culture should be shifted from a warrior orientation to a guardian orientation. This is the path that should be taken if policing is to increase internal/external procedural justice and broaden perspectives of police legitimacy.

2. Officer wellness (physical, emotional, behavioral, social, and mental health) and emotional intelligence should be central and fundamental pillars of de-escalation training. This is because the foundation of police de-escalation is officers' own capacity for self-awareness, self-regulation, and empathy: "...***we can't expect them to deescalate others if they cannot defuse themselves***" (Summit participant).

3. Communication should also be considered a pillar for de-escalation training. An officer unable to effectively communicate may struggle to employ de-escalation skills. Existing communications education should be expanded to allow for adequate practice of conversational, rapport-building, stressful, and critical communication within the framework offered by emotional intelligence. Course content should include:

a. **Strategies for approach, greeting, engagement, adaptation, repair, and incident closure.**

b. **Proper volume, tone, pace, and demeanor (physical/behavioral) for diverse events.**

c. **Respect and dignity (civility).**

d. **Active listening.**

e. **How to give and receive constructive feedback.**

f. **Mindful attention.**

g. **Providing a voice to others and the value of allowing people to "vent."**

h. **Non-verbal communication and behavioral cues.**

i. **W.A.I.T. Strategy: "Why Am I Talking?"**

4. Reactive vs. proactive problem response. Officers should approach events proactively, analytically, and flexibly instead of relying on a narrow set of default solutions habituated from past experiences. Training should not simply deliver to officers a fixed, finite, and narrow selection of available responses, but instead provide them with the critical reasoning, empathetic, and adaptive capacities necessary to diagnose the varied events they encounter daily.

5. The cause, impact, and mitigation of cognitive biases in policing decision making. This should include relevant brain science and a particular focus on implicit bias.

6. De-escalation should be represented in policing education as a system of thought (mindset, philosophy, and organizational culture) and not simply a tool to be applied. A tool can be deployed or disregarded; cognitive de-escalation is an internal and systemic way of thinking and can ideally be applied in all police encounters. De-escalation does not replace the use of force; it is the officer's preliminary efforts to avoid force and subsequently serves as part of the justification to use force after de-escalation efforts have been exhausted and failed.

7. A sustained examination of statutory and case law governing police use of force, adjusted to address emerging social or legal trends.

8. Strategic disengagement: the skills to recognize and act upon circumstances in which police withdrawal may be the most effective tactic. Withdrawal as a strategy does not equal failure.

9. Response to events involving mental illness and physical disabilities.

10. Identifying and mitigating officer-generated jeopardy/exigency.

11. Internal and external procedural justice as a function of police legitimacy.

12. The relationship between police tactics and de-escalation strategies, and how each may conflict or enhance the other.

13. Empathetic accuracy – training them to know the "other".

Specialized De-escalation Training Topics

DISPATCHER

1. Officer pre-contact de-escalation. Dispatchers may have opportunities to de-escalate events prior to officer arrival, lessening the risk to officers and public.

ACADEMY INSTRUCTOR

1. How to facilitate evolving scenarios requiring student adaptation and offer opportunities for students to practice de-escalation.
2. Resources and learning methods that generate recruit resiliency, adaptability, self-awareness, and self-regulation before they enter the real world.

FIELD TRAINING OFFICER

1. Mentoring, coaching, modeling, and holding trainees accountable for the concepts and use of de-escalation. FTOs should indoctrinate trainees into the culture and adoptive mindset of de-escalation.
2. Emotional intelligence and learning environments.
3. Trigger identification, prevention, and mitigation.
4. Integration of de-escalation training into 40-hour FTO Certification Course, the FTO 24-hour Update Course, and the 24-hour FTP Coordinator/Administrator Course.

SUPERVISOR

1. Add new content to the POST Supervisory Course allowing deeper examination of the goals and concepts of de-escalation.
2. Recognizing and intervening in issues related to officer wellness.
3. Development of the skills needed to facilitate difficult (crucial) conversations and employee performance feedback.
4. Development of report-reading and critique skills specific to use of force and threshold events: Are reports written with consideration of the questions that may be posed by varied future readers (Ex: attorneys, judges, media, and the public)?
5. Conducting formal and informal incident debriefs and reviewing body-cam recordings as a training tool.
6. Recognition and mitigation of employee issues with self-control, maturity, triggers, and emotional intelligence.

MANAGER

1. The evaluation of de-escalation using the criteria of reduced use of force, complaints/IA referrals, lawsuits, public (external) perception, and internal perception.
2. Promoting the normalization of officer wellness and mental health for incidental as well as cumulative stress.
3. Integration of management-level de-escalation training (supervisory oversight, staff expectations, evaluation) into the POST Management Course.

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CHAPTER 6

DE-ESCALATION: WELLNESS & EMOTIONAL INTELLIGENCE

Wellness and Emotional Intelligence

> *Members of law enforcement are Type A personalities and when in uniform and on-the-job, they are Apex Alphas and internal emotions, followed by sticky external feelings, would be a distraction, a weakness, and would certainly get in the way of accomplishing the mission. Officers win; they don't lose and they make command decisions, control the scene, and handle problems. They cannot afford to be caught showing a weakness or having emotions, as this chink in the armor; the act of slipping, might draw the relentless attention from their peers, like lions on the weak zebra, and cast the unwanted stigma of being human. Officers are like Abalone; hard shell on the outside and soft on the inside, but their culture dictates they only ever display their shell. As a result, emotions are driven inward where they belong and are stored and ignored like the beginning stages of cancer and are masked; hidden behind a professional poker face. If officers have an emotional crisis, they should grin and bear it; toughen up…they can take it; they're the police.*

The paragraph above, written slightly tongue-in-cheek for illustrative purposes, describes law enforcement forty years ago. While it takes a peek into the adverse mindset of *yesterday's* police officer, every law enforcement professional can relate to portions of these descriptions and has first-hand knowledge, having seen this persona in themselves and those they work with. While law enforcement personnel should certainly be physically and mentally tough, the days of denying one's emotional health and ignoring physiological wellness are over.

Today, as policing changes, becomes more sophisticated, and develops to meet contemporary challenges, health, wellness, and emotional intelligence (EI) for law enforcement is substantially important; even life-saving. The President's Task Force on 21st Century Policing highlighted six primary areas of focus surrounding six pillars. The sixth pillar is **Officer Wellness and Safety**. The Law Enforcement Mental Health and Wellness Act of 2017 (LEMHWA) was signed into law in January 2018, recognizing that law enforcement agencies need and deserve support in their ongoing efforts to protect the mental health and well-being of their staff. An enlightened organizational culture, quality training, and available stigma-free resources for good mental and psychological health is just as vital as good physical health for law enforcement officers. To enjoy the success and longevity of a quality law enforcement career, officers should consider a holistic approach to wellbeing; the whole package—mind (EI) and body (wellness).

Holistic & Systemic Wellness: The Whole Package

Officer suicide can be preventable. Some common officer illnesses like colon cancer or diabetes can be preventable. Depression, PTSD, and chronic fatigue can be preventable. Bankruptcy can be preventable. Divorce, morbid obesity, or shortened life spans can be preventable. The best approach to prevention is holistically and systemically. **Prevention** is paramount and in an interview with law enforcement's leading authority on prevention, Gordon Graham, Mr. Graham generously offered a valuable tool to help officers achieve that "whole package" approach to wellness and quality of life.

The Ten "F"s for Success:
Maximizing Quantity & Quality of Your Life

1. FAITH	Believe in a higher power.
2. FAMILY	Take care of your family – always.
3. FRIENDS	Friends and Acquaintances. Having 2 or 3 great friends who will always be on your side is fantastic.
4. FITNESS	Keep yourself in shape – just walking an hour a day is wonderful. Regular MD visits – even if you are feeling great. Mental and physical concerns – take care of yourself.
5. FOOD	Everything in moderation. General Rule: If your grandmother would not recognize it – don't eat it.
6. FUN	Laugh a lot. There are a lot of benefits to being happy and laughing a lot.
7. FUNDS	Financial planning early on and try to retire debt free.
8. FREEDOM	Be grateful you are here in the United States of America. Protect the freedoms that so many have died for over the centuries.
9. FUTURE	Time flies by quickly – strategic thinking is essential.
10. FULLFILMENT	Make every day count. Make every contact count. Be humble – it is not all about you. You get the opportunity every day to make a difference in someone's life. Simultaneously, you are "Building your Dash." Take a look at the poem of that name by Linda Ellis.

Gordon Graham – Graham Research Consultants & Co-Founder of Lexipol

The premise of this chapter and the Summit participant's focus on wellness and EI, suggest that for officers to most successfully de-escalate the vast variety of problems they might encounter, they will be much more effective if they themselves are enjoying optimum personal mental and physical health

and wellness. How can an officer skillfully deal with the often intense and difficult issues of another if they are distracted by or troubled with physical illness/limitations or suffering from fatigue or unhealthy emotional or psychological stress? Dr. Kevin Gilmartin offered the following valuable insight.

"It is asking for the impossible to expect a Police Officer who has been chronically ignoring emotional and physical wellness to be able to professionally de-escalate intense confrontations. Just one variable; protracted sleep deprivation alone can severely impact Officers. 24 hours of sustained wakefulness has Officers functioning, in terms of judgment and reaction time, at a .10 - blood alcohol content - equivalent. 18 hours is at a .08 BAC equivalent. Waiting until the confrontation takes place is too late. Not having significant investment in Emotional Survival throughout a police career is like teaching firearms skills after the lethal confrontation has taken place."

– **Kevin M. Gilmartin, Ph.D.**
Author of Emotional Survival for Law Enforcement:
A Guide for Law Enforcement Officers and Their families

In the course of their careers, some officers should battle with chronic fatigue/exhaustion, cynicism, poor nutrition, apathy/indifference, substance abuse, cumulative stress/anxiety, troubled relationships/divorce, anger, physical pain, burn-out, insomnia, suicide, illness, PTSD, depression, fear, or isolation. These adverse conditions, among others, can have a significant and cumulative negative impact and make it more difficult for officers to de-escalate difficult or challenging encounters. Herein lies the extraordinary necessity and value of wellness and EI.

Law enforcement has made great strides over the years toward officer wellness and the importance of EI, but they have only scratched the surface. There is still stigma, fear, and misunderstandings that deter officers from knowing it's okay to ask for help.

"If I break my arm, people are glad to sign my cast. If I say I'm depressed, people don't want to come near me. We think there is something different between mental health and physical health, when in fact there is not. How we change that in the law enforcement, that's the big question and the greatest challenge."

John Violanti, Ph.D.
Officer Health and Organizational Wellness
Department of Epidemiology & Environmental Health,
State University of New York/University of Buffalo

Knowing the Rules to Achieving Wellness

A Police Chief who was teaching a career development course covering assessment center testing said, ***"Assessment centers are about gamesmanship…the better you know the rules, the better you play the game."*** When it comes to an officer's emotional health, they need to know the rules so they can play the game better. Succeeding at mental health and wellness involves understanding how to identify problems early (introspection/self-assessment). Officers should know where to go, who to speak to, and what will happen. Officers need to be aware of the many resources and support systems that are available, both formally and informally. Officers should be trained and the culture of the organization should not support an environment of stigma toward the legitimate challenge's officers face.

These are some of the "Rules" officers should be aware of; knowing their options and taking action without fear. This is the challenge for law enforcement organizations. Most agencies have a contracted or in-house psychologist(s) who minimally assessed new hires, conducts fitness for duty cases, and provides post shooting officer evaluation. Most agencies maintain an in-house formal Peer Counseling or Employee Assistance Program (EAP). Some (few) agencies offer an on-duty or incentivized off-duty physical fitness program. In most law enforcement organizations, these efforts are the sum total of their overt commitment to officer wellness and EI. Most [emphasis added] officers have no contact with the Department Psychologist after being hired. Most officers do not use the resources of Peer Counseling or their Employee Assistance Program. And, for the majority of organizations that have no internal/external fitness programs, personnel fitness is separated from the organization; something that officers do at home and on their own time, if at all.

When it comes to mental and emotional health, fitness, and wellness, officers know very little, as they have limited or no exposure to this vast highly valuable information. **This lack of information, support, and resources are part of the problem.** The absence of this information, agency-sponsored support, and internal programs create potentially damaging misinformation, fear, stigma, and silence. Officers who work day after day in anguish or frustration or in pain, under stress, or depressed, and do so in prolonged silence may suffer the risk of cumulative damage.

The first step in solving a problem is accepting that there is a problem.

The second step is knowing how to solve the problem & seeking help when it's needed.

The third step is taking robust action to solve the problem.

The first step is pretty easy. Losing your temper, exhaustion from insomnia, abuse of alcohol resulting in sick-leave abuse, or an inability to communicate with your family are recognizable problems. The second step is often where the difficulty occurs and without the second step, the third step is nearly impossible. Today more than ever, law enforcement organizations should consider the great value and risk prevention of top-down support and a full commitment to the health and wellness of their officers.

"Historically speaking, LEO's stuffed away their emotional human reactions to the traumas they witnessed on a weekly basis. The thought was that physical fitness was the only way to handle the stressors of the job. However, there were still so many early retirements, on the job injuries, alcohol related problems, high divorce rates, and suicide, that they began to realize that their mental health was a contributing factor to these problems. Implementing behavioral health and wellness programs such as, peer support, Chaplains, and mental health professionals (the helping triad) as part of the culture, has changed the stigma that it is "weak " to have a human reaction to the horrendous events they are exposed too. It is not weak. The positive impact and acceptance for reaching out to someone for help, began at the academy level, teaching them from the beginning of their careers that talking to someone or getting help for a problem shows strength. It begins at the academy level, and the training they receive throughout their careers now focuses on the importance of their mental well-being. Departments also began to include their most important "back-up;" their families from the beginning, so families would learn and understand the LEO career and how they can be supportive and how they can also get support. A healthy family can help provide a healthy cop to a very demanding profession."

Nancy Bohl-Penrod, Ph.D.
The Counseling Team International

Wellness Programs & Training

In the absence of formal internal programs or assistance options within the agency, officers **should** make it a priority to attend specific training through their agency or on their own volition. Officers are well trained to protect themselves—officer safety is paramount—and they have protective armor, high-tech communications, back-up, weapons, and an abundance of training to fight, survive, and win. But, how do officers defend themselves against threats that come from within? How do they survive an attack they cannot see? What armor or weapons will protect them from stress, depression, or disease? Training, a dedication to self-preservation, and self-directed education provide the armor, weapons, and back-up to wellness and emotional survival. In the California POST Management Course, one of the blocks of instruction is called, "Wellness in the Workplace & Leisure." The instructor, Nancy Bohl-Penrod, Ph.D. (The Counseling Team International) presents a very impactful 8-hour course of curriculum for police managers. During the presentation, the students learn a variety of things they did not know, some of which include the following:

- ***A common canc*er prevalent in law enforcement is colon cancer, in part, because officers eat so much fast food over a prolonged period of time. Try looking in the trashcans where officers clean their patrol units out.**

- **Officers should read the labels on their energy drinks. Most don't even know the ingredients of what they are consuming and never realized that many of these drinks are supposed to be two servings.**

- **Officers should know what nomophobia is and assess and prioritize how their precious time is spent or could be better spent.**

- **Officers should know how to recognize stress they cannot see, identify what is causing unhealthy stress, how stress impacts officers physically, chemically, and mentally and the many simple ways to counter it.**

- **Research shows that a supervisor's leadership behavior, or lack thereof, can be toxic and induce stress. The body does not know the difference between the stress from a prolonged wild pursuit and the stress from continually struggling through an embattled relationship with a supervisor.**

This information is only a fraction of what officers can learn in wellness training. This information (knowledge) can be considered officers' internal body armor for their physiological, emotional, and mental well-being.

"Nothing will add more to your success in everything you do than a healthy, tranquil, and rested mind supported by a strong, flexible, and nutritionally fit body."

California has a number of quality training resources surrounding physical and emotional wellness. Most law enforcement personnel on the west coast have experienced and benefitted from Dr. Kevin Gilmartin's powerful emotional survival training. While training like this is valuable, taking a few 8-hour seminars over the span of a 30-year career pales by comparison to an organization that has made officer wellness an organizational priority and an ongoing and foundational part of their culture. This culture should be reinforced through supervision and management and through formal programmatic efforts (Hiring process, policy, FTO program, formal mentorship, team-building, roll-call training, enhanced performance evaluation, and continually providing information and resources, to name a few). For organizations, the ROI of this commitment is immeasurable and can be considered a valuable form of human risk management.

Knowing the rules to achieving wellness includes knowing that it's okay to break the silence. The problems officers have are most often treatable, but officers have to know what to do and where to go to get treated. Officers should feel safe knowing that when they reach out for help that there will be no stigma and they will not be viewed as weak or defective. The real battle in officer wellness and EI is not just getting well or healthy; but also knowing ***how*** to do it, ***where*** to turn, and that it's ***okay*** to get help.

Social Worker Althea Olson and her husband, Officer Mike Wasilewski wrote an article for PoliceOne.com: ***How to tell if you are depressed & when to get help***. Regarding depression, the authors offer a great example of what officers should know; "The Rules" of sorts and what organizations should support.

- **Depression is not a life sentence**
- **Depression is not a sign of weakness**
- **Depression is not something you "just get over"**
- **Depression is not something you should be ashamed of**
- **If you suffer from depression, you are not a failure, weak, or defective**

As Summit participant's discussions progressed, the importance of wellness and EI, as it relates to de-escalation, became evident. They recognized that officer behavior was strongly connected to and influenced by their wellness and emotional intelligence (EI). An officer's wellness also impacts community wellness through a diverse array of interactions and through many levels and types of communication. The group recognized that in order for police agencies to improve de-escalation skills, they need properly rested, well-trained officers, and officers who are healthy, both physically and mentally.

What is Emotional Intelligence?

While there are many definitions, sources, and approaches to the meaning and application of EI, according to Psychology Today, emotional intelligence refers to the ability to identify and manage one's own emotions, as well as the emotions of others. Emotional intelligence is generally said to include at least three skills:

- **Emotional awareness or the ability to identify and name one's own emotions.**
- **The ability to harness those emotions and apply them to tasks like thinking and problem solving.**
- **The ability to manage emotions, which includes both regulating one's own emotions when necessary and helping others to do the same.**

(Note: ***Helping others manage and regulate their emotions = DE-ESCALATION*****)**

Officers' who are angry, indifferent, or impatient in their actions will likely invoke the same actions from those they are trying to control or de-escalate. However, with the ability to assess and self-regulate their own emotions and external behavior, they have a much better chance to influence the actions and behavior of those they are dealing with.

"In any policing controversy—excessive use of force, racial profiling, police suicide, discourtesy—separating human emotions from that controversy's cause is difficult. An officer's emotional intelligence—whether the lack of emotional awareness or the inability to control emotions—will emerge. There can be no escaping one's emotions; indeed, if repressed, they cause even more problems. This is of particular concern to law enforcement, due to the myth that an officer should grin and bear emotional crises and shake them off at the end of the shift.

That myth has been contradicted by research, which has uncovered a much different reality. Contemporary psychological research shows that the strong, silent type (typical of many police officers) cannot suppress human emotions without suffering serious consequences. Emotional intelligence is just as serious in training."

By Gregory Saville - Emotional Intelligence in Policing
(International Association of Chiefs of Police (IACP) Police Chief Magazine)
Senior Partner, Alternation Consulting, and Adjunct Professor, University of New Haven,
New Haven, Connecticut

What is Officer Wellness?

Wellness can be considered a heavy word in that it has a lot of moving parts and it means different things to different people. While in its most simplistic terms, wellness is the absence of any illness, injury, or adverse problem; physically, emotionally, or mentally, but it is more than that. Wellness is a proactive course of action that includes being self-aware and making good decisions and balanced choices to lead a healthy and fulfilled personal and professional life.

"Wellness is not just surviving; it's thriving."

For the purpose of this publication, wellness is the sum total of everything officers can do in collaboration with a proactive and supportive organization to prevent, mitigate, or eliminate general emotional, mental, or physical health problems. Wellness is not just surviving; rather it is thriving. Wellness is more than being free from disease or emotionally sound, it is a focused and deliberate process of improvement and growth. Best practices for wellness is reaching a level of total physical, mental, and emotional well-being; it's achieving the best possible you.

Example

Officer A is an exemplary 10-year veteran and one of the most beloved and admired officers in the Department. Officer A is an FTO, a medal of valor recipient, an effective mentor to younger officers, and his evaluations consistently exceed standards in every category.

Officer A has gained 70 pounds since graduation from the academy and was just warned by his Doctor that he is pre-diabetic. The officer has a large family including a new baby and lives paycheck to paycheck to make ends meet.

As such, he works a lot of overtime and when he is not working, or going to court, or attending training, he is physically and mentally exhausted and tries to spend his free time with his wife and children, thus has little time, energy, or motivation to exercise. As a result of this ongoing scenario, the officer continually feels like there is a weight around his neck, he has trouble sleeping, and his wife asked him why he never laughs anymore. He has little energy and for no apparent reason, while driving on patrol, he started crying and had trouble stopping. Officer A was worried more that someone would see him than he was about why he lost control of his emotions.

This scenario depicts an officer in crisis and nobody knows about it except him. His problems are not uncommon and each problem, individually, are less impactful and easier to address. In this scenario; however, the problems the officer is suffering from are compound, cumulative, and ongoing and over time, with no internal action or external intervention, they can collectively cause serious damage.

Being bitten by a rattle snake can be dangerous

Being bitten by 5 rattle snakes can be deadly

Being bitten by 5 rattle snakes & doing nothing about it will kill you

The agency Officer A is employed by and the supervisors and partners Officer A works with have no idea he is suffering. His wife knows something is wrong, but he won't talk about it for fear of looking weak. His Doctor wants to prescribe medicine that will address the symptoms, but not the problem. Officer A operates day-to-day in silent frustration and does not know how to ask for help or even if help is available, after all this is his fault for being weak. Officer A knows very little about nutrition or finances and despite his professional reputation, he fears that he is failing.

What if…Officer A dedicated a couple weekends and became self-educated about the basics of fitness, diet and nutrition, and exercise. He researched some inexpensive workout equipment and developed an exercise strategy and routine that was dually and specifically designed to involve his family (hiking, biking, sports, trampoline, etc.). He watched instructional videos of how to cook healthy food, fitness life hacks, how to interpret the nutritional facts on food labels, and how to do portioned meal-prep to save time and to bring meals to work to avoid fast food. He made it a disciplined habit—a personal ritual he committed not to break—to walk one hour 5 times per week with his wife and spend that hour communicating and laughing together. He contacted his Doctor and inquired about the hospital's free programs and seminars on nutrition, health, and fitness. At work during his lunch break, he would spend a majority of the break in the department gym on the elliptical machine. Officer A also committed himself to the untold benefits of hydration and made "the art of rest and sleeping" a life-priority.

Result…Officer A lost 50 pounds in eight months. He did not become diabetic, thus had to take no medication. He felt physically great, had increased confidence and energy, slept better, and his family loved spending time with him doing fun physical activities. Officer A's disposition and mood skyrocketed. **This is wellness**.

What if…Officer A attended a few personal finance and wealth building seminars, listened to "Financial Health" radio shows, and read financial blogs. He watched educational videos on how to budget, save, and reduce spending or increase earning. He ordered an inexpensive subscription to Money Magazine and bought a few discounted books on Amazon about how to build personal wealth. After meeting with several recommended Certified Financial Advisors (CFA), he selected one and they developed a custom creative plan of action that would allow Officer A to better manage his money, taxes, spending, and do so without having to work overtime on all his days off.

Result…Officer A had more time to enjoy his days off. After a single year, other than his home mortgage, he became debt free. He became self-educated about finances and learned ways to generate passive income. He utilized the help of a professional CFA who helped him begin to save money with no impact to his quality of life. Officer A no longer worried about money and he felt much better about his family's future and financial security. As part of his strategy, he returned to school to get his Master's Degree so he could teach part-time as an Adjunct Professor in college or for the academy making a few extra thousand per month. The degree would also make him more competitive for promotion to Sergeant, which ultimately would net him an additional $1,800 per month. **This is wellness**.

Lastly, Officer A attended several Officer Health and Wellness Training seminars and learned about avoiding becoming cynical or burned out. In addition to losing another 20 pounds, he learned about how to avoid becoming overinvested in his career, the affects of hyper-vigilance, and how his physiology was impacted by the nature of his job. He educated himself about the dynamics of fatigue and how to be a better communicator and listener with his family. He befriended the Department Chaplain and they had great conversations. Finally, after Officer A earned his graduate degree and promoted to Sergeant, he used his life-changing experience, knowledge, and strategies to develop and successfully propose his agency's first Wellness and Fitness Program.

Wellness is most often a multi-prong approach; a spoke in the wheel. In our example, Officer A was in crisis; stressed, unhealthy, exhausted, had financial difficulties, and could not communicate with his wife. With a simple strategy (direction and action plan), time and proactive dedication, and some guidance and training, this "***whole package***" approach to wellness can substantially improve an officer's life. Wellness is a byproduct (the prize) of controlling yourself and your future. It doesn't just happen; you create it.

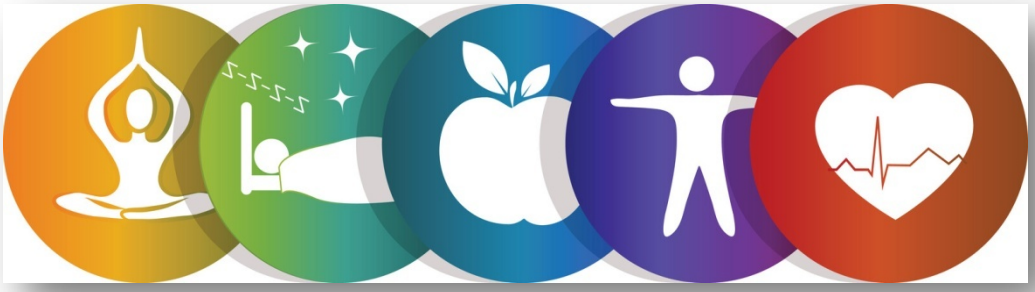
"The best way to predict the future is to create it"

– **Peter Drucker**

"Officer wellness is critically important because this is truly about survival – both on and off the job. This is life and death, and it's not just about de-escalation. This is about your physical health, your emotional survival, the health of your family, friendships, finances, and your ability to thrive when the stakes are high. Those who serve and protect face extraordinary pressures and demands so we should equip officers with the best tools and resources for lifelong officer wellness and resilience. Nothing is more important."

– **Dr. David Black**
Founder and Chief Psychologist of CORDICO

Professional law enforcement personnel dedicate themselves to their careers, to specialties and expertise; narcotics, traffic, defensive tactics, or training. They dedicate themselves to an expensive and time-consuming academic education or to being a great husband, wife, father, mother, friend, or volunteer. They take the time to focus on a variety of priorities, but often they themselves are not on the list. They don't dedicate the time to focus on their own wellbeing. Wellness is the sum of everything (multi-level approach) an officer can do to be physically, emotionally, and mentally healthy and happy. **Thriving is wellness achieved;** meditation, sleep/rest/leisure, nutrition, exercise/fitness, physical health.



When you study tragedies in law enforcement operations and get beyond the "proximate" cause and look for the "problems lying in wait" - too many are linked to "wellness" issues. I believe we have always been concerned with "physical" wellness (although there is so much room for improvement in this arena particularly in the area of diet, exercise, and lifestyle) - but we have ignored other components of "wellness" for decades. Of late we have started to talk about "mental" wellness, but for too many admitting that they have a "mental" issue - is a sign of weakness and they need to "toughen up." But we have totally ignored "financial" wellness. I fervently believe these are all linked - and our failure to fully and adequately address these issues is causing too many tragedies. In my opinion for too many leaders in law enforcement, this is a "black swan" - instead of viewing this as a "gray rhino." A lack of "wellness" is an identifiable risk - thus a manageable risk. It is Predictable and Preventable.

– **Gordon Graham**
Graham Research Consultants & Co-Founder of Lexipol

Summit participants identified important questions to answer:

- *"Specifically, how can positive mental, psychological, and emotional traits promote favorable outcomes in the area of de-escalation?"*
- *"How might de-escalation training support the strengthening of self-governance to support morality and attitude?"*
- *"How do we build healthy habits in our people so they can successfully resolve an encounter?"*
- *"How do we maintain physical wellness in our officers/people so they can successfully resolve an encounter?"*

Emotional intelligence is achieved through the collaboration between the emotional brain and the thinking brain. It is being able to recognize your emotional state and being aware of personal triggers and internal or applied bias and maturity. Participants believed that officers lacking in EI can adversely impact collective morale, cultural, flexibility, adaptability, communication within agencies, customer service, officer safety, and the ability to accurately assess situations. Officers should have self-awareness that is adequate enough to recognize and redirect them if they are being drawn into incidents or volatile encounters that may otherwise compromise their emotions.

Emotional State or State of Mind

Proper emotional intelligence incorporates the ability to accurately assess and recognize your own emotional state or state of mind. The better officers can maintain a good cognitive process and regulation of their feelings, the better they can properly assess and thus influence the emotional state of others (subjects, victims, and partners) through de-escalation. An emotional state is, in part, the

level of being content or happy; feeling good or maintaining a balanced rationale or stable disposition. It is shown through an officer's mood, persona, demeanor, and language. State of mind can impact patience and might determine the length of time it takes to become triggered or angry, if at all.

There are often noticeable clues to someone's emotional state and some are obvious while others are latent. An officer handling a problem with tears in his or her eyes is clearly a powerful indicator of a strong emotional state that might require intervention (help). Excessive profanity, yelling or anger, impatience, tunnel vision, irrational decisions, and compromising professionalism are indicators (red flags) of an adverse emotional state. Emotional intelligence, gained through experience, instinct, and training allows officers to self-identify and then self-regulate their own thoughts and behaviors. Officers with strong EI are often consistent in their mood and temperament. Their attitude is usually balanced, positive, and void of extremes. EI helps prevent officers from being happy on Monday, angry on Tuesday, sad and withdrawn on Wednesday, highly motivated on Thursday, and disgruntled and paranoid on Friday. The Doctor Jekyll and Mr. Hyde persona defeats effective policing, eliminates quality supervision, and makes de-escalation very difficult.

Contributory Factors to an Adverse Emotional State

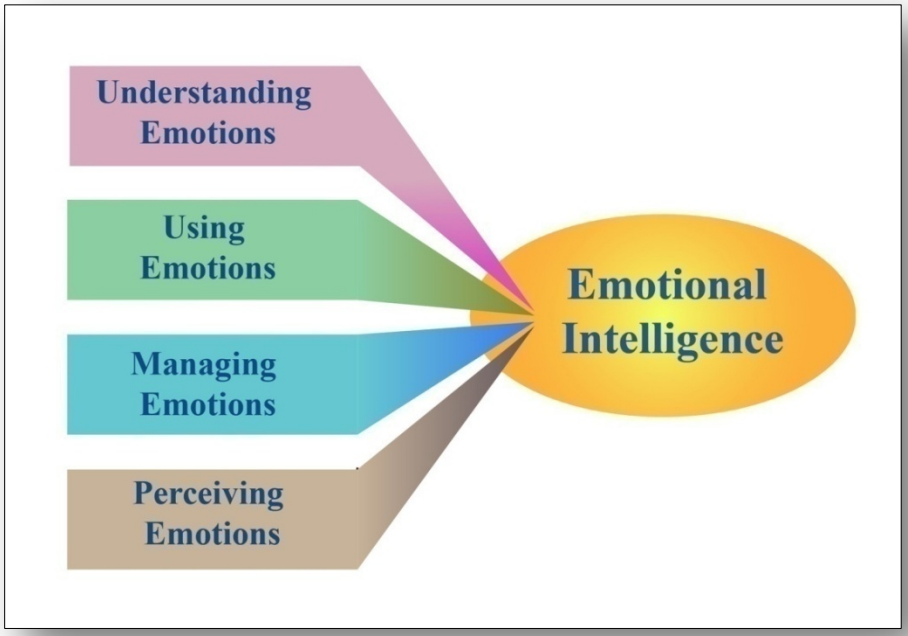
There is no list that exists that can capture all the causal factors that contribute to an officer's mood or state. In short, life happens and the day-to-day difficulties and stress sometimes transfers into an officer's behavior, language, or performance. State of mind is not just impacted by the in-service problem in front of the officer; it can also be carried over from the previous shift, from home, from poor supervision, or from contributory factors from the past or that are ongoing. The diversity of these causal factors is immense. Their impact can be mild or intense, temporary or ongoing, and they can be compound and/or cumulative in that officer fatigue is bad, but officer fatigue + a conflict with a supervisor + a pending divorce could be much worse. The key is to identify these causal factors. Once identified, their influence can be assessed and self-regulated, thus better controlled.

"Life happens and the day-to-day difficulties and stress sometimes transfers into an officer's behavior, language, or performance."

Assessment and Self-Regulation

Emotional Intelligence, at its root, is the ability to recognize and self-manage emotions. It is evident when officers are able to accurately recognize their emotional state and having awareness of whether they are being influenced by bias, a variety of triggers (present or past), anger, or simply being rushed, impatient, or overwhelmed by the circumstances. Its' okay (normal and human) if a subject makes an officer angry. If officers identify why they are feeling that way and think, not feel, their way through it, their anger can be better managed. Anger managed is anger processed, thus it does not become external or applied. The officer's focus is on the objective—thinking through the process rather than acting on emotion. This is a critical area when officers determine whether or not to use force. Force is best applied by the thinking officer (assessing and self-regulating), not the emotional officer. Failure occurs when the actions or influences of others control an officer's state of mind. Success occurs when the actions or influences of others are considered, evaluated, and then the officer rationally determines the most professional and effective path to reach the objective. Officers who self-regulate (control) their emotional state of mind, master their actions and behavior.

Summit participants believed that officers who lack EI have the potential to lower the moral of a team, a shift, or even a division. Those lacking EI may also have difficulties with cultural flexibility and adaptability, intercommunication between agencies, customer service, officer safety, and the ability to accurately assess situations. Officers should be self-aware (introspective). Their assessment and self-regulation should be adequate enough to recognize problems and redirect themselves if they are being emotionally compromised or drawn into an unwanted scenario. EI = Emotions that are understood, used appropriately/effectively, managed and controlled, and accurately perceived both internally and in others.



Emotional intelligence is about recognizing emotional state (self, subject, and partners). It involves officers using active listening to better understand and to establish rapport (commonality and mutuality) by having the ability to change their own behavior, thus better influencing others. Self-regulation and assessment techniques might include breathing, taking your time, using resources, conferring with partners or a supervisor, or considering multiple options. This greatly helps to avoid jumping directly into a use of force as an immediate resolution. Personnel should understand the importance of being able to assess an escalating situation, slow or calm it down if safe and when possible, and then re-engage with a different tactic or technique to repair the situation.

Officers who are emotionally well have resiliency and adaptability, which prevents burnout, better fitness, and better communication skills. These officers typically have a positive attitude, are confident, and feel valued. Officers deficient in emotional wellness may fail to adequately engage in situations or may hesitate, lose control, have uncertainty about being supported, all of which may result in negative and unproductive outcomes. The lack of attention to officer emotional intelligence/wellness may also result in the lack of self-initiated activity, burnout, feeling unsupported by the community or the agency, loss of credibility, and de-policing. The failure to provide officers with mental wellness tools can result in increased suicide, divorce, complaints, substance abuse, and a decrease in morale, public trust, staffing, and reputation.

De-policing, also known as the "*Ferguson Effect*," as used in this narrative, is a work slow-down or giving up, both of which are detrimental. It depicts a negative mindset, fear, or frustration followed by inaction (no self-initiation, non-proactive, and reactionary-only policing). De-policing may occur when an officer believes that his or her actions may result in complaints or discipline, a lack of departmental or public support, failure in other areas of the justice system, or heightened negative media (including social media) attention.

Emotional wellness is strongly promoted through adequate governance of agency culture and support. Wellness is fostered by peer support, developmental supervision, employee assistance programs, and peer officers who can recognize someone in distress. Emotional wellness is improved by effective internal communications within agencies and employees thrive when they feel valued. This is accomplished minimally with attention to an equitable and appropriate hiring process, hiring quality personnel who fit-in with the organization, and supervision/management awareness and involvement in employee activity and their careers.

Officers lacking physical health, suffering from fatigue, injury or pain, burnout or cynicism, contemplation of suicide or hopelessness, or a poor work/life balance may compensate with an improper use of force, decreased ability to de-escalate, or engage in self-defeating behavior. These problems may have an adverse impact to agencies; health insurance costs, increased medical retirements, increased workers compensation cost, increased sick leave use or abuse, impaired judgment, civil liability and litigation, recruitment challenges, and organizational reputation.

Wellness has a critical impact on the implementation of appropriate techniques and tactics by officers and the inclusion of a wellness component in all training will encourage a shift in culture and assist in promoting self-care and the care of others. As it relates to wellness, the presence of in-house clinicians (permanent or contractual) as a resource helps reduce stigma of counseling, builds rapport among staff, and may help with early identification of potential problems. Police departments should recognize that by supporting the comprehensive health and wellness in their officers, agencies can enhance the officers' abilities to utilize techniques and tactics toward best-practices de-escalation.

Healthier officers lead to healthier communications and interactions, both internally and externally. Officers who are healthy and thriving are likely to make better personal and professional decisions. Few things reduce problems, conflicts, or organizational liability more than good decision-making.

Key components of an agency's efforts toward officer health, wellness, and EI are diverse. Minimally, such efforts or program would be a multi-level approach that involves training (internal/external), an adoptive organizational culture, expanded supervision and performance evaluation, de-escalation skills, and a focus on specific topics that might **minimally** include those components found in the following table. Each area of training is a consideration for implementation and even the application of one or two of the below listed items would likely have significant positive impact on an agency.

Officer Wellness Program Considerations-Components

Emotional Intelligence	**Stress/Anxiety (Management)**
Depression/PTSD	**Burn-out/Life Balance**
Suicide (Prevention)	**Resiliency/Mental Toughness**
Nutrition/Diet	**Mindfulness**
Substance Abuse/Addiction	**Physical Fitness**
Officer Wellness Resources	**Peer Support/Employee Assistance Program**
Emotional Survival (Gilmartin Book)	**Anger Mitigation/Management**
Influence/Persuasion/Negotiation	**Chronic Fatigue**
Retirement Transition Planning	**Family Support/Communications**
Prevention of Common Police Illnesses	**Financial Tactics for Police**

In addition to these wellness considerations, it is important that Supervisors and Managers receive training in these areas that provides a larger perspective that is organizational, includes evaluation and oversight, training of staff, and knowledge of diverse resources. Supervisors and Managers should be accountable to maintain an assertive effort toward recognizing and intervening with issues related to officer wellness.

Organizational wellness efforts & programs should be:

- **Realistic** (Represents actual real-world policing and is timely and relevant.)
- **Achievable** (Goals and objectives should be realistic, measurable, and staff should have the ability, time, support, and means to successfully accomplish agency expectations.)
- **Custom fit to the agency** (There should be nothing generic or a one-size-fits-all program. Wellness programs/philosophy should not be obtained, but rather designed.)

To the extent possible, police agencies should consider establishing budgetary funding of a formal and continuous wellness program—integrated—that might be as simple as sending staff to specific training annually or the development of a robust and comprehensive multi-phase wellness program with in-house instructors (subject matter experts).

Other considerations might include therapeutic exercises as simple as light stretching and maintaining a counseling protocol for threshold or traumatic incidents (shootings, certain fatalities, children victims, difficult crimes/scenes/victims). Officers should be given occasional breaks or pauses away from their immediate duties that are facilitated by the supervisory after a difficult, stressful, or challenging incident to relax, talk, call family, or refocus. From a health and performance perspective, policy should set a limitation on the amount of overtime officers can work in a specified time period. Incentivized fitness programs or on-duty exercise may also be a consideration to explore. If not already available, public safety related vaccinations should be allowed on-duty.

Officer wellness efforts/programs can include technology supported by smart phone apps (see resources at the end of this chapter), contract clinicians or staff/peer support that is cross-trained as a fitness and/or nutrition advisor (advocate). Some progressive agencies have extended their exploration of officer wellness to included breathing, meditation, and yoga. In an article titled, "5 Reasons First Responders Should Take Yoga Seriously," author Olivia Kvitne, Founder and Director, Yoga for First Responders, writes:

"Yoga allows people to increase their ability to focus and problem-solve, gives them heightened situational awareness, and helps them make intelligent gut reactions to situations."

Financial wellness is also a critical component of overall life-work wellness. Personal finance and wealth building is often overlooked as part of a whole-package approach to successful wellness. Financial training, assistance, planning, and resources are abundant and might include basic budgeting and long term saving or investing options, optimal tax planning, emergency savings, growth, insurance, family trust/will, money management, and investments for retirement planning or long-term care. Such financial training or assistance can be for informative and employee awareness purposes or option-based rather than promoting commercial or specific financial products/services. Agencies could also arrange for a Certified Financial Advisor (CFA) to provide a financial awareness seminar for staff to attend on their own volition.

The Summit group collectively placed significant emphasis on the idea that officer wellness should be a primary theme in any de-escalation training. The strategy behind this emphasis was twofold. First, officers will likely be safer and more effective given a comprehensive understanding of appropriate de-escalation techniques. Second, a focus on officer wellness/EI and its substantial benefits, serves to develop a personal and professional connection or "buy-in" to the concepts of de-escalation.

Wellness and Organizational Culture

The organizational culture of a police agency consists of many things; among them, what the employees believes in and what they hold individually and collectively as valuable. It is defined by agency pride, ideologies, and principles and is influenced by leadership or lack thereof. Culture can be fueled by morale, diversity, and it is impacted by policy and practice. Culture includes hierarchy, unit or division structure and team compatibility (are there divisional lines or divisional walls?), and the seniority or youth of its employee generational composition. The culture of the workplace controls the way employees behave amongst themselves as well as with people outside the organization and often has a nexus to an organization's formal reputation—good or bad. Police culture and their internal socialization is often seen as a sub-culture as it is unique in society and determinative of how a particular organization does business.

Police culture is rich with a sense of family well beyond contemporary "co-worker" relationships; they fight together, survive because of each other, and share the same extremes that *regular people* only see on television. The selection process to enter law enforcement is grueling and not many can handle this challenging profession, which adorns it with exclusivity—deemed special under the law of scarcity. This "*Thin blue line*" characterization and guardian (Sheep Dog) of society persona adds strength to the cement of internal law enforcement culture and subculture. Lastly, culture is determined by what is rewarded. Are officers rewarded for professionalism, community policing, and civility or are they honored for being indifferent, autocratic, or representing an image of, "*Us or them?*"

Participants discussed how agency culture can significantly influence an officer's actions and *how to* or *whether to* utilize de-escalation. Agency culture starts in the academy and is reinforced, in part, through training, mentorship, formal and informal leaders, and departmental (supervision/management) expectations. Summit participants saw culture and officer wellness as interconnected and both greatly

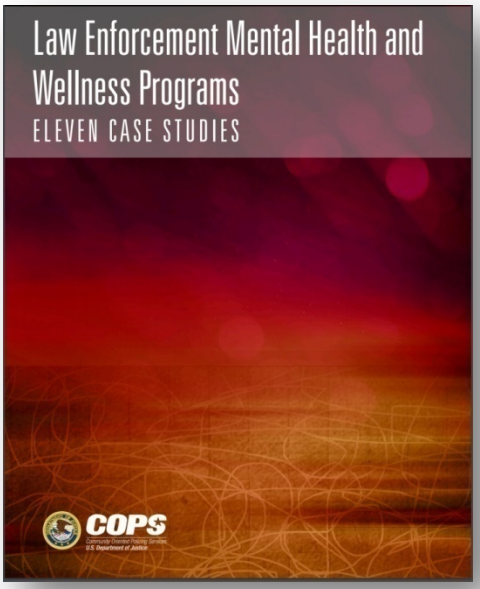
influence de-escalation, through buy-in and practice. To achieve officer physical, mental, and emotional wellness, agencies should normalize it as a standard foundational part of the organization like an FTO program, advanced officer training, or performance evaluations. A strong and healthy culture can positively influence officer wellness. A fragmented, divisive, and weak culture can have an adverse influence on officer wellness.

Officer Health & Wellness Resources

PUBLICATIONS

The U.S. Department of Justice – Office of Community Oriented Policing Services (COPS) provides a free downloadable publication called, "*Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies*."

This publication was published in 2019 and provides case studies of police organizations with regard to their collective mental health and wellness units, programs, and services for their public safety personnel or services provided for public safety. The report is, "*an important measure and reflection in our ongoing commitment to protect those who protect us*" (Phil Keith, Director – COPS).



The case studies include a variety of program related mental health and wellness information and offers key learning points for the content information to be replicated by other organization to help develop, expand, or improve their own respective programs and services.

The organizations examined include:

- Bend Police Department
- Charlotte-Meckleburg Police Department
- Cop2Cop
- Dallas Police Department
- Indianapolis Metropolitan Police Department
- Las Vegas Metropolitan Police Department
- Los Angeles County Sheriff's Department
- Milwaukee Police Department
- Metropolitan Nashville Police Department
- San Antonio Police Department
- Tucson Police Department

NOTE: The U.S. Department of Justice – Office of Community Oriented Policing Services (COPS) has a comprehensive collection of publications, groups, and resources covering all aspects of officer safety, wellness, and mental health.

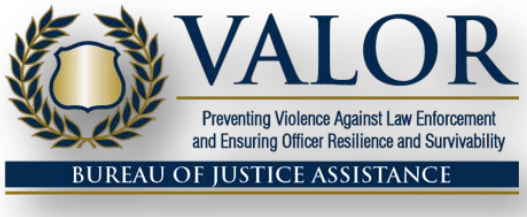
PUBLIC SAFETY WELLNESS TECHNOLOGY RESOURCES

David Black, Ph.D. is the founder and CEO of CORDICO. CORDICO is a world leader in wellness technology for high-stress professions, providing trusted, confidential, 24/7 proactive and preventative wellness support that is wholly comprehensive and specially developed for law enforcement, firefighters, dispatchers, and others serving in the most demanding and critical roles. They offer customized and continuously updated wellness platform solutions and provide handheld access to anonymous self-assessments, peer support, instructional videos, geo-mapping of vetted therapists, one-touch calling, and on-demand tools targeting the vast information detailed in the columns below. This appears to be a great technological step to serve as part of an organization's efforts toward employee wellness.

Alcohol Abuse	**Anger Management**	**Anxiety, Panic, Worry**
Brain Health/Cognitive Strength	**Chaplain Support**	**Compassion Fatigue**
Critical Incidents	**Depression**	**Emotional Health**
Family Support	**Financial Fitness**	**Grief & Loss**
Healthy Habits	**Injury Prevention**	**Major Life Events**
Marriage Guidance	**Mental Toughness**	**Mindfulness**
Moral Injury	**New Hire: Keys to Wellness**	**Nutrition**
Officer Wellness	**Parenting Tips**	**Peak Performance**
Peer Support	**Physical Fitness**	**Posttraumatic Stress**
Psychological First Aid	**Relationship Success**	**Resilience Development**
Retirement Preparation	**Self-care Checklists**	**Sleep Optimization**
Stress Management	**Stress Response**	**Substance Abuse**
Suicide Prevention	**Supporting Children Fear**	**Trauma**
Wellness Self-Assessment Tools	**Work-Life Balance**	**Crisis Intervention**

OFFICER RESILIENCY PROGRAM

International Association of Chiefs of Police, University of Pennsylvania, & Bureau of Justice Assistance VALOR Initiative



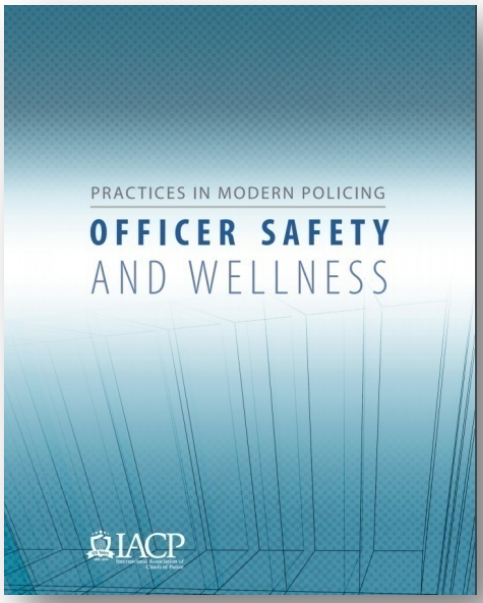
Police work is physically, emotionally, and mentally demanding. In order to protect the communities they serve, law enforcement officers should receive the tools and resources they need to protect their own health and safety. One tool law enforcement agencies can use to support overall officer health and wellness is resilience training. Resilience is the capacity to prepare for, recover from, and adapt to stress, and adversity. The IACP, in partnership with the University of Pennsylvania (Penn) and the Bureau of Justice Assistance (BJA)'s VALOR Initiative, is customizing a program specifically designed to help officers and agencies by enhancing resilience skills. The program, based on the Penn Resilience Program, equips individuals with a set of skills that can be immediately applied to everyday life to strengthen one's ability to overcome adversity and challenges, manage stress, maintain peak performance, and thrive in their personal and professional life.

The Law Enforcement Agency and Officer Resilience Training Program is one of the seven programs currently within BJA's VALOR Initiative.

PRACTICES IN MODERN POLICING: OFFICER SAFETY AND WELLNESS

International Association of Chiefs of Police Publication

https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_SafetyandWellness.pdf



This publication focuses on improving officer safety and wellness, featuring case studies of programs in San Antonio, Texas; Camden County, New Jersey; and Columbia, South Carolina.

The aforementioned resources are offered as a small representation to illustrate the abundance of resources available for law enforcement to explore officer health, safety, and wellness. Officers, trainers, and their respective agencies are encouraged to seek out and utilize the diverse and broad information available to assist in creating, developing, or enhancing their unique programs and efforts toward the mental health and wellness of their organizations.

CHAPTER 7

DE-ESCALATION: METHODS, TECHNIQUES, & TACTICS

There is no all-inclusive list that identifies all the methods and techniques officers might employ to de-escalate an incident. Some de-escalation methods might work for some officers and not others or in specific situations, but not all situations. Such a list might contain a broad array of options, countless approaches, and hundreds of methods that may be wholly dependent on the situation at hand, which could change in an instant. Some techniques may be based on an officer's communications skills or the assistance of a Police Chaplain. Other successful de-escalation may be achieved based on the officer's experience or confidence that other officers might not possess. De-escalation techniques that might effectively diffuse one situation very quickly might take time and prolonged efforts for the next.

"The most successful officers possess situational flexibility and spontaneous adaptability."

The most successful officers possess situational flexibility and spontaneous adaptability. Their techniques and methods are not an assortment of preplanned actions; they don't react, they respond and do so in a fluid manner. They revise their approach on the fly and continually adapt, assess, and reassess until something starts to work. This trial and error approach enjoys the most flexibility and success when officers have a broad and varied assortment of methods and techniques to choose from like tools in a toolbox. The more options officers have, the more effective they are at de-escalation and such options can range from applied empathy and a yielding friendly approach to immediate physical force. The key is to ebb and flow; never be static until success has been realized or the objective has been accomplished.

"Be like water making its way through cracks. Do not be assertive, but adjust to the object, and you shall find a way around or through it. If nothing within you stays rigid, outward things will disclose themselves.

Empty your mind, be formless. Shapeless, like water. If you put water into a cup, it becomes the cup. You put water into a bottle and it becomes the bottle. You put it in a teapot, it becomes the teapot. Now, water can flow or it can crash. Be water, my friend."

– Bruce Lee

The following list of de-escalation methods and techniques are neither new nor exclusive. However, collectively they can serve as a solid foundation; a menu of sorts, for de-escalation ideas and strategies that are effective and when formalized and understood, adopted, and applied, could serve officers well in their de-escalation efforts to reduce force and better manage difficult encounters. This list is not all-inclusive, but rather serves to add ideas and connect methods to officers' pre-existing experience, knowledge, skills, and abilities. The more tools in an officer's Swiss Army knife, the more options they have to apply.

We settle for *Compliance*. We enjoy *Cooperation*. We strive for *Collaboration*.

Pre-Contact Assessment of the Situation and the Subject

When possible, determine the causal factors of the conflict or problem. *Why* is the subject acting confrontational, uncooperative, or uncommunicative? Is it intentional to fight or escape or is it simply out of malice, violence, or hate? **There is a difference between anger, rage, violence, or criminal incentive and mental illness or disability.** Dispatchers should focus on pre-call interviewing or information gathering for responding officers. Time permitting, officers can speak to third-parties at the scene or ask specific questions to help classify what type of person they are dealing with. Consider if the conflict or problem is intentional or related to something other than criminal associated behavior. Peripheral considerations might include:

- **Is the subject impaired by mental illness?**
- **Are their indicators of developmental disabilities?**
- **Is there a language barrier or cultural conflict?**
- **Is the problem caused by a medical condition?**
- **Is the subject under the influence of drugs or alcohol?**
- **Is the person suffering from an emotional, personal, or trauma-based crisis?**
- **Could the cause be from a physical limitation, pain, or a perceived emergency?**
- **Is the subject suffering from fear, panic, or acute anxiety?**

Identifying any of these listed factors would assist in how the subject might be approached and better dealt with (de-escalated) and would greatly assist officers in determining if and how force might be applied or avoided. This information is critical in illustrating the officer's actions in an arrest report, after action report, use of force report, or WIC 5150 hold.

Pre-contact assessment also includes knowing the call history for the subject or the location, thus a team-approach working with the Dispatchers is vital. Dispatchers can start the de-escalation process on the phone and assist officers in the field by passing on key information that might aid their de-escalation efforts. New training or enhanced training for Dispatchers should include dealing with mental illness and tactics that involve more than just broadcasting calls for service, but rather doing everything possible to assist the officer in *their* (Dispatcher and Officer) team response to a call. Consider providing Dispatchers with job-aid checklists or tabbed action binders that provide immediate reference to a wide variety of possible calls. Lastly, these areas should be focused on and reinforced through quality supervision and effective performance evaluation.

Pre-Contact Assessment Technology: *Pre-arrival can include the use of technology for officers including the Drone as a First Responder (DFR). Chula Vista PD launches drones to appropriate calls-for-service before officers arrive to provide live-stream video of subject/suspect/incident. Officers can view a subject's actions before they arrive and receive updates from drone operator and live 9-1-1. Chula Vista Police can live stream 9-1-1 calls directly to officers in field. Officers hear calls first-hand in their immediate vicinity instead of getting the information second hand from the Dispatcher (Example: Boy in the park with a gun. The caller states they think the gun is a toy, but this statement is not relayed to the officers). With live-stream 9-1-1, the officers would get all the information and with a drone, might be able to determine if the gun is real or an obvious toy for better assessment of the threat-level.*

Officers should not have a preconceived notion of what to expect, as this leads to complacency or letting their guard down. Keep an open mind. Make your pre-contact assessment and situation/subject classification a standard protocol; a habitual tactic. ***YOUR*** situational awareness drives ***YOUR*** approach and actions taken.

Move, Distract, or Isolate

Attempt to move or distract the subject away from the source of hostility, anger, embarrassment, or cause of adverse emotions. Creating distance or isolating the subject from the source of the problem may likely de-escalate or eliminate the subject's antagonism. Control your call to the extent that you are able. Move the subject where you want them. Determine your escape routes. Mind your footing. How long will it take assisting officers to arrive? Where is your cover and concealment? Create the desired immediate environment you are about to work in and move, distract, or isolate your subject; always looking for your advantage. Distraction does not have to be trickery or misdirection; it can be stalling for time for other officers to arrive or using time to let your angry subject vent, tire, or calm down.

Give Them a Voice

When appropriate and safe, take the time to give subjects a voice (a key component of procedural justice). Often called venting, sometimes people just want to tell their side of the story. Even if the content is irrelevant or will not change your actions or decisions, taking the time and having the patience to listen, can be an effective tool in de-escalation. In Dr. Stephen Covey's 7 Habits of Highly Effective People, habit five teaches, "***Seek first to understand; then be understood***." Covey suggests that we often don't listen with the intent to understand, but rather, with the intent to respond. People find satisfaction in being listened to and heard and this shows respect to the person (another key component of procedural justice). Giving someone a voice and respect provides officers improved chances to de-escalate hostility.

Use Your Supervisor Effectively

Commonly, a subject's hostility is directed toward the contact officer(s) who is making the arrest or actively handling the situation. During an arrest or in handling a call for service, if a subject becomes angry, uncooperative, or passively aggressive toward the officers, assistance from a supervisor might benefit the situation in a number of ways.

Sometimes people get satisfaction from speaking to the officer's supervisor about what they think the officer is doing or not doing that upsets them. While the officer is gathering evidence, helping a victim, or storing a vehicle, the supervisor serves as a buffer between the hostile subject and the officer. As the officer works through the call, the supervisor has the opportunity to explain or educate the subject on what they are doing and why. Community members see what officers do, but don't always know why they are doing it that way, which often serves as a source of misunderstanding and frustration. It is not uncommon for a supervisor's support, approval, or explanation of an officer's actions to quell a subject's dissatisfaction, as it may tend to officially legitimize the officer's actions or behavior in the eyes of the subject.

If the use of de-escalation increases risk or decreases officer safety, then it's not being done correctly

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It's Not What You Say, It's How You Say It

The tone or tonality of your voice accounts for a large percentage of your communication effectiveness. Master your tonality and you control the message; this is communicative power. A Motor Officer can pull over a traffic violator and at the end of the contact can say, "*Have a nice day*." Said correctly, this statement would be viewed as a polite and professional parting statement. However, said with a specific tone and influenced by inflection, volume, pitch, variance of diction, and facial micro-expressions, the exact same spoken words could clearly express contempt, indifference, or sarcasm.

Your Goal is Control

Police officers use their command presence among other skills and in part, to establish control. There are many levels of control outside of physical control. Asking a driver politely to step out of a car and the driver complies is control and ordering a suspect out of a car at gunpoint is also control. Police officers enjoy a wide range of discretion in how to handle (control) a situation. Lack of control can get an officer hurt and over-control, especially when not needed or justified, can cause hostility or draw a complaint. Physical control or force used for expediency in most cases should not be preferred over the use of skills and techniques of de-escalation that might otherwise take more time, but achieves the same desired result; control.

"When de-escalating a situation to gain control, give yourself enough time to do it properly and safely."

When attempting to de-escalate a situation to gain control, consider giving yourself enough time to do so. Physical force can always be used in a split-second to establish control, but if you have time, avoid rushing and let force serve as the last resort when all else fails. When feasible, consider the application of civility, demonstrated equity, expressed impartiality, appropriate humor, or any one of a hundred other skills or techniques talented and experienced officers possess to gain control.

Be Explanatory

Experienced police officers may handle a call for service that they have handled 100 times before and they are quick and efficient at solving problems. Unfortunately, the people involved in the problem may be experiencing it for the first time and depending on the circumstances, their demeanor or emotions could range from mildly upset or scared to outraged or physically combative. The involved parties may be substantially impacted and not know or understand what the officer knows or may view as a routine call.

When tactically safe and appropriate, be explanatory. Take the time to educate and explain why you are doing what you are doing and what is going to happen. Let them know what their options are and provide resources and assistance if possible. Your explanation helps them understand and puts the situation in proper perspective. Take the time to answer their questions and provide explanatory answers. Adding patience and explanatory skills can greatly add to an officer's successful de-escalation efforts.

Being explanatory also includes providing context to a situation. Context is very important and serves as the informative framing of information that illustrates an event or situation and offers clarifying details for improved interpretation. Context improves understanding and helps others see things more accurately.

Identify the Source of Hostility

Focus directly on the source of hostility, anxiety, fear, or emotion as an external catalyst that might be infuriating your contact. Mitigate or eliminate the external source (problem) and you may resolve the hostility of your contact.

Control Non-Verbal Communication

Non-verbal communication accounts for a substantial percentage of your communication effectiveness or lack thereof. When there is a conflict between what you say and what you do, people tend to believe what you do over what you say. Your facial expressions (physiognomy), your stance, your hand gestures (gesticulation), and the way you act (demeanor/persona) all communicate messages to others, but **you** control your physicality, thus **you** control the message. Have you ever stood with a suspect who was verbally cooperative, but you knew the suspect was about to run or fight? The suspect, though not intentionally, was communicating some obvious non-verbal massages that experienced officers are skilled at recognizing. Can you tell when somebody is going to start crying or is distracted or in a bad mood absent any verbal clues? Are police officers good at detecting when somebody is lying? Non-verbal communication offers insight and insight renders the officer an advantage and can assist greatly with de-escalation.

Non-verbal cues are powerful. In poker, a non-verbal cue is called a "*tell*." A *tell* is a subconscious physical action that relays a message to others. If a poker player has a *tell*, it may reveal something about the player's thoughts or intentions and it betrays/defeats their attempts at deception. A player who is bluffing might reveal their bluffs to other observant players through their unintentional *tell*. Police officers are often experts at identifying deception (tells) in others based wholly on their physical actions.

When applying non-verbal communication to de-escalation, control your face and control your body and in doing so, you control your message. Avoid rolling your eyes, looking at your watch, letting off an obvious exhalation of air (Pssshhh), or maintaining a disingenuous smirk (expression of disrespect). The dynamic effect of just a hard stare could make a bad situation worse, while a genuine or manufactured tactical smile and calm demeanor could render a bad situation better. Control your body and your face and you control the message.

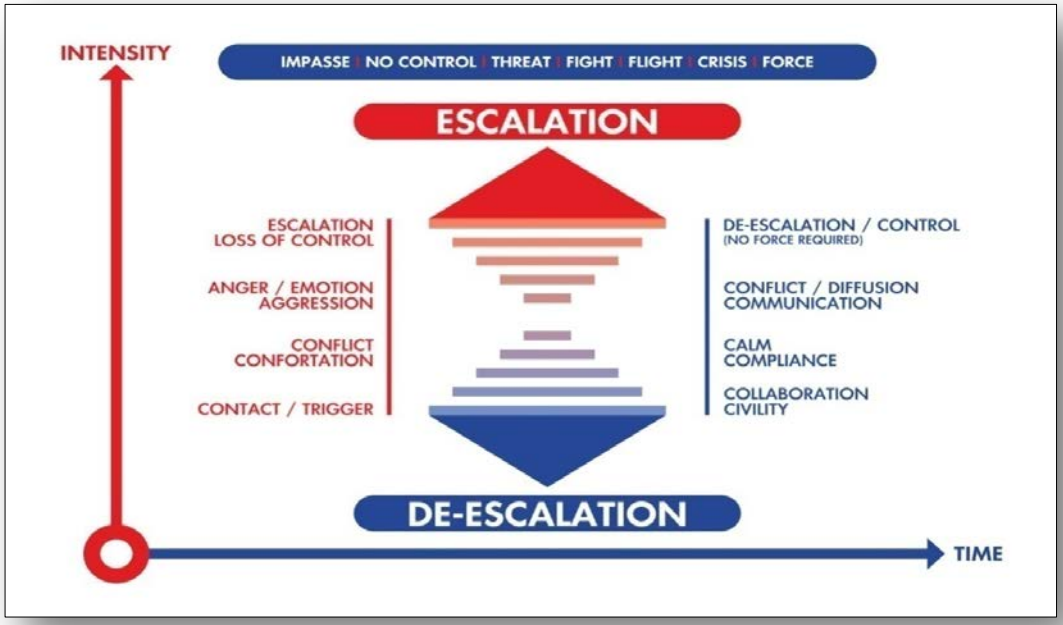
Take Your Time – Slow Things Down

The huge advantage of "The Police" is they have time (24/7/365); they are always working. They have communications utilizing highly technological $5,000 hand-held radios, unit-to-unit chat via their mobile data terminals (MDTs), and they have cellular phones and all of this is supported by a team of professional Emergency Operators/Dispatchers operating in a high-tech communication center. Lastly, the police are heavy in number. Any number of officers needed is possible, given time. In-service back-up, assistance from bordering agencies, a formal mutual aid call-out, or even in the most extreme circumstances, the police can be supplemented by the California National Guard (Los Angeles Riots, 1992, national riots, 2020, and COVID-19 Pandemic, 2020).

Most calls for service are non-emergent and officer have the time to work through the problem at hand and to use whatever resources are needed to address any situation. De-escalation often takes some time and communications are needed to gather resources, and it helps to have assistance to divide the work and increase safety.

Agencies should employ de-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.

When de-escalating a non-emergency situation, big or small; take your time (fools rush in). Use every source of communication that might assist you, make you more effective, or provide you a higher degree of advantage. Use your numbers; all of us are smarter, more effective, and safer than one of us. Take the time you have to try different tactics and varied approaches. Intensity tends to decrease with time. See **Intensity-Time Model**



Winning by Losing

At your discretion and when the circumstances allow for it, consider letting others win. This means letting them save face, keep their ego intact, especially in front of their friends or family, or to have the last word. Police officers have power and authority, but it should be applied like a scalpel; with precision and only when truly needed. When possible, temper enforcement with grace, civility, and humility and consider the subtle advantages and de-escalation benefits of losing the trivial moment to win the significant day. The best fighters don't need to fight because they already know the outcome.

The Power of Civility

We are very familiar with terms like civil service, civil unrest, and civil rights, but when it comes to civility, we practice it haphazardly, sporadically, and unintentionally, if at all. Civility should be practiced with well-focused purpose and deliberate intent. This can be considered applied civility.

Civility is treating others with respect. It is good manners and considering the feelings of others, their position, and the vast human situations—good or tragic—that they find themselves in. Civility is self-disciplined behavior and having patience with those who may not deserve it. It creates behavior that reduces conflict and stress and is void of self-interest.

Civility should not be confused with weakness. Practicing civility does not suggest officers should display gushing kindness in all situations. Similar to the application of force, civility can be applied at a very low level if at all or it can be applied with such depth that it has the power to change another's life.

The practice of civility has been around for centuries. As a 14-year-old, George Washington copied 110 "Rules of Civility and Decent Behavior in Company and Conversation" from an English translation of a French book of manners. The first rule reads, "***Every Action done in Company, ought to be with Some Sign of Respect, to those that are Present***." Dale Carnegie's (1888-1955) bestseller, "How to Win Friends and Influence People" and other best sellers have sold more than 50 million copies in 38 languages. Carnegie's work is largely based on the practice of civility. In his "Golden Book", he discusses the simplest components of civility: smiling, controlling criticism, avoid arguing, sincerity, overt appreciation, listening, consideration of all opinions, seeing the point of view of others, and sympathy. Imagine the value of a police officer who possessed and exemplified such traits.

Civility in de-escalation is most effective when it stems from who you are, rather than perceived from what they see. **Perspective + Perception is Key**.

PERCEPTION – OBSERVATION

What They See **Who You Are**

Let Them See You

Show the person you are contacting, and the community, who you are through empathy and caring statements. They may see you as just a uniform so it will be important to show that you are as they are – a human being that is trying to do the best they can in the job they have.

Update Your Contact – Give Them Information

It is not uncommon for a subject/suspect to experience a great deal of stress or pre-custody anxiety from not knowing if they are going to be arrested and are going to jail. If an officer knows for sure that the subject being contacted is not going to be arrested or if during the officer's investigation, determines that no arrest will be made, the officer should consider notifying the subject that they will be free to go at the end of the contact. Doing this, in selected circumstances, may calm the subject down, prevent the person from running or fighting, or immediately lessen common pre-arrest stress or hostility.

POST Basic Course Workbook Series: Student Materials – Learning Domain 20

When trainers present curriculum on de-escalation, consider providing staff/learners with copies of the de-escalation learning domain (#20/version 4.2) that is provided for new officers in the police/sheriff's academies. This learning domain should especially be provided for and used by Field Training Officers to assist training their new officers.

Chapter 2

De-Escalation

Overview

Learning need

Peace officers must understand how the principles of de-escalation can enhance contacts with the public and may result in improved decision-making, reduction in situational intensity, and opportunities for outcomes with greater voluntary compliance.

Learning objectives

The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	Objective ID
• discuss *de-escalation*.	20.02.1
• recognize the four core concepts of de-escalation.	20.02.2
• understand the components of a Critical Decision-Making Model.	20.02.3
• recognize how time may affect peace officer planning and tactics.	20.02.4
• recognize how strategic communication may enhance de-escalation.	20.02.5

Identify Your Potential External Allies

Under ideal circumstances, consider utilizing an ally. When confronting an uncooperative or hostile subject, sometimes a friend, family member, spouse, or a Police Chaplain can assist you in calming someone down. De-escalation might be accomplished by getting another person who speaks the irate subject's first language or in sensitive circumstances, getting assistance from a different gender or vocation (Fire personnel, nurse, clergy, and neighbor). Determine who you can be aligned with to assist you in moving forward.

Special Populations Job Aid

Consider developing a "ready-ref" or quick reference job-aid in the form of a laminated informational listing of common traits and characteristics of those with special needs or mental illness challenges (autism, schizophrenia/bipolar, acute anxiety or panic disorders, drug-induced mental trauma, PTSD, excited delirium, depression, obsessive-compulsive disorder, etc.) that are the most common contacts in police work. The job-aid could be miniaturized, foldable, and fit within a uniform breast pocket.

Crisis Intervention Team (CIT) Techniques/Training

Trainers should consider learning about and adopting relevant techniques used by Crisis Intervention Teams (CIT), particularly for training to help or de-escalate those with mental illness. Such techniques and training are designed to divert those with mental illness or suffering from a mental health crisis away from jail custody and the judicial system and into the more appropriate health care system. The objectives of CIT programs are to increase officer safety and better serve those in crisis with health or medical intervention, rather than criminal incarceration.

After Action Debriefings/Reports are Critical for Future Success

Train supervisors and officers the team-building and skill-developing benefits of de-briefing their collective efforts at de-escalation or dealing with a confrontational or difficult people. Conduct quick post-incident de-briefings of incidents at the rear of a patrol car in the field or discuss incidents the following day at shift briefing as a form of roll-call training. Such facilitated de-briefings are very effective for improvement, providing or reinforcing expectations, and developing teamwork and are as simple as minimally covering:

- ***What worked well?***
- ***What didn't work?***
- ***How can we do it better next time?***

The Value of De-briefing: *After teaching a very successful 4-day prototype training course on terrorism, one of the four very experienced instructors was exhausted and ready to go to a nice coastline restaurant for dinner. After the last student left the room, the primary instructor placed five chairs in a circle (4 instructors and the POST Course Coordinator). For the next 90 minutes, this cadre became fully engaged, discussing every aspect of the past 4 days; self-critiquing, assessing, recommending, improving, note-taking, and detailed planning for next presentation improvements. This interaction (de-briefing) was wholly intense, even grueling, filled with professional energy, challenging, and extremely productive. This process carried over to the next training and vastly improved it. This debriefing was repeated after each presentation concluded for nearly a decade. The primary instructor was subsequently honored as the recipient of the Governor's Award for Excellence in Peace Officer Training. Well executed team debriefings are powerful, effective, and highly recommended.*

After Action Reports (AAR) can be formalized and shared on multiple levels. Debriefing is NOT just for sworn personnel; include Dispatchers and any other staff members who might learn and benefit from an after-action assessment. Dependent on the significance of the incident, AARs can be shared organizationally, through inter-agency information sharing, through state-wide training, or through national publication or video training. **Learning from the missteps from others in the past allows for sidestepping landmines in the future.**

"After action reviews are aimed at improving American policing response to similar critical incidents through changes in policy, practice, organizational culture, and an increased understanding of the nature of preventable error."

— Chief (ret.) James Bueermann,
Past President National Police Foundation

"In 2013, we completed an after-action review of a large-scale manhunt which led to a nationally televised lethal force encounter, and we studied AARs from other incidents to see where we could improve. We had no idea that two years later we'd respond to a terrorist attack with many other allied agencies across our county. The lessons we all learned significantly enhanced our coordination, teamwork, and overall response. All of our law enforcement and fire partners continually work together to learn, train, and improve."

— Sheriff John McMahon
San Bernardino County (CA) Sheriff's Dept.

Successful De-escalation is De-escalation Well Documented

The word, "de-escalation" can mean a lot of different things to different people. Most would agree this word and its concept have a lot of metaphorical moving parts. An important aspect of de-escalation is first, what it means to the officer who applied it and second, what it means to the reader (approving supervisor, District Attorney, media, or civil attorney) who need to rely on the written documentation to understand what happened. Absent video, they (the reader) only know what the officer tells them through the written word and the message should be clear, explanatory, concise, detailed, accurate, and illustrative.

If I told my partners that my new Sergeant was smart and then someone asked my partners why the new Sergeant was smart, they would have no answer. The reason they cannot answer the question is because I did not tell them. My message was delivered, but it was lacking, cosmetic, and has no depth, detail, illustration, or example. So, if I want them to know my Sergeant is smart, I would say my Sergeant is smart *because* she has a Master's Degree, speaks four languages, has authored two published books, and has a photographic memory. Different levels of confrontation or hostility require different levels of de-escalation and different levels of that de-escalation require description and documentation that is unique to the circumstances.

When describing de-escalation in writing, in training, in explanation to a supervisor, or in testimony, provide the ***Why*** or ***Because*** behind the ***What***.

Here is what I did…(this is where most of us end the description and the "why" or "because" is left open to speculation or individual interpretation).

Here is what I did…and this is why I did it that way…

Here is what I did…because…Remember, officers may do the right thing and do it brilliantly; within policy, training, and law, but if it is not documented well and the intended message is not delivered or delivered poorly, then the officer's brilliant performance might not matter.

Control Your Message or Someone Else Will

Concluding Your Contact – Developing an Effective Exit Strategy

Officers are most effective when they approach any type of contact or problem with a plan or a strategy. Planning, strategy, or a pre-determined methodology based on training is the difference between being prepared or being caught off-guard or being tactical or aimless. Part of de-escalation and problem-solving is the conclusion or the officer's disposition of the call (exit or end game).

Once the police contact is over, there should be a resolution or conclusion to the interaction. How the officer leaves the situation and the person(s) involved can dictate a negative or positive experience. The powerful impact (good or bad) officers have on those they encounter should not be taken lightly

and a good conclusion could have diverse and lasting benefits. The conclusion might include a handshake, a handoff or referral to helpful resources, a thank you, or simply the officer's exemplification of neutrality.

Officers should try and end the contact positively regardless of the previous difficulties of the encounter (i.e. even after an arrest). Officers need to consider ensuring they leave a person with their dignity at the conclusion of a contact. This can include not handcuffing in front of their children, allowing the subject to put clothes on, or provide them with information or options. After each call or incident, officers should refocus and reset and reflect before the next contact. It is natural to carry over emotions and demeanor from one call to the next unless an effort is made to reset and start fresh.

Summit participants stressed the value of eliminating this carry over, "***Unload the baggage so that we don't carry it to the next call***." Officers can and should learn from every interaction. Actionable Items for conclusions can emphasize how the ramifications can go well beyond the encounter itself and training should recognize and highlight the importance of this.

De-escalation During Civil Unrest/Protests

Controversial Groups | Marches | Protests | Civil Unrest/Riots

While the tactics/techniques, dynamics, and pre-planning strategies for law enforcement's approach to dealing with the diverse forms of protest and civil unrest could aptly fill the pages of its own publication, de-escalation bears an integral nexus to this subject matter.

All the techniques and comprehensive information in this publication should be considered as adaptable and used to benefit a variety of crowd management or organized disobedience events. The many tenets of de-escalation; communication, officer safety, respect, impartiality and so on can apply to an angry individual during a call for service, but also effectively apply to dealing with the organizers or shot-callers of a march or planned protest. While the de-escalation concepts and techniques are the same, the application of it should be modified to meet the prevailing circumstances (i.e. event leaders/organizers, speakers, crowds/marches, or rioter). De-escalation and communication dexterity are paramount.

It is recommended that agencies consider integrating the most relevant concepts of de-escalation and the most applicable information from this publication to enhance and expand their civil unrest and crowd and riot control in-service training. The best riot is a riot prevented or mitigated to a peaceful protest through successful de-escalation.

It is important to remember that in many cases, the de-escalation of large groups, angry protesters, or those simply standing up for what they believe, is most effectively done through the civic leaders of our community; mayors, council-members, county supervisors, and even police leadership. In this vein, it is important to have a consistent and unified message from those in leadership positions so law enforcement personnel and the community know and understand the expectations of the police function in society.

CONCLUSION

As stated several times throughout this publication, there are innumerable ways to carry out the "art" of de-escalation. There are a myriad of tools within the officer's knowledge and skills they (you) will be able to employ in the journey to successfully addressing and concluding in the best possible manner, many, if not most, of your contacts and calls for service. Terms like Procedural Justice or Police Legitimacy are significant and should not be treated lightly and related contemporary terms such as De-escalation and Duty to Intercede also carry significant weight. California law enforcement operates under very strict rules with each agency providing hundreds if not thousands of policies and procedures to follow. Laws are to be followed and the constitution of both California and the United States is paramount – our citizens must be protected. One truly significant and proven way to work through any contact, whether it is with a fellow citizen, a crowd, a co-worker, or supervisors and managers, is to adopt and apply the valuable techniques of de-escalation.

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Please note that this document is a work product of the Government Training Agency. The above-listed Summit attendees have neither approved nor disapproved of the contents of this document.

From: GRACE M MARVIN
To: Police Public Comments
Subject: Fwd: Where are citizen responses?
Date: Friday, August 28, 2020 3:56:26 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

policepubliccomments@chicoca.gov

Please know that some (all?) of us are wondering when we will hear city responses to the questions and other comments we have sent to the committee either during or outside of the official zoomed session. We consider your answers to be essential to the policing review process.
Thank you.
Grace M. Marvin
1621 N. Cherry St.
Chico, CA 95926-3141

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Grace M. Marvin
1621 N. Cherry St.
Chico, CA 95926-3141

From:	Emily Alma
To:	Police Public Comments
Cc:	Margaret Swick; Marty Dunlap; Lana McGuire; Diane Suzuki; Lisa Currier; George Gold; Jill Bailey; Angela risdon; Robin Keehn; Alex Brown
Subject:	Comment to Police Review Committee
Date:	Friday, August 28, 2020 4:13:23 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

The name of this committee is Police Review Ad Hoc Committee. You have now held 3 meetings during which the main items discussed were reports from various members of Chico PD describing CPD policy and practice from their point of view. I see the necessity for committee members and the public to understand the perspective of CPD. Now it's time for other perspectives - for the committee and public to ***REVIEW*** CPD policies and practice. Are they the most effective and safest way for CPD to perform their duties, or can improvements be made?

At yesterday's meeting, committee member Cory Hunt described a frightening experience that he had of a Chico Police Officer drawing a gun on him when he was breaking no law and was in no way a threat to anyone. How does this fit with police policy and practice? The response from Chico PD members was dismissive and insulting.

I am deeply disturbed at CPD's response to Mr. Hunt. He and the public need and deserve that these kinds of experiences be taken seriously. We in Chico must feel safe on the streets of Chico. We need to be confident that guns will not be drawn on us by sworn officers in uniform as we go through our daily lives. My heart pounds to think of the courage it took Mr. Hunt to share this experience with the committee, and then to have it dismissed out of hand.

This Ad Hoc committee has met three times. Now we need to hear the perspective of the public, and agencies that have developed alternative approaches to those adopted by CPD. Mr. Hunt's experience was a start. What else are Chico residents experiencing from CPD on the streets of Chico? For Use of Force Policy, Lexipol is the easy way out for CPD. Other communities have developed Use of Force policies that focus more on protecting the public from excessive use of force and more on community values. Let's hear about them.

On police officer training: Officer Jim Parrott dismissed thorough in-depth training as a way for officers to learn de-escalation techniques and to avoid implicit bias. He claims that officers learn "on the job". Yet Mr. Hunt's experience illustrates the opposite: *escalation* of a situation by pulling a gun on an unarmed man who is breaking no law, and most probably demonstrating *implicit bias*, since Mr. Hunt is a black man with dreadlocks. The shooting deaths of Desmond Phillips and Tyler Rushing demonstrate that Chico police officers do not consistently employ de-escalation approaches, and as a result, two men experiencing mental health crises are dead. In addition are failure to de-escalate in non-lethal encounters such as, just last summer, an 11 year-old girl in a bathing suit in Bidwell Park who was tackled to the ground.

How can Chico PD ensure the safety of the public they are sworn to protect? Police departments all over the country are making reforms in the face of public uprisings, including uprisings here in Chico. Chico PD needs to step up to the plate and self-examine. This Police Review Ad Hoc Committee is the perfect place to get started.

Thank you for considering these thoughts,
Emily Alma

***"... this is about the fight for the soul of our democracy. We cannot afford to lose this one."* Rep. Elijah Cummings, 1951-2019, Rest in Peace**

From: charlie yarbrough
To: Police Public Comments
Cc: Margaret Swick; Diane Suzuki-Brobeck; Robin Keehn
Subject: PUBLIC COMMENT ITEM
Date: Saturday, August 29, 2020 10:24:04 AM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Having watched the Chico PD responses to Cory Hunt's story, it's easy to understand why many marginalized people are reluctant to even file a complaint.

I think the PROAC should consider recommending the creation of an independent ombudsman service to help people file complaints and then followup on the responses.

Where this kind of service is available to people seeking restraining orders against abusive partners, it's proved to be very helpful.

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