



City of Rochester

# **APPENDIX K SELECTED STUDIES, REPORTS AND RELEVANT POLICIES FROM WILMERHALE**



**B**lieve.



City of Rochester, NY  
Lovely A. Warren, Mayor  
Rochester City Council

***SELECTED STUDIES, REPORTS AND RELEVANT POLICIES  
POLICE USE OF FORCE and DE-ESCALATION***

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minimal reliance upon the use of force. The Department respects the sanctity of every human life.”)

1. Opinion: Police officers should be guardians, not warriors. That could have saved Andre Hill's life, *The Washington Post*, December 31, 2020, written by Christy E. Lopez, Georgetown law professor and former deputy chief in the Special Litigation Section of the Civil Rights Division at the U.S. Department of Justice (“Communities should demand that their police agencies equip and train their officers to save lives, require them to do so, and hold them accountable when they don’t. That means demanding accountability for every officer on the scene of Hill’s death, not just Coy. It means states should require by statute that officers render first aid. It also means that departments must communicate unequivocally to officers that they are expected to save lives — even if they think that person tried to kill them — and train them how do it. And we need to provide police with the emergency equipment needed to fulfill this mandate.”)

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- b. Ethical Policing is Courageous (EPIC)
- c. Seattle Police Department Joins ABLE Project
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- b. The Eric Garner Anti-Chokehold Act: Justification (“This bill does not bar any affirmative defenses or justifications for the use of force in making an arrest or in preventing an escape as outlined in Section 35.30 of the Penal Law.”)
- c. N.Y. Penal Law § 35.30 (Justification; use of physical force in making an arrest or in preventing an escape)
- d. Municipal Police Training Council, Use of Force Model Policy (suggesting four areas of prohibited uses of force)
- e. Baltimore Police Department: Use of Force (outlining use of deadly force prohibitions)
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- a. PERF Integrating Communications, Assessment, and Tactics (“ICAT”)
- b. IACP/University of Cincinnati: Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings (“Of the utmost importance, *the randomly assigned timing of de-escalation training in Louisville was associated with a statistically significant decline in use of force (-26%) and officer injuries (-36%). . . . ICAT de-escalation training delivered within the LMPD had its intended effect, improving officers’ attitudes and reducing the frequency of use of force and resulting injuries to both officers and members of the public.*”)
- c. Baltimore Police Department Consent Decree (“BPD has recently implemented improved policies regarding officers’ use of force, and force reporting, investigations, and reviews. BPD shall build on its recently improved policies. . . . BPD will ensure that officers: [a]re encouraged to resolve incidents without resorting to the use of force, when possible; [u]se de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntarily compliance with legitimate and lawful orders; [u]se tactics that do not unnecessarily escalate an encounter. . . .”)
- d. Chicago Consent Decree (“CPD’s use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible. . . .”)
- e. ‘Police must first do no harm’: How one of the nation’s toughest cities is reshaping use-of-force tactics
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FINAL REPORT OF

THE PRESIDENT'S TASK FORCE ON  
21ST CENTURY POLICING

MAY 2015

## PILLAR 2. POLICY & OVERSIGHT

*Citizens have a constitutional right to freedom of expression, including the right to peacefully demonstrate.*

The issues addressed in the first pillar of this report, building trust and legitimacy between law enforcement agencies and the communities they serve, underlie all questions of law enforcement policy and community oversight. If police are to carry out their responsibilities according to established policies, these policies must be reflective of community values and not lead to practices that result in disparate impacts on various segments of the community. They also need to be clearly articulated to the community and implemented transparently so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interests.

Paramount among the policies of law enforcement organizations are those controlling use of force. Not only should there be policies for deadly and nondeadly uses of force but a clearly stated “sanctity of life” philosophy must also be in the forefront of every officer’s mind. This way of thinking should be accompanied by rigorous practical ongoing training in an atmosphere of nonjudgmental and safe sharing of views with fellow officers about how they behaved in use of force situations. At one listening session, Geoffrey Alpert described Officer-Created Jeopardy Training, in which officers who had been in situations where mistakes were made or force was used came to explain their decision making to other officers. Some explained what they did right and how potentially violent situations were resolved without violence. Other officers told what they did wrong, why they made

mistakes, what information was missing or misinterpreted, and how they could have improved their behavior and response to suspects.<sup>30</sup>

Data collection, supervision, and accountability are also part of a comprehensive systemic approach to keeping everyone safe and protecting the rights of all involved during police encounters. Members of the Division of Policing of the American Society of Criminology recently wrote, “While the United States presently employs a broad array of social and economic indicators in order to gauge the overall ‘health’ of the nation, it has a much more limited set of indicators concerning the behavior of the police and the quality of law enforcement.”<sup>31</sup>

That body noted that Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994 requires the U.S. Attorney General to “acquire data about the use of excessive force by law enforcement officers” and to “publish an annual summary of the data acquired under this section.”<sup>32</sup> But the U.S. Department of Justice (DOJ) has never been allocated the funds necessary to undertake the serious and sustained program of research and development to fulfill this mandate. Expanded research and data collection are also necessary to knowing what works and what does not work, which policing practices are effective and which

30. Listening Session on Policy and Oversight: Use of Force Research and Policies (oral testimony of Geoffrey Alpert, professor, University of South Carolina, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

31. “Recommendations to the President’s Task Force on 21st Century Policing,” Listening Session on Training and Education (written testimony of Anthony Braga et al., Ad Hoc Committee to the President’s Task Force on 21st Century Policing, Division of Policing, American Society of Criminology, February 13–14, 2015).

32. Ibid.

ones have unintended consequences. Greater acceptance of the Federal Bureau of Investigation's (FBI) National Incident-Based Reporting System could also benefit policing practice and research endeavors.

Mass demonstrations, for example, are occasions where evidence-based practices successfully applied can make the difference between a peaceful demonstration and a riot. Citizens have a constitutional right to freedom of expression, including the right to peacefully demonstrate. There are strong examples of proactive and positive communication and engagement strategies that can protect constitutional rights of demonstrators and the safety of citizens and the police.<sup>33</sup>

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**2.1 RECOMMENDATION: Law enforcement agencies should collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships, greater community engagement, and cooperation.**

The development of a service model process that focuses on the root causes of crime should include the community members themselves because what works in one neighborhood might not be equally successful in every other one. Larger departments could commit resources and personnel to areas of high poverty, limited services, and at-risk or vulnerable populations through creating priority units with specialized training and added status and pay. Chief Charlie Beck of the Los

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33. Listening Session on Policy and Oversight: Mass Demonstrations (oral testimony of Garry McCarthy, chief of police, Chicago Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015); Listening Session on Policy and Oversight: Mass Demonstrations (oral testimony of Rodney Monroe, chief of police, Charlotte-Mecklenberg [NC] Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

Angeles Police Department (LAPD) described the LAPD's Community Safety Partnership, in which officers engage the community and build trust where it is needed most, in the public housing projects in Watts. The department has assigned 45 officers to serve for five years at three housing projects in Watts and at an additional housing project in East Los Angeles. Through a partnership with the Advancement Project and the Housing Authority of the City of Los Angeles, the program involves officers going into the housing developments with the intent *not* to make arrests but to create partnerships, create relationships, hear the community, and see what they need—and then work together to make those things happen.<sup>34</sup> The work in Watts has been documented in an Advancement Project report presented to the task force.<sup>35</sup>

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**2.1.1 ACTION ITEM: The Federal Government should incentivize this collaboration through a variety of programs that focus on public health, education, mental health, and other programs not traditionally part of the criminal justice system.**

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**2.2 RECOMMENDATION: Law enforcement agencies should have comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies must be clear, concise, and openly available for public inspection.**

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**2.2.1 ACTION ITEM: Law enforcement agency policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.**

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34. Listening Session on Policy and Oversight: Civilian Oversight (oral testimony of Charlie Beck, chief, Los Angeles Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

35. Rice and Lee, *Relationship-Based Policing* (see note 22).



As Chuck Wexler noted in his testimony,

In traditional police culture, officers are taught never to back down from a confrontation, but instead to run *toward* the dangerous situation that everyone else is running away from. However, sometimes the best tactic for dealing with a minor confrontation is to step back, call for assistance, de-escalate, and perhaps plan a different enforcement action that can be taken more safely later.<sup>36</sup>

Policies should also include, at a minimum, annual training that includes shoot/don't shoot scenarios and the use of less than lethal technologies.

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**2.2.2 ACTION ITEM: These policies should also mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.**

One way this can be accomplished is by the creation of multi-agency force investigation task forces comprising state and local investigators. Other ways to structure this investigative process include referring to neighboring jurisdictions or to the next higher levels of government (many smaller departments may already have state agencies handle investigations), but in order to restore and maintain trust, this independence is crucial.

In written testimony to the task force, James Palmer of the Wisconsin Professional Police Association offered an example in that state's statutes requiring that agency written policies "require an investigation that is conducted by at least two investigators . . . neither of whom is employed by

a law enforcement agency that employs a law enforcement officer involved in the officer-involved death."<sup>37</sup> Furthermore, in order to establish and maintain internal legitimacy and procedural justice, these investigations should be performed by law enforcement agencies with adequate training, knowledge, and experience investigating police use of force.

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**2.2.3 ACTION ITEM: The task force encourages policies that mandate the use of external and independent prosecutors in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.**

Strong systems and policies that encourage use of an independent prosecutor for reviewing police uses of force and for prosecution in cases of inappropriate deadly force and in-custody death will demonstrate the transparency to the public that can lead to mutual trust between community and law enforcement.

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**2.2.4 ACTION ITEM: Policies on use of force should also require agencies to collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody death.**

In-custody deaths are not only deaths in a prison or jail but also deaths that occur in the process of an arrest. The Bureau of Justice Statistics (BJS) implemented the Arrest Related Deaths data collection in 2003 as part of requirements set forth in the Deaths in Custody Reporting Act of

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36. Listening Session on Policy and Oversight: Use of Force Investigations and Oversight (oral testimony of Chuck Wexler, executive director, Police Executive Research Forum, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

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37. Listening Session on Policy and Oversight (written testimony of James Palmer, executive director, Wisconsin Professional Police Association, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30–31, 2015).

2000 and reenacted in 2014. Although states receiving grants under the Edward Byrne Memorial Justice Assistance Grant Program are required to provide this data to BJS, the Arrest Related Deaths data collection is a voluntary reporting program for law enforcement agencies. Access to this data is important to gain a national picture of police use of force as well as to incentivize the systematic and transparent collection and analysis of use of force incident data at the local level. The agency-reported data should include information on the circumstances of the use of force, as well as the race, gender, and age of the decedents. Agency data should be reported to the U.S. Department of Justice through the FBI's Uniform Crime Reporting System or an expansion of collections managed by the BJS.

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**2.2.5 ACTION ITEM: Policies on use of force should clearly state what types of information will be released, when, and in what situation, to maintain transparency.**

This should also include procedures on the release of a summary statement regarding the circumstances of the incident by the department as soon as possible and within 24 hours. The intent of this directive should be to share as much information as possible without compromising the integrity of the investigation or anyone's rights.

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**2.2.6 ACTION ITEM: Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed.**

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**2.3 RECOMMENDATION: Law enforcement agencies are encouraged to implement nonpunitive peer review of critical incidents separate from criminal and administrative investigations.**

These reviews, sometimes known as "near miss" or "sentinel event" reviews, focus on the improvement of practices and policy. Such reviews already exist in medicine, aviation, and other industries. According to the National Institute of Justice (NIJ), a sentinel event in criminal justice would include wrongful convictions but also "near miss" acquittals and dismissals of cases that at earlier points seemed solid; cold cases that stayed cold too long; wrongful releases of dangerous or factually guilty criminals or of vulnerable arrestees with mental disabilities; and failures to prevent domestic violence within at-risk families.

Sentinel events can include episodes that are within policy but disastrous in terms of community relations, whether or not everyone agrees that the event should be classified as an error. In fact, anything that stakeholders agree can cause widespread or viral attention could be considered a sentinel event.<sup>38</sup>

What distinguishes sentinel event reviews from other kinds of internal investigations of apparent errors is that they are nonadversarial. As task force member Sean Smoot has written,

For sentinel event reviews to be effective and practical, they must be cooperative efforts that afford the types of protections provided in the medical context, where state and federal laws protect the privacy of participants and prevent the disclosure of information to anyone outside of the sentinel event review . . . Unless the sentinel event

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38. James M. Doyle, "Learning from Error in the Criminal Justice System: Sentinel Event Reviews," *Mending Justice: Sentinel Event Reviews* (Special Report from the National Institute of Justice, September 2014): 3–20.



Barbara O'Connor, President of the National Association of Women Law Enforcement Executives, speaks during a panel on diversity in law enforcement, Cincinnati, January 30, 2015.

PHOTO: DEBORAH SPENCE

process is honest and trustworthy, with adequate legal protections—including use immunity, privacy, confidentiality, and nondisclosure, for example—police officers, who have the very best information about how things really work and what really happened, will not be motivated to fully participate. The sentinel event review approach will have a better chance of success if departments can abandon the process of adversarial/punitive-based discipline, adopting instead “education-based” disciplinary procedures and policies.<sup>39</sup>

#### **2.4 RECOMMENDATION: Law enforcement agencies are encouraged to adopt identification procedures that implement scientifically supported practices that eliminate or minimize presenter bias or influence.**

A recent study by the National Academy of Sciences, *Identifying the Culprit: Assessing Eyewitness Identification*, studied the important role played by eyewitnesses in criminal cases, noting that research on factors affecting the accuracy of eyewitness identification procedures has given an increasingly clear picture of how identifications are made and, more important, an improved understanding of the limits on vision and memory that can lead to failure of identification.<sup>40</sup> Many factors, including external conditions and the witness’s emotional state and biases, influence what a witness sees or thinks she sees. Memories can be forgotten, reconstructed, updated, and distorted. Meanwhile, policies governing law enforcement procedures for conducting and recording identifications are not standard, and policies and practices to address the issue of misidentification vary widely.

39. Sean Smoot “Punishment-Based vs. Education-Based Discipline: A Surmountable Challenge?” in *Mending Justice: Sentinel Event Reviews* (Special Report from the National Institute of Justice, September 2014): 48–50.

40. Samuel R. Gross et al., “Rate of False Conviction of Criminal Defendants who are Sentenced to Death,” *Proceedings of the National Academy of Sciences of the United States of America* 111, no. 20 (2014): 7230–7235. <http://www.pnas.org/content/111/20/7230.full.pdf+html>.

**2.5 RECOMMENDATION: All federal, state, local, and tribal law enforcement agencies should report and make available to the public census data regarding the composition of their departments including race, gender, age, and other relevant demographic data.**

While the BJS collects information on many aspects of police activities, there is no single data collection instrument that yields the information requested in this recommendation. Demographic data should be collected and made available to the public so communities can assess the diversity of their departments and do so in a national context. This data will also be important to better understand the impact of diversity on the functioning of departments. Malik Aziz, National Chair of the National Black Police Association (NBPA), reminded the task force that the NBPA not only urges all departments to meet the demographics of the community in which they serve by maintaining a plan of action to recruit and retain police officers of color but also has called for the DOJ to collect the annual demographic statistics from the 18,000 police agencies across the nation. “It is not enough to mandate diversity,” he stated, “but it becomes necessary to diversify command ranks in departments that have historically failed to develop and/or promote qualified and credentialed officers to executive and command ranks.”<sup>41</sup>

41. Listening Session on Policy and Oversight: Law Enforcement Culture and Diversity (oral testimony of Malik Aziz, chairman, National Black Police Association, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

**2.5.1 ACTION ITEM: The Bureau of Justice Statistics should add additional demographic questions to the Law Enforcement Management and Administrative Statistics (LEMAS) survey in order to meet the intent of this recommendation.**

**2.6 RECOMMENDATION: Law enforcement agencies should be encouraged to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests). This data should be disaggregated by school and non-school contacts.**

The BJS periodically conducts the Police-Public Contact Survey, a supplement to the National Crime Victimization Survey. The most recent survey, released in 2013, asked a nationally representative sample of U.S. residents age 16 or older about experiences with police during the prior 12 months.<sup>42</sup> But these surveys do not reflect what is happening every day at the local level when police interact with members of the communities they serve. More research and tools along the lines of Lorie Fridell’s 2004 publication, *By the Numbers: A Guide for Analyzing Race Data From Vehicle Stops*—to help local agencies collect and analyze their data, understand the importance of context to the analysis and reporting process, and establish benchmarks resulting from their findings—would improve understanding and lead to evidence-based policies.

42. Lynn Langton and Matthew Durose, *Police Behavior during Traffic and Street Stops, 2011*, Special Report (Washington, DC: Office of Justice Programs Bureau of Justice Statistics, 2013), NCJ 242937; Matthew Durose and Lynn Langton, *Requests for Police Assistance, 2011*, Special Report (Washington, DC: Office of Justice Programs Bureau of Justice Statistics, 2013), NCJ 242938.

**2.6.1 ACTION ITEM:** The Federal Government could further incentivize universities and other organizations to partner with police departments to collect data and develop knowledge about analysis and benchmarks as well as to develop tools and templates that help departments manage data collection and analysis.

**2.7 RECOMMENDATION:** Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.

Policies should emphasize protection of the First Amendment rights of demonstrators and effective ways of communicating with them. Superintendent Garry McCarthy of the Chicago Police Department detailed his police force training and operations in advance of the 2012 NATO Summit at the height of the “Occupy” movement. The department was determined not to turn what it knew would be a mass demonstration into a riot. Police officers refreshed “perishable” skills, such as engaging in respectful conversations with demonstrators, avoiding confrontation, and using “extraction techniques” not only on the minority of demonstrators who were behaving unlawfully (throwing rocks, etc.) but also on officers who were becoming visibly upset and at risk of losing their composure and professional demeanor.<sup>43</sup>

43. Listening Session on Policy and Oversight (oral testimony of Garry McCarthy, Chicago Police Department, to the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

**2.7.1 ACTION ITEM:** Law enforcement agency policies should address procedures for implementing a layered response to mass demonstrations that prioritize de-escalation and a guardian mindset.

These policies could include plans to minimize confrontation by using “soft look” uniforms, having officers remove riot gear as soon as practical, and maintaining open postures. “When officers line up in a military formation while wearing full protective gear, their visual appearance may have a dramatic influence on how the crowd perceives them and how the event ends.”<sup>44</sup>

**2.7.2 ACTION ITEM:** The Federal Government should create a mechanism for investigating complaints and issuing sanctions regarding the inappropriate use of equipment and tactics during mass demonstrations.

There has been substantial media attention in recent months surrounding the police use of military equipment at events where members of the public are exercising their First Amendment rights. This has led to the creation of the President’s Interagency Law Enforcement Equipment Working Group.

That group has been tasked by the Executive Order 13688 of January 16, 2015 with a number of issues, including ensuring that law enforcement agencies adopt organizational and operational practices and standards that prevent the misuse or abuse of controlled equipment and ensuring compliance with civil rights requirements resulting from receipt of federal financial assistance.

44. Listening Session on Policy and Oversight (written testimony of Edward Maguire, American University, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

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**2.8 RECOMMENDATION: Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.**

Many, but not all, state and local agencies operate with the oversight or input of civilian police boards or commissions. Part of the process of assessing the need and desire for new or additional civilian oversight should include input from and collaboration with police employees because the people to be overseen should be part of the process that will oversee them. This guarantees that the principles of internal procedural justice are in place to benefit both the police and the community they serve.

We must examine civilian oversight in the communities where it operates and determine which models are successful in promoting police and community understanding. There are important arguments for having civilian oversight even though we lack strong research evidence that it works. Therefore we urge action on further research, based on the guiding principle of procedural justice, to find evidence-based practices to implement successful civilian oversight mechanisms.

As noted by witness Brian Buchner at the Policy and Oversight Listening Session on January 30,

Citizen review is not an advocate for the community or for the police. This impartiality allows oversight to bring stakeholders together to work collaboratively and proactively to help make policing more effective and responsive to the community. Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.<sup>45</sup>

45. Listening Session on Policy and Oversight (oral testimony of Brian Buchner, president, National Association for Civilian Oversight of Law Enforcement, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

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**2.8.1 ACTION ITEM: The U.S. Department of Justice, through its research arm, the National Institute of Justice (NIJ), should expand its research agenda to include civilian oversight.**

NIJ recently announced its research priorities in policing for FY 2015, which include such topics as police use of force, body-worn cameras, and procedural justice. While proposals related to research on police oversight might fit into several of these topical areas, police oversight is not highlighted by NIJ in any of them. NIJ should specifically invite research into civilian oversight and its impact on and relationship to policing in one or more of these areas.

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**2.8.2 ACTION ITEM: The U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding.**

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**2.9 RECOMMENDATION: Law enforcement agencies and municipalities should refrain from practices requiring officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate investigative contacts with citizens for reasons not directly related to improving public safety, such as generating revenue.**

Productivity expectations can be effective performance management tools. But testimony from Laura Murphy, Director of the Washington Legislative Office of the American Civil Liberties Union, identifies some of the negative effects of these practices:

One only needs to paint a quick picture of the state of policing to understand the dire need for reform. First, there are local and federal incentives that



Co-chair Laurie Robinson asks a panelist a question, Phoenix, February 13, 2015.

PHOTO: DEBORAH SPENCE

instigate arrests. At the local level, cities across the country generate much of their revenue through court fines and fees, with those who can't pay subject to arrest and jail time. These debtors' prisons are found in cities like Ferguson, where the number of arrest warrants in 2013—33,000—exceeded its population of 21,000. Most of the warrants were for driving violations.<sup>46</sup>

**2.10 RECOMMENDATION: Law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers should ideally obtain written acknowledgement that they have sought consent to a search in these circumstances.**

46. Listening Session on Trust and Legitimacy (oral testimony of Laura Murphy, director of the Washington Legislative Office, American Civil Liberties Union, for the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015); Joseph Shapiro, "In Ferguson, Court Fines and Fees Fuel Anger," NPR.com, last updated August 25, 2014, <http://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger>; *In For A Penny: The Rise of America's Debtors' Prisons* (New York: American Civil Liberties Union, 2010), [http://www.aclu.org/files/assets/InForAPenny\\_web.pdf](http://www.aclu.org/files/assets/InForAPenny_web.pdf).

**2.11 RECOMMENDATION: Law enforcement agencies should adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted.**

**2.11.1 ACTION ITEM:** One example of how to do this is for law enforcement officers to carry business cards containing their name, rank, command, and contact information that would enable individuals to offer suggestions or commendations or to file complaints with the appropriate individual, office, or board. These cards would be easily distributed in all encounters.

**2.12 RECOMMENDATION: Law enforcement agencies should establish search and seizure procedures related to LGBTQ and transgender populations and adopt as policy the recommendation from the President's**

**Advisory Council on HIV/AIDS (PACHA) to cease using the possession of condoms as the sole evidence of vice.**

---

**2.13 RECOMMENDATION: Law enforcement agencies should adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.**

The task force heard from a number of witnesses about the importance of protecting the safety and dignity of all people. Andrea Ritchie noted that

gender and sexuality-specific forms of racial profiling and discriminatory policing [include] . . . Failure to respect individuals' gender identity and expression when addressing members of the public and during arrest processing, searches, and placement in police custody.<sup>47</sup>

Invasive searches should never be used for the sole purpose of determining gender identity, and an individual's gender identity should be respected in lock-ups and holding cells to the extent that the facility allows for gender segregation. And witness Linda Sarsour spoke to how

an issue plaguing and deeply impacting Arab-American and American Muslim communities across the country is racial and religious profiling by local, state, and federal law enforcement. We have learned

through investigative reports, Freedom of Information Act (FOIA) requests, and lawsuits that agencies target communities by religion and national origin.<sup>48</sup>

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**2.13.1 ACTION ITEM: The Bureau of Justice Statistics should add questions concerning sexual harassment of and misconduct toward community members, and in particular LGBTQ and gender-nonconforming people, by law enforcement officers to the Police Public Contact Survey.**

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**2.13.2 ACTION ITEM: The Centers for Disease Control should add questions concerning sexual harassment of and misconduct toward community members, and in particular LGBTQ and gender-nonconforming people, by law enforcement officers to the National Intimate Partner and Sexual Violence Survey.**

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**2.13.3 ACTION ITEM: The U.S. Department of Justice should promote and disseminate guidance to federal, state, and local law enforcement agencies on documenting, preventing, and addressing sexual harassment and misconduct by local law enforcement agents, consistent with the recommendations of the International Association of Chiefs of Police.<sup>49</sup>**

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**2.14 RECOMMENDATION: The U.S. Department of Justice, through the Office of Community Oriented Policing Services and Office of Justice Programs, should provide technical assistance and incentive funding to jurisdictions with small police agencies that take steps towards shared services, regional training, and consolidation.**

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47. Listening Session on Training and Education (oral testimony of Andrea Ritchie, founder of Streetwise and Safe, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

48. Listening Session on Training and Education (oral testimony of Linda Sarsour, Advocacy And Civic Engagement coordinator for the National Network for Arab American Communities, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

49. IACP, *Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide* (Alexandria, VA: International Association of Chiefs of Police, 2011).



Half of all law enforcement agencies in the United States have fewer than ten officers, and nearly three-quarters have fewer than 25 officers.<sup>50</sup> Lawrence Sherman noted in his testimony that “so many problems of organizational quality control are made worse by the tiny size of most local police agencies . . . less than 1 percent of 17,985 U.S. police agencies meet the English minimum of 1,000 employees or more.”<sup>51</sup> These small forces often lack the resources for training and equipment accessible to larger departments and often are prevented by municipal boundaries and local custom from combining forces with neighboring agencies. Funding and technical assistance can give smaller agencies the incentive to share policies and practices and give them access to a wider variety of training, equipment, and communications technology than they could acquire on their own.

**2.15 RECOMMENDATION: The U.S. Department of Justice, through the Office of Community Oriented Policing Services, should partner with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to expand its National Decertification Index to serve as the National Register of Decertified Officers with the goal of covering all agencies within the United States and its territories.**

The National Decertification Index is an aggregation of information that allows hiring agencies to identify officers who have had their license or certification revoked for misconduct. It was designed as an answer to the problem “wherein a police officer is discharged for improper conduct and loses his/her certification in that state . . . [only to relocate] to another state and hire on with another police department.”<sup>52</sup> Peace Officer Standards and

**Table 1. Full-time state and local law enforcement employees, by size of agency, 2008**

Size of agency	Number of agencies	Total number of full-time employees
All agencies	17,985	1,133,915
1,000 or more officers	83	326,197
500–999	89	94,168
250–499	237	133,024
100–249	778	174,505
500–99	1,300	136,390
25–49	2,402	124,492
10–24	4,300	98,563
5–9	3,446	32,493
2–4	3,225	11,498
0–1	2,125	2,585

Source: Brian A. Reaves, “State and Local Law Enforcement Agencies” (see note 50).

50. Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 2008*, Bulletin (Washington, DC: Office of Justice Programs Bureau of Justice Statistics, 2011), NCJ 233982.

51. Listening Session on the Future of Community Policing (oral testimony of Lawrence Sherman, Cambridge University, for the President’s Task Force on 21st Century Policing, Washington, DC, February 24, 2015).

52. “National Decertification Index—FAQs,” accessed February 27, 2015, [https://www.iadlest.org/Portals/0/Files/NDI/FAQ/ndi\\_faq.html](https://www.iadlest.org/Portals/0/Files/NDI/FAQ/ndi_faq.html).



Bill Schrier of the Office of the Chief Information Officer for the state of Washington used PowerPoint to demonstrate how agencies can use Twitter for engagement, Cincinnati, January 31, 2015.

PHOTO: DEBORAH SPENCE

Training (POST) boards can record administrative actions taken against certified police and correctional officers. Currently the criteria for reporting an action on an officer is determined by each POST independently, as is the granting of read-only access to hiring departments to use as part of their pre-hire screening process. Expanding this system to ensure national and standardized reporting would assist in ensuring that officers who

have lost their certification for misconduct are not easily hired in other jurisdictions. A national register would effectively treat “police professionals the way states’ licensing laws treat other professionals. If anything, the need for such a system is even more important for law enforcement, as officers have the power to make arrests, perform searches, and use deadly force.”<sup>53</sup>

53. Roger L. Goldman, “Police Officer Decertification: Promoting Police Professionalism through State Licensing and the National Decertification Index,” *Police Chief* 81 (November 2014): 40–42, [http://www.policemagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=3538&issue\\_id=112014](http://www.policemagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3538&issue_id=112014).

**“When any part of the American family does not feel like it is being treated fairly, that’s a problem for all of us. It means that we are not as strong as a country as we can be. And when applied to the criminal justice system, it means we’re not as effective in fighting crime as we could be.”**

*—President Barack Obama*

These remarks underpin the mission of the President’s Task Force on 21st Century Policing: to identify ways to build trust between citizens and their law enforcement officers so that all components of a community treat one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.

U.S. Department of Justice  
Office of Community Oriented Policing Services  
145 N Street NE  
Washington, DC 20530

To obtain details on COPS Office programs,  
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).

# Guiding Principles On Use of Force



SANCTITY OF LIFE • PROPORTIONALITY • DUTY TO INTERVENE • DE-ESCALATION  
• OFFICER SAFETY • DISTANCE + COVER = TIME • CRISIS INTERVENTION •  
CRITICAL DECISION-MAKING MODEL • CONTAIN AND NEGOTIATE • TIME  
IS ON OUR SIDE • TACTICAL COMMUNICATIONS • CHALLENGING CON-  
VENTIONAL THINKING • TACTICS • SCENARIO-BASED TRAINING • LESS-LETHAL  
OPTIONS • ETHICS • AGENCY VALUES • RENDER FIRST AID • OFFICER  
WELLNESS • TRAINING AS TEAMS • PERSONAL PROTECTION SHIELDS •  
SUPERVISORY RESPONSE • SLOWING THE SITUATION DOWN • TACTICAL  
REPOSITIONING • COMMUNITY-POLICE TRUST • POLICE CULTURE • SAFE  
ZONE • CALL-TAKERS AND DISPATCHERS • TRANSPARENCY • ACCOUNTABILITY



CRITICAL ISSUES IN POLICING SERIES

# Guiding Principles on Use of Force

March 2016



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PERF’s January 29, 2016 Summit at the Newseum in Washington, DC

## Guiding Principles: Policy

### POLICY

- 1 **The sanctity of human life should be at the heart of everything an agency does.**

Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.

#### *Examples*

Following are some agencies that currently stress the sanctity of human life in their mission and policy statements:

- **Las Vegas Metropolitan Police Department**<sup>44</sup> — “It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.”
- **Philadelphia Police Department**<sup>45</sup> — “It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.”

#### **Montgomery County, MD Police Chief Tom Manger:**

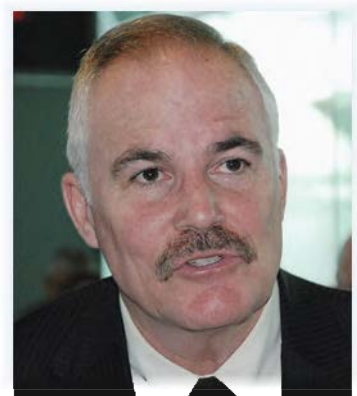
*Officer Safety Is Very Important,  
And So Is Everyone Else’s Safety*

**Wexler:** Tom, what was your takeaway from the Scotland trip?

**Chief Manger:** It made me realize a couple of things. One was that our use-of-force training, our defensive tactics training, are so wrapped around one issue—the fear of the gun, and the gun culture we have in the United States—that it permeates everything we do in terms of training.

It also made me realize that there are some cultural issues in American policing that we may need to rethink. All of us have heard a sergeant tell us in roll call, “The most important thing is that you go home safe today.” And when you hear that over and over again, it almost gets to the point where we are thinking that our safety is more important than anything else, or that other people’s safety is not as important as ours.

In Scotland, the culture is that the police officer’s safety is in fact very important, but it’s no more important than the safety of everybody else



44. [http://www.lvmpd.com/Portals/0/OIO/LVMPD\\_Collab\\_Reform\\_Final\\_Report\\_v6-final.pdf](http://www.lvmpd.com/Portals/0/OIO/LVMPD_Collab_Reform_Final_Report_v6-final.pdf)

45. <https://www.phillypolice.com/assets/directives/PPD-Directive-10.1.pdf>



Chief Tom Manger continued

among the public. They have this notion of the sanctity of life, which is something that we are talking about more than we did 20 or 30 years ago. I think we've got to emphasize to our cops that their safety is important, but so is the safety of the public and the people that they're dealing with, and our goal should be that everybody goes home safely at the end of the day.

### **Houston Executive Assistant Police Chief George Buenik:**

**SWAT Captain:** “We’re Not Going To Kill this Person”

**Wexler:** George, when we were in Scotland, you turned to me and said, “We’re already doing this with our SWAT team in Houston.” By the way, tell everyone what your Captain says when he gets to the scene...

**Chief Buenik:** When our SWAT captain gets to the scene and meets with all the team members, one of the things he says, especially when it’s someone who is threatening to harm himself, is “We’re not going to kill this person. We’re not going to kill this person. We’re not going to kill this person.” It’s probably the first time we’ve had a SWAT captain go out there, with all the equipment, all the guns, all the high-powered tools, and say we’re not going to kill somebody. It gets to the sanctity of life.



## POLICY

### **2 Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of *Graham v. Connor*.**

#### *Discussion*

The U.S. Supreme Court’s landmark 1989 decision, *Graham v. Connor*, holds that police use of force is to be judged against a standard of “objective reasonableness” under the 4th Amendment ban on “unreasonable searches and seizures.”<sup>46</sup> Specifically, the Court stated:

*The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.*

46. *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>

The United States Conference of Mayors

# Report on Police Reform and Racial Justice

August 2020



THE UNITED STATES  
CONFERENCE OF MAYORS

# Sanctity of Life

**At the core of a police officer's responsibilities is the duty to protect all human life and physical safety. To ingrain this fundamental principle, use of force policies must clearly state this requirement, with specificity, and require officers to intervene when a fellow officer is using disproportionate or unnecessary force.**

**As is often stated, just because one can use force, does not mean that it should be used. It is critical that we ensure that officers are properly trained to value the sanctity of life and only use the minimum amount of force necessary, if any, to accomplish lawful objectives.**

**Officers must have the tools and judgment to differentiate circumstances that do not warrant the use of force. Use of force policies and training must also include, but not be limited to: bans on chokeholds or any other carotid restraints; de-escalation and critical incident training; peer intervention to prevent misconduct; bans on shooting at moving vehicles except under extreme circumstances where a life is at risk; limitations on car pursuits to avoid death or great bodily harm; and defined parameters for foot pursuits, among other things.**



# PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-01	
<b>FORCE GUIDELINES</b>			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 4

## SCOPE

**The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody.** Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force must be consistent with existing law and with the New York City Police Department's policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.

## **6.0 USE OF FORCE**

### **6.1 POLICY**

It is the policy of the Buffalo Police Department to use only that amount of physical force that is objectively reasonable to achieve a legitimate law enforcement objective, including protecting a person from the imminent use of physical force, effecting an arrest or preventing an escape from custody. Any force used must be consistent with the Fourth Amendment of the United States Constitution and Article 35 of the New York State Penal Law. Excessive or unreasonable force shall not be used.

\*\* This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force to protect the public welfare requires a careful balancing of all interests.

### **DEFINITIONS**

**A. Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

**B. Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

**C. Physical Injury** – Impairment of physical condition or substantial pain.

**D. Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.



## Volume 1, Article 4 – Rules of Conduct

### Section 3.00

#### Use of Force

#### **3.00 PURPOSE AND SCOPE: <sup>1</sup>**

The purpose of the Syracuse Police Department (“Department”) Use of Force Policy (“Policy”) is to provide guidelines on the reasonable use of force for officers of the Department as part of their sworn duty to protect and serve the public of the City of Syracuse. The policies set forth in this section are operational guideposts and the Department’s policy shall also include the standards, techniques and requirements contained within the instruction provided to officers as part of their basic, in-service, and on-the-job training. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The Department and this Policy recognize and respect the value and sanctity of human life and the dignity to be accorded to the citizens the Department is sworn to protect. This Policy equally protects the welfare and safety of the Department’s officers who place themselves in danger on a daily basis. Vesting officers with the authority to use reasonable force and to protect the public welfare and themselves requires monitoring, evaluation and a careful balancing of these interests.



Issued Date: 9-18-15	Effective Date: 9-18-15	Updated Date: 01-30-17
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**SUBJECT: USE OF FORCE – INVOLVING THE DISCHARGE OF FIREARMS  
(PLEAC – 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7)**

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Issued Date: 9-18-15	Effective Date: 9-18-15	Updated Date: 01-30-17
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**SUBJECT: USE OF FORCE – INVOLVING THE DISCHARGE OF FIREARMS  
(PLEAC – 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7)**

---

**1. POLICY**

- A. It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.
- B. The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.
- C. Police Officers shall not use deadly force against another person, unless they have an objectively reasonable belief that they must protect themselves or another person from death or serious bodily injury. Further, an officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time. (PLEAC 1.3.2)
- D. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
- E. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger innocent people.
- F. Subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. Officers should be mindful of this when making use of force decisions.
- G. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the suspect and any other injured individuals when necessary and safe to do so and will not be delayed to await the arrival of medical assistance. (PLEAC 1.3.5)



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **THE CITY OF FERGUSON,** )  
 )  
 **Defendant.** )  
 )  
 \_\_\_\_\_ )

**NO. 4:16-cv-000180-CDP**  
**JUDGE CATHERINE D. PERRY**

**CONSENT DECREE**

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At a minimum, supervisors must be present to approve arrests and other actions prior to arrestees being transported to a holding facility, absent exigent circumstances to be documented as soon as practicable.

- a. Issuing any citation or making any arrest related to the use of a recording device;
- b. Issuing any citation or making any arrest of any member of the media, whether formally credentialed or not, including citizen-journalists and live-streamers;
- c. Performing any warrantless seizure of a recording device or recording; and
- d. Taking any other significant action involving recording devices or recordings.

**E. Ongoing Assessment and Improvement**

126. Within 180 days of the Effective Date, the City and FPD will develop protocols for conducting, at least annually, cost-feasible data-driven and qualitative assessments of FPD's practices related to First Amendment protected activity. These assessments will be designed to ensure that FPD officers are policing within the parameters of the First Amendment.

127. Assessments will include the review and analysis of complaints alleging misconduct related to First Amendment protected activity; an analysis of the number and nature of recording device seizures, arrests, or other interference with members of the press; and analysis of law enforcement response to public protest or demonstration. Any officer identified as having committed such misconduct shall be afforded an opportunity to respond to such complaints. As part of this assessment process, the City and FPD will identify deficiencies and opportunities for improvement; implement appropriate corrective action or improvement measures; and document measures taken.

**IX. FORCE**

128. The Parties agree that all FPD officers and employees must have an unwavering commitment to protecting human life, and to upholding the value and dignity of every person. To foster this commitment, and to ensure adherence to the Constitution and all other laws, FPD will ensure that its use-of-force policies, training, supervision, and accountability systems are designed to ensure that FPD officers, including civilian correctional officers:

- a. Use force only when necessary to accomplish a legitimate public safety objective;
- b. Use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate police orders;



Chicago Police Department

## General Order G03-02

### USE OF FORCE



<b>ISSUE DATE:</b>	16 October 2017	<b>EFFECTIVE DATE:</b>	16 October 2017
<b>RESCINDS:</b>	1 October 2002 Version		
<b>INDEX CATEGORY:</b>	Field Operations		

#### I. PURPOSE

This directive sets forth Department policy regarding sworn members' and detention aides' use of force.

#### II. DEPARTMENT POLICY

- A. **Sanctity of Human Life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. **Public Cooperation.** A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.
- C. **Core Principle.** The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.
- D. **Assessing Uses of Force.** The Chicago Police Department recognizes that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.

**NOTE:** Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.

### III. USE OF FORCE - WHEN AUTHORIZED

- A. **Definition of Force.** Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.
  
- B. **Use of Force: Objectively Reasonable, Necessary, and Proportional.** Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.
  - 1. Objectively reasonable. The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to:
    - a. whether the subject is posing an imminent threat to the officer or others.
    - b. the risk of harm, level of threat or resistance presented by the subject.
    - c. the subject's proximity or access to weapons.
  
  - 2. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose.
  
  - 3. Proportional. Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.
  
  - 4. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:
    - a. exercising persuasion and advice, and providing a warning prior to the

use of force.

- b. determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
- c. requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers.

5. Prohibitions.

- a. The use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated.
- b. Department members are prohibited from using force based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic as outlined in the Department directive entitled "[Prohibition Regarding Racial Profiling and Other Bias Based Policing.](#)"
- c. Force used as punishment or retaliation is prohibited.
- d. Force used in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, and filming police activity) is prohibited.

**NOTE:** First Amendment rights are not absolute and are subject to reasonable time, place, manner restrictions. Further guidance may be found in the Department directive entitled "[The First Amendment and Police Actions.](#)"

6. Additional procedures. For further procedures on de-escalation, the principles of Force Mitigation, and when force is authorized, Department members will refer to the Department directive entitled "[Force Options.](#)"

C. **Use of Deadly Force: Necessary to Prevent Death or Great Bodily Harm.** The following additional policies apply to the use of deadly force:

- 1. Definition of Deadly Force. Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to:



- a. firing of a firearm in the direction of the person to be arrested.
  - b. firing of a firearm at a vehicle in which the person to be arrested is riding.
  - c. intentional striking of a subject's head with an impact weapon.
  - d. application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.
2. Definition of Imminent Threat. A threat is imminent when it is objectively reasonable to believe that:
- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
  - b. the subject has the means or instruments to cause death or great bodily harm; and
  - c. the subject has the opportunity and ability to cause death or great bodily harm.
3. Last Resort. The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person. Consistent with this requirement, a sworn Department member may use deadly force only when such force is necessary to prevent:
- a. death or great bodily harm from an imminent threat posed to the sworn member or to another person.
  - b. an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.
4. Fleeing Persons. Deadly force may not be used on a fleeing person unless the subject poses an imminent threat, as defined above.
5. Sworn members will, whenever possible, identify themselves as police officers prior to using deadly force, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.

6. A sworn member is justified in using deadly force to stop a dangerous animal only when the animal reasonably appears to pose an imminent threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.

D. **Prohibitions on the use of firearms.** The use of firearms in the following ways is prohibited:

1. Firing warning shots.
2. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).
3. Firing solely in defense or protection of property.
4. Firing into crowds. However, this prohibition does not preclude the use of deadly force directed at a specific person who is near or among other people, but the use of deadly force in such circumstances is only permitted in the limited circumstances when such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
5. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
6. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.

**NOTE:** When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle.

#### IV. MEDICAL ATTENTION

- A. Once the scene is safe and as soon as practical, whenever an individual is injured, complains of injury, or requests medical attention, Department members:
  - 1. will immediately request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Office of Emergency Management and Communications (OEMC).
  - 2. may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.
- B. Members will treat injured persons, whether another officer, a member of the public, or a subject, with dignity and respect.

#### V. DUTY TO INTERVENE AND REPORT

- A. **Ensure Compliance.** All Department members are obligated to ensure compliance by themselves and other members with Department regulations, policies, and the law.
- B. **Intervention, Notifying Superiors, Supervisory Intervention.** A Department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. Except in extraordinary circumstances, the member will act to intervene on the subject's behalf. Such action will include, but is not limited to, verbally intervening to try to stop the violation. If the member is a supervisor, he or she will issue a direct order to stop the violation.
- C. **Written Reporting Obligation.** Consistent with the Department directive entitled "[Complaint and Disciplinary Procedures](#)," Department members who have knowledge of the use of force against a subject in violation of this directive will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct.
- D. **Retaliation Prohibited.** The Department prohibits any form of retaliation against a Department member for:
  - 1. reporting a use of force that is allegedly in violation of this directive, or
  - 2. cooperating with any internal investigation of the complaint.

- E. **Accuracy and Candor.** Department members will be responsible at all times:
1. for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members.
  2. for articulating the specific facts to explain the member's own decision to employ a particular use of force.

**VI. DEPARTMENT MEMBER'S BILL OF RIGHTS**

Use of Force investigations remain bound by the involved members' respective collective bargaining agreement(s) and the Department directive entitled "[Department Member's Bill of Rights.](#)"

Kevin B. Navarro  
Acting Superintendent of Police

16-021 MWK

**GLOSSARY TERMS:**

**ADDENDA:**

1. G03-02-01 - Force Options
2. G03-02-02 - Incidents Requiring the Completion of a Tactical Response Report
3. G03-02-03 - Firearms Discharge Incidents Involving Sworn Members
4. G03-02-04 - Taser Use Incidents
5. G03-02-05 - Oleoresin Capsicum (OC) Devices And Other Chemical Agent Use Incidents
6. G03-02-06 - Canine Use Incidents
7. G03-02-07 - Force Review Unit

## 105.00 Use of Force Policy

### 105.01 Use of Force Policy

#### (1) POLICY:

- a. The Denver Police Department recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual, and the Constitutional right to be free from excessive force, whether deadly or not, by a law enforcement officer. The use of force, especially force likely to result in serious bodily injury or death (including a firearm), is a serious action. When deciding whether to use force, officers shall act within the boundaries of the United States and Colorado constitutions and laws, ethics, good judgment, this use of force policy, and all other relevant Denver Police Department policies, practices and training. With these values in mind, an officer shall use only that degree of force necessary and reasonable under the circumstances. An officer may use deadly force in the circumstances permitted by this policy when all reasonable alternatives appear impracticable and the officer reasonably believes that the use of deadly force is necessary. Officers should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving, about the amount of force that is necessary in a particular situation. The reasonableness inquiry in an excessive force case is an objective one; the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to a medical condition, mental impairment, developmental disability, physical limitation, language, drug interaction, or emotional crisis. Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Policing requires that at times an officer must exercise control of a violent, assaultive, or resisting individual to make an arrest, or to protect the officer, other officers, or members of the general public from risk of imminent harm. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force should be de-escalated accordingly.

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer should, as soon as practicable, secure or holster the firearm.

- b. The Denver Police Department recognizes that the duties of a peace officer may require officers to use force. The department will support the lawful use of reasonable and appropriate force by officers in the performance of duty. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Department Policy as well as relevant Federal, State, and Local laws shall govern use of force by officers.

The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

Officers who use force as described in the Colorado Revised Statutes or the Operations Manual of the Denver Police Department must immediately report the circumstances to a command or supervisory officer and comply with all reporting requirements.

An officer who witnesses inappropriate, unnecessary, unreasonable or excessive use of force by another officer shall report it immediately to a command or supervisory officer.

Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty Denver Police Department command or supervisory officer as soon as the situation is stabilized. An exception to the requirement of reporting to an on duty supervisor or command officer may be granted by the Chief of Police for major events involving off duty officers. If an exception is granted a supervisor or command officer working the event may be allowed to fulfill the reporting requirements.

Officers are responsible to ensure that medical treatment is provided to any person who has been injured or alleges injury as a result of being subjected to the use of force.

## (2) STATE STATUTES

- a. C.R.S. §18-1-707 states in the pertinent part: Use of physical force in making an arrest or in preventing an escape:
  1. "(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate **physical force** upon another person when and to the extent that he reasonably believes it necessary:
    - a. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
    - b. To defend him self or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest or while preventing or attempting to prevent such an escape.
  2. A peace officer is justified in using **deadly physical force** upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:
    - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
    - b. To affect an arrest or prevent the escape from custody, of a person whom he reasonably believes:
      1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
      2. Is attempting to escape by the use of a deadly weapon; or
      3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (The Denver Police Department policy on use of deadly force in this situation is more restrictive than state law – see OMS 105.05(5).
  3. Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain custody.

4. For the purposes of this section a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts and circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is affecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid."
- b. The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties. The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is necessary and within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Colorado law mandates, and holds an officer accountable to do so, in C.R.S. §18-8-803: which states in part:
- "(1)...a peace officer who uses excessive force in pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen."
- "(2)...'excessive force' means physical force which exceeds the degree of force permitted pursuant to 18-1-707 (Use of force in making an arrest or in preventing an escape). The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest. "
- c. The law requires that an officer who witnesses another officer using excessive force must report it to a supervisor. C.R.S. §18-8-802 states in part:
- "(1)(a) A peace officer who... witnesses *another* peace officer... use physical force which exceeds the degree of physical force permitted pursuant to 18-1-707 [Use of force in *making an arrest* or *in preventing an escape*] must report such use of force to *such* officer's immediate supervisor.
- "(1)(c) Any peace officer who fails to report *such* use of force in the *manner prescribed* commits a class 1 misdemeanor..."

### (3) CASE LAW

- a. Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (Boykin V. People, 22 CO. 496, 45 P. 419).
- Law enforcement officers are permitted to use force to affect an arrest only to the extent that it is "objectively reasonable" under the circumstances (Graham v. Connor, 490 U. S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

### (4) PERTINENT CONCEPTS AND DEFINITIONS

- a. Definitions:
1. Reasonable Belief - When facts or circumstances the officer reasonably believes, knows, or should know; are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar circumstances.
  2. Deadly Physical Force - That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
  3. Bodily Injury - "Physical pain, illness, or any impairment of physical or mental condition."
  4. Serious Bodily Injury - "Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree."
- b. Types of Resistance

1. Psychological Intimidation - Non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat.
  2. Verbal Non-Compliance - Verbal responses indicating an unwillingness to comply with officer's directions or threat to injure a person.
  3. Passive Resistance - Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp or prone position.
  4. Defensive Resistance - Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.
  5. Active Aggression - A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
  6. Aggravated Active Aggression - Deadly force encounter.
  7. Psychological Intimidation, Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance.
- c. Factors to determine "objectively reasonable" force options.
1. The reasonableness of an officer's use of force under the Fourth Amendment requires careful attention to the totality of the facts and circumstances known by the officer prior to using force, including:
    - a. The severity of the crime at issue and
    - b. Whether the suspect poses an immediate threat to the safety of the officer(s) or others and
    - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
  2. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.
- d. Use of Force/Control Options
1. The level of force employed must be commensurate with the threat posed by the suspect and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.
  2. **Requesting a CIT officer:** Whenever an officer learns, through his or her observations or otherwise, that a person with whom the officer is dealing may be a mentally ill, developmentally disabled, or emotionally disturbed individual, the officer will, if time and circumstances reasonably permit and dictate, contact dispatch and request that a CIT officer respond to the scene. If time and circumstances reasonably permit, officers will use distance, time, verbal tactics, or other tactics, to de-escalate the situation when dealing with such persons. When a CIT officer arrives on the scene, he or she should be the primary officer responsible for coordinating negotiations with the mentally ill, developmentally disabled, or emotionally disturbed individual unless determined otherwise by the CIT officer or a superior officer.
  3. **Edged Weapons:** When confronted by a suspect armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the suspect to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and available.



Officers should recognize that, when reasonable to do so with safety to officers and other persons in the vicinity, disengagement, repositioning, cover, concealment, barriers or retreat, although not required by law, may be a tactically preferable police response to a confrontation.

The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

- e. The following list of use of force/control options is not intended to suggest the order in which the various categories of force should be used in any specific situation:
1. Command presence
  2. Voice
  3. Hand control
  4. Chemical agent
  5. Hand strike, leg thrust / kick
  6. Baton / impact instrument
  7. Carotid compression technique
  8. RIPP™ restraint devices
  9. Less lethal weapons
  10. Deadly force
  11. Police service dog

#### **105.02 Use of Force Procedures** (Revised 04/2015)

##### (1) DUTY TO REPORT

Officers shall immediately report the circumstances of all resistances or incidents involving use of force to a supervisor or command officer. The supervisor or command officer shall ensure that all sections of the Denver Police Department Operations Manual and the Colorado Revised Statutes have been followed.

- a. The Use of Force Report DPD 12, the related supervisory investigation and reports are required in any of the following circumstances:
1. An officer discharges a firearm other than in training or for bona fide recreational purposes.
  2. A person is injured or dies while in custody. See OMS 301.13, In-Custody Incident Investigations and OMS 301.14(8), In-Custody Death Investigations.
  3. A person is injured or complains of injury as a result of use of any physical force including the use of any weapon, chemical agent or deployment of a police service dog.
  4. A defendant is charged with resistance and/or assault and a police officer is listed as the victim.
    - a. In any case of assault on a police officer, "Investigation of Assault" will be charged, except when citing directly using DRMC 38-93 Assault. The suspect should not be charged with resistance or any additional charges at this time. Details of the incident, including any additional charges, will be described in narrative form on the Unified Summons and Complaint.
  5. An officer encounters an individual with obvious injuries, and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from contact with the officer.
  6. An officer applies force through use of the following, whether an arrest is or is not made:
    - a. Any tool, object or device used as an impact weapon
    - b. Carotid compression technique

- c. Chemical agent
  - d. Pepper Ball System
  - e. ERD/TASER
  - f. Shotgun or forty (40) mm less lethal round
  - g. Police service dog
  - h. Hand strike, leg thrust / kick
  - i. RIPP™ restraint devices
7. An officer has an accidental discharge of a pepper ball system, chemical agent or an ERD/TASER, other than in training, which occurs in view of the public or where members of the public are affected.
- b. The primary involved officer will prepare the Use of Force report, or Injury While in Custody/Injury Prior to Arrest report, paying particular attention to the facts of the incident. The report shall include:
- 1. An accurate description of the incident using the coded tables and text boxes on the Use of Force report, and
  - 2. Names of all involved officers, suspect(s) and witnesses. Additional forms will be used as continuation pages. Only those sections applicable need be completed on continuation pages, and
  - 3. A narrative summary of the significant facts of the incident which are not listed on the front of the form.
- c. The officer's supervisor shall respond to the scene and shall personally contact the officer immediately after the incident. The supervisor will interview witnesses and suspects, collect evidence and take photographs when appropriate. The supervisor will assist in preparing the Use of Force report, or Report of Injury While in Custody/Injury Prior to Arrest paying particular attention to the facts of the incident. When indicated, supervisors shall counsel officers in methods to better handle future situations to avoid or minimize the use of force.
- d. Each resistance, injury prior to arrest and injury while in custody incident will require the supervisor to conduct an independent and complete investigation and prepare and distribute written reports and documents. The minimum guidelines are described below.
- 1. The supervisor's conclusion that the details of the incident and facts contained in the Report of Use of Force or Report of Injury While in Custody/Injury Prior to Arrest are accurate, and
  - 2. Names and statements of all witnesses, and
  - 3. A narrative summary of any significant facts determined through investigation, and
  - 4. Make every reasonable effort to identify video and/or still photos that may contain evidence relevant to the investigation and document actions taken to obtain and preserve the evidence and/or the instruments that contain such evidence, and
  - 5. The supervisor's conclusions that:
    - a. The use of force, employed tactics, and all reporting requirements were performed within policy, or
    - b. One or more policies or procedures may have been violated. The specific Operations Manual section(s) will be cited, and if the supervisor finds that violations may have occurred, his/her commanding officer will be immediately notified and will determine the appropriate course of action regarding additional investigation, i.e. notifying IAD, etc.
  - 6. When investigating a use of force incident involving deployment of the ERD/Taser, the supervisor must recover and place into the Property Management Bureau the Taser probes and identification confetti. Only medical personnel will be allowed to remove probes from individuals struck by the ERD/Taser.

Data from the ERD/Taser shall be downloaded into a computer file and the results shall be documented as part of the use of force investigation.

7. The Report of Use of Force, or Report of Injury While in Custody/Injury Prior to Arrest shall be promptly distributed as follows:
  - a. The original report, along with all original statements, copies of other reports and photos, shall be forwarded to the Internal Affairs Division in a sealed envelope.
  - b. One copy shall be forwarded to the officer's Deputy Chief.
  - c. One copy shall be forwarded to the officer's division or bureau commander through the chain of command.
8. Supervisory or command officers performing secondary employment SHALL NOT investigate use of force incidents or injury prior to arrest incidents involving themselves or any officer performing secondary employment under their supervision. On-duty personnel shall be summoned for this function. See 105.00(1) (b) above.
9. Any supervisory or command officer who investigates any incident involving any officer engaged in secondary employment must verify in TeleStaff that the officer was approved for secondary employment and document the results.
10. Supervisors and command officers SHALL NOT investigate use of force incidents in which they are personally involved.
11. If the involved employee is a member of the Denver Sheriff's Department, a supervisor from that agency will be requested via radio to respond to the scene and complete the appropriate reports required by that agency. Denver Police officers will assist with witnesses and/or statements if requested, however the reporting requirements **will** be the responsibility of Denver Sheriffs personnel.
12. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 403.01(9).

(2) DUTY TO REQUEST MEDICAL ATTENTION

- a. Any time there is an injury or an alleged injury as a result of force used by department personnel or an officer encounters an individual with obvious injuries and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from the contact with the officer, the involved officer(s) shall:
  1. Visually examine any person claiming injury, request medical attention and immediately notify a supervisor. When an individual is struck with a less lethal weapon or an impact tool/device, or is subjected to the carotid compression technique or sprayed with a chemical agent, an ambulance shall be called to the scene of the incident to examine the person at the earliest and safest opportunity. Medical personnel **will** determine whether further medical attention is required.
  2. Any prisoner suffering from any illness, injury or other condition that requires medical attention, such as the ingestion of narcotics or other harmful substances, will be sent to Denver Health Medical Center for treatment.
  3. It is the policy of the Denver Sheriff's Department to refuse custody of injured prisoners unless accompanied by reports indicating that they have been examined or treated, or have refused to submit to examination or treatment at Denver Health Medical Center or another appropriate medical facility.
  4. Violent behavior may mask dangerous medical conditions; therefore, detainees shall be continuously monitored and provided with medical treatment if needed.

**105.03 Less Lethal Force and Control Options**

(1) POLICY

The primary duty of police officers is to protect the public, themselves and other officers. Less lethal force and control options may assist officers in performing these duties, but are not intended to substitute for the use of deadly force when it is reasonable and necessary. There is neither a requirement nor an expectation that officers attempt to use or exhaust less lethal options in situations requiring the use of deadly force.

(2) LESS LETHAL OPTIONS

The Denver Police Department authorizes the use of Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, twelve (12) gauge and forty (40) mm specialty impact munitions to be carried by certain officers in their normal duty assignments.

(3) LESS LETHAL WEAPONS DEFINITIONS

- a. Less lethal: A concept of planning and force application which meets an operational or tactical objective, with less potential for causing death or serious injury than conventional more lethal police tactics.
- b. Less lethal weapon: Any apprehension or restraint device approved for carry, which when used as designed and intended has less potential for causing death or serious injury than conventional police lethal weapons. Less lethal weapons include Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, less lethal twelve (12) gauge shotguns and forty (40) mm projectile systems and others as approved by the Chief of Police.
- c. Less lethal officer: An officer trained in the principles of less lethal force and the use of less lethal weapons. One who is authorized by the department to carry and deploy one or more of the weapons in the performance of their duties.
- d. Less lethal shotgun: Department approved twelve (12) gauge shotgun with a cylinder bore eighteen-inch (18) barrel. The shotgun, except those approved by the Chief of Police for use by Metro/Swat, has a high visibility stock and fore-end and is equipped with rifle sights.
- e. Twelve (12) gauge beanbag projectile: Department approved and issued. The beanbag projectile is a lead-shot-filled fabric bag designed to be non-penetrating and to deliver its kinetic energy over a broad surface area.
- f. Forty (40) mm Launcher: Either a single round or multi-launcher, department approved, with fixed stock and rifle barrel.
- g. Forty (40) mm Projectile: Only department approved and issued specialty impact munitions may be deployed.
- h. ERD/TASER: Advanced Taser ERD (Electronic Restraint Device) which uses an electrical signal to temporarily override the motor and sensory nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the Taser to physically debilitate a target regardless of pain tolerance or mental focus.
- i. Pepper Ball System: Air-Powered launch device and projectiles that are plastic spheres filled with powdered Oleoresin Capsicum (OC). Projectiles burst on impact and release OC. Pepper Ball projectiles subdue by strongly irritating the nose, lungs, and breathing. Response to inhaling Pepper Ball projectile OC powder varies greatly among individuals. In most cases, the symptoms last for a few minutes. The Pepper Ball can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/or welts.
- j. Cycle: A single application of the ERD/Taser's electrical impulse, regardless of duration, which causes electro-muscular disruption.

(4) LESS LETHAL WEAPON PROCEDURES

The authorization to carry a less lethal weapon is a privilege and can be revoked at any time, for any reason by the officer's commander with approval of the officer's deputy chief or higher.

- a. Officers will be selected, trained and certified as less lethal officers and alternates. Only less lethal officers and alternates are authorized to display, carry or deploy any less lethal weapon. When vacancies occur among the ranks of less lethal officers, they will be filled by designation of an officer from the alternate pool. Selection of less lethal officers and alternates will be based on the following criteria:
- b. Officers must be selected by their commanding officer and approved by their deputy chief.
  - 1. Officers must attend and pass a mandatory training course, an annual in-service course and periodic qualification conducted by Firearms Section personnel. The formal updated training curriculum and list of qualified officers will be kept on file at the Training Bureau.

2. Less lethal certified officers who fail to qualify with their firearm two or more quarters in a twelve (12) month period shall be removed from the less lethal program. It is the responsibility of the officer and the supervisor of the Firearms Section to notify the officer's commander and the officer's deputy chief verbally and in writing of the failure to qualify as required by this section.
  3. Violations of this policy may result in revocation of the privilege to carry a less lethal weapon.
- c. Storage and issuance of less lethal weapons.
1. All departmental less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of only less lethal weapons.
  2. Less lethal weapons will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
  3. The Pepper Ball system may be issued for general patrol use and Field Force Squad or Zone commanders may also issue Pepper Ball deployment systems and less lethal shotguns or forty (40) mm projectile systems to qualified personnel assigned to each squad.
  4. All available less lethal weapons will be issued at the beginning of each shift provided sufficient numbers of qualified officers are on duty and returned at the end of the officer's shift to an armory officer or a supervisor.
  5. Qualified officers may not decline to be issued, carry, or deploy less lethal weapons.
  6. Each unit will designate a supervisor to perform the following maintenance on the unit's less lethal inventory on a twice-yearly basis on the date of the time change:
    - a. Inspect all ERD/Tasers, Pepper Ball launchers, and less-lethal shotguns. Any defective weapons will be delivered to the Less Lethal Coordinator in the Firearms Section.
    - b. Perform a data download from all ERD/Tasers in inventory. The data disks will be delivered to and retained by the Internal Affairs Division.
    - c. Adjust the time in the ERD/Taser's internal clock to reflect the regional time.
  7. Officers are responsible for the care and handling of less lethal weapons to the same degree and under the same conditions as other weapons. The less lethal weapons shall be safely handled, carried, and stored while on and off duty.
- d. Carrying and deployment of less lethal weapons
1. Officers or supervisors will determine when less lethal weapons are to be deployed. Officers deploying a less lethal weapon usually serve as cover officers only. Less lethal officers shall not perform any other duties, such as searching or handcuffing, until their weapon is secured. Planning and communication between officers and supervisors is important when making deployment and strategy decisions.
    - a. The less lethal shotgun is to be carried in the trunk of the police car, either in its case or in a dedicated rack if the vehicle is so equipped, with an empty chamber, the safety on and magazine loaded with four (4) rounds of less lethal ammunition.
    - b. The ERD will be carried on the belt in an approved holster, worn on the side opposite the firearm. When not worn, the ERD will be secured in a locked vehicle, not visible to passers-by.
    - c. The Firearms Section will maintain a list of department approved ERD holsters, and all ERD/Tasers will be carried in a holster from the approved list.
    - d. Pepper Ball guns may be authorized by Field Force Commanders for use during field force operations and major crowd control events. Subject to availability certified supervisors or officers may carry the Pepper Ball gun while on patrol.

- e. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
2. Less lethal shotgun or forty (40) mm projectile:
    - a. Deployment
      1. Use of a less lethal shotgun or the forty (40) mm projectile will be considered a use of force and must meet the requirements of all department policies and procedures and Colorado Revised Statutes.
      2. Acceptable uses of a less lethal shotgun or forty (40) mm projectile include:
        - a. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances and it is reasonable and necessary in order to attempt to avoid having to use deadly force. (Active Aggression is defined as a threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
        - b. As a defensive weapon option in situations where it is likely to prevent an officer or a third person from being seriously injured or killed. OR
        - c. To incapacitate a suicidal person who cannot be safely controlled with other force options.
  3. Unless deadly force is warranted, an officer shall not intentionally deploy the less lethal shotgun projectile or forty (40) mm projectile
    - a. To the head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
    - b. To a pregnant female, (if the officer has knowledge of the pregnancy).
    - c. From a range of less than ten (10) feet with the less lethal shotgun, or less than five (5) feet with the forty (40) mm projectile.
  4. When practicable, officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
    - a. Reporting
      1. When any person is struck by the projectile from a less lethal shotgun or forty (40) mm launcher, immediate evaluation by medical personnel is required, and paramedics will be called to the scene.
      2. If the subject is examined and released at the scene by the paramedics, the use of the less lethal shotgun or forty (40) mm projectile shall be reported as an impact use of force. The Use of Force Report, DPD 12, shall be completed in accordance with the requirements of OMS 105.01, Use of Force Procedures.
      3. The on-scene supervisor will notify a Crimes Against Persons (CAP) supervisor in the following circumstances, and the CAP supervisor will determine the appropriate level of investigation and coordinate documentation of the incident with the on-scene patrol supervisor:
        - a. If paramedics determine the subject is to be transported from the scene by ambulance, or
        - b. If the subject was struck by the less lethal projectile in the head or neck, regardless of the level of injury, or
        - c. If any part of the projectile penetrated the subject's body.
        - d. If it is discovered that the subject is a juvenile.

4. The medical examination by paramedics shall be documented on the Use of Force report, DPD 12, and the arrest paperwork, if any. Additionally, if the subject is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
5. Pepper Ball System Deployment
  - a. Use of the Pepper Ball projectile shall be considered a use of force and must meet the requirements of all department policies and procedures and Colorado Revised Statutes.
  - b. Acceptable uses of the Pepper Ball projectile may include:
    1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Defensive Resistance. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. (Defensive Resistance is defined as physical actions that attempt to prevent an officer's control including flight or attempt to flee, but do not involve attempts to harm the officer). OR
    2. In situations when its use is likely to prevent an officer or a third person from being injured, OR
    3. To incapacitate a suicidal person who cannot be safely controlled with other force options, OR
    4. When ordered by the field force commander or other command officer in crowd control or riot situations.
  - c. Unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile as follows:
    1. To the head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
    2. To a pregnant female, if the officer has knowledge of the pregnancy.
    3. On or in an open wound if the officer has knowledge of the open wound.
  - d. Officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
  - e. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the Use of Force report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
6. Less lethal ERD/TASER Deployment
  - a. Use of an Electronic Restraint Device (ERD/TASER) shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statute.
  - b. Acceptable uses of the ERD/TASER include:
    1. To incapacitate a combative or physically resistive person; whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.), OR
    2. In situations when its use is likely to prevent an officer or a third person from serious bodily injury, OR
    3. To incapacitate a suicidal person who can't be safely controlled with other force options.
  - c. Unless deadly force is warranted, officers shall not intentionally deploy the ERD/TASER as follows:

1. To the head, eyes, throat, neck, chest, breast(s) of a female, genitalia, or spinal column.
    - a. The point of aim (meaning the placement of the red laser dot) shall be the muscles of the upper abdominal area just below the sternum.
    - b. Probe strikes in any restricted area shall be specifically noted in the Use of Force Report, with an articulation of the specific suspect action(s) that may have caused the probe to strike the restricted area.
  2. To a pregnant female, unless deadly force is warranted and if the officer has knowledge of the pregnancy.
  3. On an open wound, if the officer has knowledge of the open wound.
- d. Officers will not use the ERD/Taser in the following situations:
1. When the suspect has come in contact with or is in an environment containing flammable gases or liquids.
  2. Drug houses where ether or other flammable chemicals are suspected.
  3. To prevent a suspect from swallowing evidence.
  4. To terminate a foot chase unless the suspect's actions rise to the level of Active Aggression.
  5. When the subject is in a position where a fall may cause serious bodily injury or death.
  6. Where the suspect is in water of sufficient depth that the suspect may drown once incapacitated.
  7. Where its use will cause the suspect to lose control of a motor vehicle unless they can articulate compelling reasons.
  8. When the subject is holding a firearm, unless they can articulate compelling reasons.
  9. When the subject is at the extremes of age or physically disabled, unless they can articulate compelling reasons.
  10. In a situation where deadly force is clearly justifiable, unless sufficient cover is present and is capable of providing deadly force (Lethal Cover) to protect the officers and or civilians as necessary.
  11. As a tool of coercion or punishment. Officers will not activate the Taser against a suspect more than the minimum number of times necessary to safely take the suspect into custody, and the suspect should be secured as soon as practical, while experiencing electro-muscular disruption, in order to minimize the number of cycles.
  12. On a handcuffed prisoner, unless the officer can articulate an immediate need to stop a threat or action that will cause serious injury or death to the officer or another person.
  13. No officer shall playfully or maliciously display, or intentionally misuse the ERD/Taser. See OMS 105.02(4)d.6.b. for acceptable uses of the ERD/Taser.
- e. Use of the Drive/Contact Stun is discouraged except in situations where the deployment of the "Probes" is not possible and the immediate application of the "Drive/Contact Stun" will control a subject displaying, at least, Active Aggression.
- f. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use by announcing "Taser, Taser, Taser"; or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
- g. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. Officers shall advise responding medical personnel of any observations indicating that the suspect was under the influence of alcohol or controlled substance(s). This medical check shall be documented on the Use of Force report, DPD 12, and the GSS&C.
- h. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
- i. Medical evaluation is required whether the subject is shot with probes or the ERD / TASER is used as a contact stun device. Only medical personnel will be allowed to remove probes from individuals shot with the ERD/TASER.



- j. Probes and identification confetti will be recovered and placed in the Property Management Bureau by the supervisor conducting the Use of Force investigation.
  - k. Data from the Taser shall be downloaded into a computer file and the results shall be documented as part of the Use of Force investigation.
  - l. Should a subject die after the use of the ERD/Taser, the Homicide Unit shall be notified per the procedure outlined in OMS 301.14(8), In-Custody Death Investigations. In addition to the procedure outlined in (i) and (j) above, the ERD/Taser will be secured as evidence and submitted to an independent laboratory for testing to ensure proper functioning.
- (5) **IMPACT TOOLS/DEVICES:** Include the department approved police batons (listed below) and the Orcutt Police Nunchaku (O.P.N.) when used as an impact device.
- a. Impact tools/devices authorized.
    - 1. Police Batons:
      - a. Standard issue twenty-nine (29) inch baton.
      - b. Standard issue thirty-six (36) inch riot baton.
      - c. Commercially manufactured or custom made batons that closely resemble the length, diameter, composition and appearance of the standard issue baton.
      - d. An approved expandable baton upon successful completion of specialized training. The Training Bureau will maintain a list of approved expandable batons.
      - e. All officers are required to receive yearly refresher training with the police baton in conjunction with Arrest Control Techniques (ACT) training.
    - 2. **Items prohibited for carry:** All other devices including but not limited to saps, sap gloves, brass knuckles, billy clubs, batons with ornate carvings or a metal ball attached to either end, yawara sticks, iron claws, shirkins, ropes, and non-department issued leg restraint devices, including rope or cord hobbles are not authorized for carry. See OMS 111.03.
    - 3. Officers must be able to articulate a compelling need to use any other device or object as an impact weapon.
    - 4. Officers are discouraged from using a duty handgun as an impact weapon for the following reasons:
      - a. The inherent danger of an accidental discharge endangering the officer and other bystanders.
      - b. The firearm is generally an ineffective impact weapon due to its construction and weight.
  - b. Impact Tool/Device - General Guidelines:
    - 1. If a person resists non-violently (Defensive Resistance), the impact tool/device may be used only to apply come along/escort compliance holds. A person, who remains non-violent, will not intentionally be struck with the impact tool.
    - 2. If a person forcefully resists and/or attacks an officer or other person, an officer is permitted to strike the person with an impact tool/device, provided the officer uses reasonable care to confine such strikes and power levels, to areas of the body which, if struck, are not intended or likely to cause serious bodily injury.
    - 3. The head and neck shall not be intentionally struck with the impact tool/device, unless the officer is justified in using deadly force.
    - 4. Impact tools/devices shall be maintained in serviceable condition and shall not be modified, altered or fitted with any unauthorized add-on device in any way that is not approved in writing by the department. They may be marked with the officer's serial number but shall not be marked or adorned in any other fashion.
    - 5. Defective, broken, or altered impact tools shall not be carried.
      - a. An officer who discovers an impact tool/device that is unserviceable must immediately cease carrying the item and, if issued by the department, promptly submit a written request for replacement through the chain of command.

- b. All officers shall receive the designated training on each impact tool or device that they intend to carry before carrying the tool or device on or off duty. The mandatory training will be recorded in the officer's permanent training record. Division and bureau commanders will insure that the appropriate training is current and documented for all officers under their commands.

c. Use of Impact Tools or Devices to Apply Deadly Force:

- 1. An impact tool or device is generally used as a "compliance tool" to overcome non-deadly force exercised by a person resisting the officer's authority. However, in certain circumstances the impact tool or device can be properly used to apply greater force up to and including deadly physical force. Refer to CRS §18-1-707(2) for the circumstances under which deadly physical force can be used.
- 2. Examples of reasonable deadly force applications of impact tool or devices include:
  - a. Controlling a suspect who has disarmed an officer and the officer reasonably believes that the suspect is about to use the firearm against the officer or another.
  - b. Controlling a suspect who is armed with a knife or other deadly weapon and due to the suspect's close proximity, the officer reasonably believes that the suspect is threatening the officer with imminent death or serious bodily injury.

(6) Additional Force Options

a. Orcutt Police Nunchaku (OPN)

- 1. The Orcutt Police Nunchaku is an authorized safety tool primarily used for arrest control and self-defense. Other brands, designs, or types of nunchaku are not authorized.
- 2. Officers must first successfully complete a basic level OPN course authorized by the Denver Police Department prior to carry or use of the OPN in the performance of duties.
- 3. Officers must successfully complete refresher training as required by the department. Officers failing to re-certify as required shall no longer carry or use the OPN in the performance of duties.
- 4. If the OPN is used to strike a subject or injury occurs, whether or not an arrest is made, a Use of Force Report is required, in accordance with OMS 105.01(1).

b. Chemical Agent

- 1. Chemical agents provide an excellent force option in certain situations.
- 2. Chemical agents may be used when reasonable and justified in the following situations:
  - a. To prevent an injury to an officer or a third person.
  - b. To ward off threatening dogs and other animals.
  - c. To subdue a person who is threatening or attempting physical harm to himself or another.
  - d. Against subjects resisting arrest.
  - e. To quell rioting.
  - f. Against subjects interfering with an arrest.
  - g. Any situation where the officer can clearly articulate the need to deploy this device.
- 3. Authorization for use of a chemical agent, other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant. The use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency were the officer in charge of a field situation cannot reasonably contact higher authority.

4. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the Use of Force report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

c. Carotid Compression Technique

1. Only officers who have been trained by the Denver Police Department in the application of the carotid compression technique may utilize this force option. Application of the carotid compression technique shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statutes.
2. Acceptable application of the carotid compression technique:
  - a. To incapacitate a combative or physically resistive person whose conduct rises to the level of Aggravated Active Aggression. The purpose is to subdue the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Aggravated Active Aggression - Deadly force encounter)
3. Officers should be mindful not to apply direct pressure to either the front of the throat, back of the neck or head area either through compounded body weight, or direct pressure from a knee or arm in an effort to gain physical control of the person. Application of such pressure can cause unintended serious bodily injury or even death.
4. An immediate medical evaluation by paramedics is required to determine, if any, the degree of injury sustained by the suspect. This medical check shall be documented on the Use of Force report and any other charging document. If the arrestee is jailed, the officer will notify detention facility personnel that a carotid compression technique was applied.

d. Police Service Dogs

Policy

The mission of the Denver Police Department is to deliver high quality public safety services so all people may share a safe and healthy environment. The department, in partnership with the community, will endeavor to achieve our mission by utilizing the most modern and effective practices and methods. One of those effective practices is the utilization of a well trained professional Police Canine Unit. The police canine provides many valuable services including criminal apprehension, evidence and contraband detection, locating missing persons, and public relations activities.

1. Canines assigned to the Metro/SWAT Bureau will be available to assist in searches, crowd control, tracking, explosive and narcotic detection, security at scenes of major crimes or disasters, in addition to regular patrol duties and special assignments.
  - a. If an officer needs a canine and none are on duty, the dispatcher shall be notified. The canine supervisor will be contacted and will make the determination of which canine officer to send.
  - b. Canine handlers will be in complete charge and responsible for their dogs' deployment, regardless of the ranking officer on the scene. Canine handlers will determine the appropriate utilization of their dogs.
  - c. When it is believed a suspect may be armed with a weapon likely to cause injury or death to the police service dog, the handler may exercise his/her discretion before deploying the dog.
  - d. Any conflicts in utilization shall be reported in writing, via the chain of command, to the commanders of the officers involved, as soon as possible.
2. A police service dog may be used to perform a search or apprehension in a reasonable manner as determined by the handler and in compliance with all applicable laws and statutes regarding police use of force, the Denver Police Department Use of Force Policy, and the Canine Unit Policies and Procedures when the following conditions exist:

- a. When there is probable cause to believe the suspect has committed a crime or is a danger to themselves or others, and
  - b. When the suspect is actively evading efforts to take them into custody and the use of a canine would reduce risk to officers or the public.
3. Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
  4. Should a police service dog injure any person:
    - a. The arrest scene and any criminal suspects will be immediately secured.
    - b. The canine officer/handler will immediately request medical assistance.
    - c. The injury will be reported on a Report of Use of Force, DPD 12, and in accordance with the requirements of OMS 105.01, Use of Force Procedures.
    - d. Injuries caused by the police service dog to persons who were not the subject of the search will be reported on a Use of Force Report.

#### 105.04 Shooting By and/or of Police Officers

- (1) When any law enforcement officer, regardless of agency or department, discharges a firearm as a result of contact with a person, whether or not a death or wounding occurs, officers shall immediately notify the Denver 911 dispatcher. Officers may request I-Call communication if officers wish to reduce the number of persons who may receive the broadcast information. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all radio and telephone conversations and provides them for use in an investigation upon request. This procedure also applies when investigating the death or wounding of law enforcement officers.
  - a. The dispatcher will immediately follow Denver 911 procedures by notifying the following as required:
    1. Ambulance.
    2. Sufficient patrol coverage.
    3. The on-duty command officer for the district of occurrence.
    4. The on-duty homicide and/or general assignment detectives.
    5. The on-call Police Shoot Team.
      - a. Major Crimes Section command officer
      - b. Homicide Unit supervisor
      - c. Primary and secondary homicide investigators
    6. The Crime Laboratory
    7. The on-call District Attorney.
    8. The Commander of the Major Crimes Division
    10. The Deputy Chief of Operations
    11. The Commander of the Internal Affairs Division
    12. The Public Information Officer
    13. The Chief of Police
    14. The Executive Director of Safety
    15. The involved officer's commander. If the officer has been injured or killed, this commander is responsible for notification of the officer's family.
    16. The Coroner's Office, in any case where death occurs.

- (2) Officers shall use the following procedure when handling the Person/Officer wounded by gunfire:
- a. Use appropriate first aid.
  - b. Remove the person/officer to the hospital by ambulance if any possibility of life exists.
  - c. One officer should accompany the victim (dead or alive) to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.
  - d. When placing a hold order on a victim who is also a suspect in a crime, notify the Denver Sheriffs Department.
  - e. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS. 505.10(5).
- (3) The ranking officer at the scene is immediately responsible for crime scene protection.
- (4) The responsibilities of the ranking officer at the scene of a Police Shooting include, but are not limited to, the following:
- a. Protect the crime scene using appropriate personnel and methods.
  - b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.
  - c. Officers shall identify and sequester all witnesses to the incident. Officers shall obtain written statements from all civilian witnesses. Investigators will review all statements and determine the need for additional detail or recording of the statement. Investigators shall obtain statements from all officer witnesses.
  - d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm, except to make the firearm safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited. Detectives shall document and collect these items during crime scene processing. The involved officer shall maintain custody of his/her firearm until relinquished to Crime Laboratory personnel, who will make arrangements to loan the officer a replacement firearm. An investigator from the Homicide Unit shall document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer shall release the officer's firearm.
  - e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain there with him/her until relieved. Only investigators assigned to the Police Shooting Team, the officer's commander, the officer's attorney and the District Attorney have access to the officer while sequestered. The Commander of the Major Crimes Division must approve all other access.
  - f. Provide the dispatcher and responding detectives with all available information.
  - g. Assist and follow the directives of the senior member of the Criminal Investigation Division in compliance with Section 14.12.
  - h. Assign an officer to complete a General Offense Report (GO).
    1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be "Shooting by a Peace Officer".
    2. When a suspect shoots and wounds an officer the title will be "Assault on a Peace Officer".
    3. When the shooting results in the death of any person/officer the title is "Homicide".
    4. When an officer discharges a firearm causing injury or death the person shot will be reported as the victim and the involved officer is listed as the person reporting.
    5. Officers shall leave the suspect section blank and keep the narrative section brief.
  - i. Complete an After Action Report and route copies as appropriate and send a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for that day for all districts or other units that covered the scene.
  - j. Ensure the completion of a Use of Force Report (UOF) DPD 12:

1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report".
2. Attach a copy of the After Action report to the UOF report. Forward the original UOF report to the Internal Affairs Division, with one copy to the division commander and one copy to the respective deputy chief.

k. Ensure that ALL officers who respond to the scene, or who assist in any way, submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.

(5) The investigation of a shooting, by or of, a peace officer is a cooperative endeavor between the Denver Police Department and the Denver District Attorney's Office. The investigation is under the command of the Commander of the Major Crimes Division or designee. Officers and investigators shall use all appropriate investigative methods and techniques including, but not limited to, the following:

- a. Completely process and document the crime scene using diagrams, photographs and video recordings in accordance with crime scene protocols outlined in OMS 301.01.
- b. Investigators shall document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the District Attorney. The interview order is generally civilian witnesses first, followed by officer witnesses. The interview(s) of the involved officer, those officers discharging a firearm, usually occur last.
- c. The officer involved in the shooting may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the "Officer Advisement in Police Shootings" form (DPD 759). The "Miranda Warning", Internal Affairs Division "Garrity Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
- d. The Commander of the Internal Affairs Division (IAD) or designee will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriffs Department and the Denver Fire Department's arson investigators. The Internal Affairs Division will participate in the investigation only at the request of the Commander of the Major Crimes Division or designee, or the Chief of Police. This participation only involves those cases where information or evidence supports there is a suspected crime or serious rule violation.
- e. Refer all media inquiries to the Commander of the Major Crimes Division or designee, generally, the Public Information Officer.
- f. The command officer in charge of the investigation will prepare, or cause the preparation, of an After Action Report (DPD286) and distribute the report as appropriate prior to going off duty.
- g. The criminal charge filing decision for a police shooting case is solely the responsibility of the Denver District Attorney's Office. Officers shall not publicly speculate about the decision. The District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case. The District Attorney bases the review and filing decision on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies which have a different legal level of proof.

(6) Considerations for the involved officer following the investigation of the Police Shooting/Critical Incident

- a. When death occurs the officer will be removed from any line duty assignment, pending the results of an administrative review.
- b. The officer's command will contact Police Psychological Services as soon as possible after the incident and schedule an appointment for the officer. The commander, with approval from their deputy chief, may arrange excused days for the officer until the police psychologist has met with the officer and made a verbal recommendation to the commander as to when the officer can return to duty. The purpose of the Psychological Services appointment is not to investigate the officer's actions or assess his/her fitness for duty.

In cases with extenuating circumstances, temporary or permanent assignment changes may occur.

- c. When death results, from any officer involved use of force, an in custody death or death which occurred as a direct result of police action and the incident is investigated by Major Crimes as a critical incident, the commander will follow the same procedures listed above in (6)b.  
Absolute confidentiality exists and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview, such as family members, fellow officers, or members of the Critical Incident Trauma Team (CITT).
- d. The commanding officer of the officers involved in a shooting incident will notify the officers of the above provisions. Additionally, the commanding officer will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, Psychological Services will notify the commanding officer who shall provide for such arrangements. No other exchange of information will occur without the express written consent of the officer before the interview.
- e. In the event of a civil lawsuit against the City and County of Denver and the officer, the City Attorney's office will provide legal representation. Exceptions include when the officer acts outside of the scope of his/her employment or neglects to notify the Civil Liability Unit of the potential action for a lawsuit.

#### 105.05 Discharge of Firearms

- (1) Officers shall not discharge any firearm in the performance of their duties except as authorized by law and the rules, regulations and procedures of the Denver Police Department.
- (2) All members of the Denver Police Department shall safely handle firearms while performing on-duty assignments and at all times while carrying/handling firearms while off-duty.
- (3) When all reasonable alternatives appear impractical, a law enforcement officer may resort to the lawful use of firearms under the following conditions when he/she reasonably believes that it is necessary. **When feasible**, it is necessary, to give some warning before engaging in the use of deadly force. If possible, identify yourself as a police officer, give the command you want followed, and state your intention to shoot.
  - a. To defend him/herself, or a third person from what he/she reasonably believes to be the use or imminent use of deadly physical force (C.R.S. §18-1-707); or
  - b. To affect an arrest, or to prevent the escape from custody of a person whom he/she reasonably believes:
    - 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
    - 2. Is attempting to escape by the use of a deadly weapon; or
    - 3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (C.R.S. §18-1-707).
    - 4. The following definitions shall apply to all of OMS 105.04(3) a. and b:
      - a. REASONABLE BELIEF: When facts or circumstances the officer reasonably believes, knows, or should know, are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar circumstances.
      - b. DEADLY PHYSICAL FORCE: That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
      - c. SERIOUS BODILY INJURY: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk or protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage) or burns of the second or third degree.

- c. A law enforcement officer may also engage in the lawful use of firearms under the following conditions:
  - 1. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
  - 2. To participate in authorized training at a target range.
  - 3. To participate in any legitimate sporting activity.
- (4) Officers will not discharge firearms under the following conditions:
  - a. At another person unless the circumstances are such that the officer would be justified under the law if the shot killed the person.
  - b. Where there is likelihood of serious injury to persons other than the person to be apprehended.
  - c. As a warning or attention shots.
  - d. Solely to protect property.
- (5) Moving vehicles
  - a. Firing at moving vehicles: Firing at a moving vehicle may have very little impact on stopping the vehicle. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment. An officer threatened by an oncoming vehicle shall, if feasible, move out of the way rather than discharging a firearm. Officer(s) shall not discharge a firearm at a moving vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the officer has an objectively reasonable belief that:
    - 1. The vehicle or suspect poses an immediate threat of death or serious physical injury to the officer or another person and
    - 2. The officer has no reasonable alternative course of action to prevent death or serious physical injury.
  - b. Firing from a moving vehicle: Accuracy may be severely impacted when firing from a moving vehicle, and firing from a moving vehicle may increase the risk of harm to officers or other citizens. Officers should not fire from a moving vehicle except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- (6) Above all, the safety of the public and the officer must be the overriding concern when the use of force is considered.

**105.06 Use of Force Review Board**

- (1) The Chief of Police has established a Use of Force Review Board which will examine all incidents where serious injury or death results from any officer-involved use of force, all firearm discharges by active members of the department, except those incidents described in OMS 105.04(3) d. & e, any in-custody death and any incident as directed by the Chief of Police. The board is investigative in nature and is responsible for making recommendations on administrative justification, Internal Affairs investigations, department policy modifications, training, and commendations. The board is empowered to classify a case as in or out of policy.
  - a. The board may refer a case to the involved officer's commander for consideration of a commendation.
  - b. The board may refer a case to the Tactics Review Board.
  - c. The Use of Force Board review of any case where a person has been injured or killed will be scheduled after the completion of the criminal investigation and the Chief of Police has received a written decision from the District Attorney stating whether or not criminal charges will be filed. The responsibility for notifying the Use of Force Board that the case is ready for review rests with the commanding officer of the Internal Affairs Division or his designee.



- d. The Use of Force Board review of non-injury firearm discharges will be scheduled after a final report on the incident has been completed. The responsibility for notifying the Use of Force Board that the case is ready for review rests with the commanding officer of the Internal Affairs Division or his designee.
- (2) The Use of Force Board is authorized to take all appropriate steps in its review of firearm discharge and use of force incidents, including, but not limited to the following:
- a. The Use of Force Board shall review all reports, photographs, video tapes, statements and other documents relating to the incident.
  - b. The Use of Force Board is empowered to call any officer witnesses needed for further clarification.
  - c. The Use of Force Board may invite any civilian witnesses needed for further clarification.
  - d. The Use of Force Board may direct additional investigation to be conducted by those who completed the original report of the incident under review.
  - e. The Use of Force Board must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of department rules and regulations.
  - f. The involved officer is not required to attend the hearing. If the involved officer decides not to attend the hearing, the hearing shall be held in the officer's absence.
- (3) Following full review of the use of force incident, the Use of Force Board has the following responsibilities:
- a. If the Use of Force Board has concluded that no departmental policy, procedure, rule or regulation has been violated, the Chief of Police will be notified of this fact in writing. Copies of this notification will be provided to the involved officer, his/her commander. One (1) copy will be placed in the involved officer's Internal Affairs Division file subject to purge at periods specified by the Chief of Police.
  - b. If the Use of Force Board has concluded that any Departmental Policy, Procedure, Rule or Regulation appears to have been violated, the Chief of Police will be notified of this fact in writing. The Use of Force Board will document the areas which it considers to be deficient, and forward a copy if its findings to the Commander of the Internal Affairs Division. The Internal Affairs Division will be responsible for investigating the specific points the Use of Force Board has found to be deficient. At the conclusion of the investigation, the case will be resubmitted to the Use of Force Review Board for an administrative finding. Sustained cases will then be processed and forwarded to the Conduct Review Division. As in all other disciplinary matters, final authority and responsibility rests with the Chief of Police.
  - c. If there is a question regarding tactics used in the incident, the Use of Force Board may forward the case to the Tactics Review Board for an opinion. Any recommendations made by the Tactics Review Board regarding additional training, or policy changes will be forwarded to the Chief of Police.
  - d. The Use of Force Board may also make recommendations to the Chief of Police for any modification of department policy or training.
  - e. Upon completion of its review the Use of Force Board may recommend that the involved officer(s) be considered for a commendation. The involved officers' commander or his/her designee will then be responsible for the following:
    1. Approve or reject the recommendation for commendation made by the Use of Force Board, and;
    2. If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.03.
  - f. The facts of the case shall be presented to the Use of Force Board by the IAD investigator assigned to the case, or in the event of a death, it may be presented by a Homicide Unit supervisor.
  - g. The involved officer(s) may have an observer present, who was not involved in the incident under review, during the presentation of the case, including witness testimony but not during any Use of Force Board deliberations. The observer shall not participate in any Use of Force Board proceedings.

- (4) All records of the Use of Force Board are to be considered confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
  - a. This confidentiality shall extend to cover the Use of Force Board members, officer's representative, officer's commander, advisory witnesses, and any other persons attending as allowed by the Chief of Police.
  - b. Records of the Use of Force Review Board will be retained by the Internal Affairs Division.
- (5) Board Membership and Responsibilities
  - a. The commanding officer of the Conduct Review Division is the non-voting Chair. Exception: in the case of a tie, the Use of Force Board Chair shall cast the deciding vote.
    - 1. An IAD staff member, designated by the Internal Affairs Division Commander, in consultation with the Use of Force Board Chair will determine the date and time of the meeting in compliance with OMS 105.06(1)c.& d., and will notify the other board members.
    - 2. The Use of Force Board will be called within a reasonable time after the final report of any use of force that meets the criteria outlined in OMS 105.06(1).
    - 3. The Use of Force Board Chair is responsible for gathering any reports needed by the Board. He may delegate this duty to an IAD staff member.
  - b. The voting membership of the Use of Force Review Board will be composed of the following persons:
    - 1. The Commander of Major Crimes Division
    - 2. A designated rotating commander
    - 3. Two community members trained and certified by the department.
  - c. The Use of Force Board Chair shall select a member of the department who has expertise in police tactics to serve as a non-voting advisory member of the board.
  - d. Use of Force Board findings shall be by majority rule.
  - e. Community Board Members
    - 1. The community member must have received training as designated by the Chief of Police, which at a minimum shall include instruction in:
      - a. The Denver Police Department Use of Force Policy. See OMS 105
      - b. Colorado State Statutes pertaining to the use of force by police officers
      - c. Hands-on training on all forms of the department's less-lethal alternatives
      - d. Overview of the Crisis Intervention Team (CIT) program
      - e. Overview of firearms training and policy
    - 2. Community representatives will be rotated through the pool of qualified candidates and the Commander of the Internal Affairs Division will make the assignments at the discretion of the Chief of Police.
  - f. Advisory Witnesses
    - 1. The involved officer's division or bureau commander may be present for the hearing, but will not be a voting member.
    - 2. Advisory witnesses may be called as determined by the Use of Force Board Chair. These may include a city attorney, the supervisor of the Firearms Section, the department less lethal advisor, or the Commander of the Training Bureau.
    - 3. Any additional persons may only be present at the discretion of the Chief of Police or the Commander of the Conduct Review Division.
- (6) Should any member of the Use of Force Review Board recognize a conflict of interest on an individual case the member will be excused and a temporary replacement will be appointed by the Chief of Police or the Commander of the Conduct Division.

- (7) Should any member of the Use of Force Board be unavailable to attend a meeting for any reason, that member will be replaced by a temporary member appointed by the Chief of Police.

**105.07 Firearms - Requirements and Inspection (Revised 11/2014)**

- (1) Officers will equip themselves with firearms of suitable caliber and manufacture as will meet requirements set forth by the Chief Firearms Officer with the approval of the Chief of Police.
- a. Prior to purchasing a firearm for official use, officers may obtain a copy of the Firearms Purchase Authorization, DPD 30. The use of this form eliminates the requirement to submit to the CBI background check required by Colorado Law. Officers are to submit the form to THEIR commanding officers for signature. Commanders are to authorize purchases only for officers under their commands. The form is then given to the gun dealer prior to the purchase of the weapon.
- (2) The Chief Firearms Officer, with the approval of the Chief of Police, shall prepare a list of firearms which are approved for carry. The list shall be updated as necessary by the Chief Firearms Officer, with the approval of the Chief of Police; the DPD 30 form will be revised with the current list.

The five (5) categories of authorized firearms are as follows:

- a. Uniform: This category lists the handguns approved for uniform carry. Officers shall carry only one (1) approved handgun and holster visibly displayed. All approved handguns in the uniform category are also approved for all other categories.
- b. Plain Clothes: This category lists the handguns approved for carry by officers in plain clothes while on duty. These handguns are also acceptable off-duty.
- c. Administration: This category lists the handguns approved for carry by non-uniform administrative officers while on duty. The administrative status of a Denver Police Department officer's assignment will be determined by the deputy chief in charge of the officer's assignment.
- d. Off-duty/back-up: This category lists the handguns approved for off-duty carry and back-up. All handguns approved for uniform, plain clothes and administrative categories are also authorized for off duty or back-up use.
- e. Utility: This category lists firearms approved for carry while performing specialized functions. The unit commander will determine the necessity for utilization of this category.
- (3) Inspection of Firearms. All firearms must be inspected, function tested, and approved by the Firearms Section prior to being carried either on or off duty.
- a. An annual inspection of all firearms will be required. Officers are prohibited from carrying any firearm which has not been inspected, approved and recorded within the previous twelve (12) calendar months. Each firearm will be inspected and fired for qualification once in each calendar year.
- b. Firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm will be submitted to a Firearms Section officer for inspection and approval prior to being carried.
- c. Qualification must be accomplished prior to carrying the firearm.
- (4) Repairs to firearms. Officers assigned to the Firearms Section are authorized to repair certain approved firearms. The following applies to in-house repairs.
- a. The firearm(s) in question must be an approved firearm.
- b. Department owned firearms shall not be altered in any way, except by Firearms Section personnel or by order of the Chief of Police.
- c. The officer reserves the right to have personally owned firearms repaired by any person or firm of choice. The cost of such repairs shall be borne by the officer. After repair or alteration by any person or firm other than the Firearms Section the firearm must be submitted to the Firearms Section for inspection and approval prior to being carried.
- d. In the event that needed repairs are of such nature that factory repair is required, personally owned firearms shall be returned by the officer to the factory for repair at the officer's expense.

e. Loaner handguns will be provided by the Firearms Section under the following conditions:

1. The firearm being repaired is a departmentally approved firearm.
2. The loaner must be of the same make, model and barrel length as the one being repaired, if available.

(5) Method of carrying handguns

a. All semi-automatic handguns will be carried in departmentally approved directional draw holsters and shall be worn on the strong side. Uniform holsters must have a covered trigger and retention method. Holster Authorization Letter, DPD 30H, will list approved holsters for uniform carry and requirements for plain clothes and off duty holsters.

(6) Cleaning and loading firearms

Officers shall clean, repair, load or unload firearms only in those locations designated by the building manager. This restriction shall not apply to firearms when loading or unloading is ordered by a supervisory officer for inspection or training purposes, or in the official performance of duties.

(7) Utility firearms

- a. No personal or unauthorized utility firearms, including privately owned shotguns, shall be carried without prior authorization of the officer's commander.
- b. Utility firearms, when carried routinely in police cars, shall not have a round in the chamber. Rounds will be carried in the magazine. Rounds which are chambered in anticipation of use will be unloaded and returned to the magazine upon termination of the incident and prior to returning the firearm to the police vehicle.
- c. Firearms maintenance will be performed by Firearms Section personnel on departmentally owned firearms.
- d. Only ammunition deemed appropriate by the Firearms Section will be used in these firearms.
- e. Department approved utility firearms include:
  1. Utility firearms listed on the DPD 30
  2. 40mm less lethal firearms loaded with department issued less lethal ammunition.
  3. Specialized firearms authorized for use by Metro/Swat or other specialized units loaded with department issued or authorized ammunition.

(8) Report of firearm purchase, loss or replacement (DPD 30).

- a. Officers shall file a General Occurrence (GO) report when a firearm is lost by any means. A General Occurrence (GO) report concerning the loss of any firearms shall contain all pertinent facts and information surrounding the incident.
- b. Officers using DPD 30 to purchase a firearm are reminded that disposition of these firearms must be in compliance with Federal law.

(9) Ammunition

All officers shall load their firearms and carry on their person only ammunition issued or approved by the Firearms Section. Officers are prohibited from carrying reloaded ammunition of any kind.

- a. Ammunition, both service and practice, will be furnished by the department for standard firearms.
- b. Ammunition for non-standard firearms is the responsibility of the individual officer. All ammunition for non-standard firearms must meet the requirements of the Chief Firearms Officer.

Officers will load their firearms with and carry on their person only ammunition specifically approved by the Chief Firearms Officer.

(10) Storage of Utility Firearms in police vehicles.

- a. Only Denver Police Department authorized and/or issued utility firearms shall be carried in police vehicles for use by officers in the performance of their official police duties.

- b. Department authorized utility firearms shall be carried in the police vehicle in accordance with the OMS 105.06(7)b, 105.08(2), and 108.08(3)
- c. To ensure that all firearms are kept secure when officers are off duty or their police vehicle is not in use, department authorized utility firearms (including less lethal) will be stored in the following manner:
  - 1. Department issued utility firearms will either be stored in a locked rack inside the police vehicle passenger compartment, in a trunk, mounted rack, or stored, unloaded, in a police facility armory, gun locker, or in a safe and secure manner at the officer's residence when off duty. If firearms are left unattended in a vehicle when the officer is off duty (i.e. at an off-duty job) and the firearm is not secured in a department supplied rack, it is the officer's responsibility that the firearm is out of sight and secured in a manner that will not allow access by an unauthorized third party.
  - 2. Personally owned and authorized rifles or shotguns will not be left in any unattended vehicle while the officer is off duty and will be stored at all times while off duty or on duty in a locked storage device or locker.
- d. Department issued utility firearms are the responsibility of the officer to whom the weapon is issued.

(11) Storage of any department authorized firearm

- a. Officers must ensure that all personally owned, department authorized firearms, including any firearm used on or off-duty, are kept secure at all times.

### 105.08 Firearms Section

- (1) The Firearms Section commander shall be in charge of the Firearms Section and all its facilities. This officer will also be known as the Chief Firearms Officer.
- (2) The Assistant Chief Firearms Officer shall be a supervisory position assigned to the Firearms Section.
- (3) Firearms Training Officers. These individuals shall be chosen from the ranks of 1<sup>st</sup> grade patrol officer, technician or detective. This position will carry the rank of technician, and will be assigned to the Firearms Section.
- (4) Range Operations
  - a. Rules, regulations and procedures for operations at the Denver Police Department Firearms Section facilities shall be posted in a conspicuous place and be strictly adhered to at all times.
  - b. All firearms that are to be inspected and used at the Denver Police Firearms facilities will be unloaded and cleared in the area provided outside the entrance doors to the range.
  - c. Clean firearms policy. All firearms to be used on the Denver Police Firearms facilities will be cleaned prior to inspection by Firearms Section personnel before being fired. In addition, all firearms will also be cleaned immediately after being fired. This cleaning procedure will be completed in the area provided. The *shoot slip* will be issued only after the firearm is re-inspected by the firearms personnel. (Officers are strongly urged to wash their hands after cleaning their firearm and prior to returning to duty.)
  - d. All visitors must be accompanied by a Denver Police Department officer and shall be governed by the posted rules and regulations. No children are allowed in range facility without prior approval from the Chief Firearms Officer or designee.
  - e. Any person who is not a member of the Denver Police Department must have written permission from the Chief of Police or his designee and the Chief Firearms Officer before being permitted to use these facilities.
  - f. All officers shall wear ear and eye protection when shooting on the firing line. In addition, officers within the firing area are required to wear ear and eye protection.
- (5) Firearms Proficiency
  - a. The minimum firearms qualification requirements are as follows:
    - 1. All police officers at the rank of sergeant and below are required to shoot once during each shoot quarter and achieve a passing score on the course of fire specified by the Firearms Section.

- 2. All command officers (lieutenants and above) are required to shoot biannually, in two separate quarters, and achieve a passing score on the course of fire specified by the Firearms Section.
- 3. Officers may shoot more frequently, but must be **on duty**, if not shooting for a required qualification. Overtime is not authorized for additional, non-required shoot time.
- b. Any Officer who, for any reason, fails to attend the above listed required firearms training during any quarter, or biannual shoot will be required to make up the missed shoot during the following quarter along with remedial training if deemed necessary by Firearms Section personnel. It is the officer's responsibility to make necessary arrangements.
- c. Any officer who, for any reason (including injury, illness, suspension, extended training, leave of absence, etc.), is absent from two or more shoot quarters, or one biannual shoot will attend remedial training if the officer fails to qualify upon their return.
- d. An unexcused failure to shoot for qualification as required and described in 105.08(5) shall constitute a violation of this section with the following penalties:
  - 1. First violation will result in a fine of one (1) day.
  - 2. Second violation within twelve (12) consecutive months will result in the fine of (3) days and attendance at Remedial Training.
  - 3. The Chief of Police or his designees may view an officer having three (3) unexcused violations within any five (5) consecutive years as a chronic offender. Discipline of chronic offenders shall be imposed separate and apart from the provisions of OMS 105.08 (5) b.1 or 2, and the penalty therefore may be imposed, based on the officer's entire history of failing to shoot for qualification.
- e. After each shoot quarter and annually reports will be generated by the Firearms Section delineating the following:
  - 1. Officers who failed to attend.
  - 2. Officers who failed to qualify.
- f. Remedial Training
  - 1. Officers failing to qualify during any regularly scheduled shoot quarter or during a biannual shoot will be required to attend remedial training conducted by the Firearms Section, until such time as they can qualify.
  - 2. Remedial training sessions will include firearms safety rules, positions, sight alignment, trigger control, and grip.
  - 3. The Chief of Police will be advised of officers failing to qualify with an approved handgun after attending two (2) training sessions.
- g. Passing score for each shoot quarter is 80% of the approved course.
- h. Prior to carrying any departmentally approved firearm, on or off duty, the officer must have passed proficiency testing during the previous twelve (12) calendar months with that firearm.
- i. The Chief Firearms Officer, with the approval of the Chief of Police, will establish proficiency testing courses appropriate to each authorized firearm. The Chief Firearms Officer shall maintain written records describing the course of fire. Such record shall contain a description of the target, scoring system, times allowed for each stage of fire, distance from the target and other pertinent conditions such as lighting, starting positions, firing positions, etc.

#### 105.09 Denver Police Utility Weapon Program

- (1) The Denver Police Department authorizes the use of a .223 rifle and Remington 870 shotgun to be carried by certain officers in their normal duty assignment. The Firearm Purchase Authorization, DPD 30, will list the approved utility firearms allowed in the program.
  - a. The authorization to carry a utility weapon is a privilege and can be revoked at anytime, for any reason, by an officer's respective commander.
  - b. Blatant violations of this policy will result in revocation of the privilege to carry a utility weapon.

- (2) The utility weapon may be carried in the trunk of the police car. The rifle will be in a case with the chamber empty, bolt forward, magazine in the firearm, and the safety on. The shotgun will be in a case with the chamber empty, bolt forward, magazine loaded and the safety on.
- (3) Utility weapons may be carried in a vehicle weapon rack designed to fit that specific firearm. Carrying a utility weapon in a vehicle rack not designed for that specific weapon is not authorized.
- (4) Officers shall be selected and certified based on the following criteria:
- a. Officers must have exhibited proficiency with a handgun, scoring ninety percent (90%) average or above for the previous one year period.
  - b. Officers must have completed their probationary period.
  - c. Officers must be recommended and approved by their commander. Selection within the patrol divisions will be monitored and approved by the deputy chief of operations, at the request of each district commander with consideration given to the equal distribution of departmentally owned/issued firearms across details one, two, and three.
  - d. Officers must attend and pass a mandatory training course to be conducted by range personnel.
    1. Urban Rifle – 40 hour operator’s class
    2. Shotgun – 16 hour operator’s class for officers hired after January 1, 2010.
  - e. Quarterly utility weapon and handgun proficiency shooting courses must be maintained at ninety percent (90%) yearly average or above.
    1. Officers who miss a quarterly qualification will notify his/her division/bureau commander, in writing, as to the reason for the missed qualification. Upon the approval of the division/bureau commander the officer will make-up the missed qualification during the next calendar quarter. Officers will not carry or deploy the utility weapon until the missed qualification is rectified.
    2. Officers who are on approved extended leave (i.e. military leave, light duty, suspension, leave of absence, or FMLA) and are unavailable for the required qualification will not carry a utility weapon. Upon the officer’s return to full duty, he/she must qualify in the first available quarter prior to carrying or deploying a utility weapon. Supervisors will ensure compliance with this requirement.
    3. Officers will be removed from the utility weapon program and approval to deploy such weapon will be rescinded under the following conditions:
      - a. If an officer misses two (2) quarterly qualifications in a calendar year (January – December); or
      - b. If an officer misses two (2) consecutive quarters without the approval of his/her commander through the chain of command; or
      - c. If an officer fails to qualify within the first available quarter after his/her return from approved extended leave, as stated above in 2.
- (5) The Firearms Section will track and record all utility weapons, quarterly qualifications for authorized users/carriers. In addition, the Firearms Section will produce a quarterly qualifications report, no later than fourteen (14) days after the end of a quarter and forward the report to the and deputy chief of operations.
- (6) The formal updated training curriculum will be on file at the Firearms Section.
- (7) Officers would only deploy the utility weapon only under the following circumstances:
- a. At the direction of their supervisor; or
  - b. When an officer can clearly articulate a need; in which the deployment of a handgun might not be sufficient to neutralize the threat, or greater precautionary measures are deemed appropriate.
- (8) Officers deploying a utility weapon would function as a cover officer, with no other duties such as searching or handcuffing until the weapon is secured in the patrol car.

- (9) When an officer is transferred, promoted, leaves the department, or is no longer certified to carry a utility weapon, the department owned firearm assigned to that officer, along with the rifle sling, carrying case, extra magazine, magazine pouch, rifle cleaning kit, all ammunition, and any other issued rifle or shotgun equipment, shall be returned to the Firearms Section where it will be inventoried and stored until being reassigned.
- (10) Unassigned utility weapons will be stored at the Firearms Section until the next training class, when the firearm will be assigned to another officer, in order to replace utility weapon vacancies left in various assignments due to transfers, promotions, etc.

#### 105.10 Tactics Review Board

- (1) The primary function of the Tactics Review Board is to review those tactical situations or incidents reported on a Use of Force Report, an After Action Report, a Vehicular Pursuit Report, or a Police Vehicle Accident Report, where there is a possible deviation from department training, policy, or procedure. These do not include incidents reviewed by the Use of Force Review Board except as requested. The Tactics Review Board will conduct its review in order to determine compliance with existing policy and procedure; the need for revisions to policy, procedure, or training; proper management of the situation by supervision and command; and commendatory actions. The secondary function of the Tactics Review Board is to review and make recommendations on tactics under consideration by the department for adoption as a tactical option.

As used in this policy, the term tactics shall be defined as the strategies and techniques employed by officers designed to reduce risk to themselves or others in order to achieve a legitimate police goal. These shall include **but not be limited to** the elements of communication, vehicle operation, arrest control, crowd control, less-lethal force, firearms, search, movement, cover and concealment, and positions of peril.

- (2) Tactics Review Board Composition

- a. The non-voting chair will be the Commander of the Conduct Review Division.
- b. The Deputy Chief of Administration shall select a department member with demonstrated experience in the area of police tactics and officer safety to serve as a non-voting advisor. This advisor shall also assist with the screening of reports for eventual review by the Tactics Review Board, and with research into tactics under consideration for adoption by the department as a tactical option.
- c. The Chief of Police will appoint seven voting Tactics Review Board members with demonstrated experience in the area of police tactics and officer safety.
  1. One member of the Tactics Review Board shall be from the rank of Police Officer First Grade, Corporal, Technician or Sergeant.
  2. No more than two members may be appointed from outside of the department. These members must have superior knowledge and demonstrated ability in the areas of police tactics and officer safety.
- d. If any member of the Tactics Review Board is not able to attend a meeting, the Chief of Police or the Commander of the Conduct Review Division may appoint a temporary replacement for that meeting. This temporary board member shall meet the same requirements as other Tactics Review Board members.

- (3) Case Selection

- a. The Deputy Chief of Administration or designee, shall screen all Use of Force Reports and After Action Reports. The Commander of the Conduct Review Division shall review all vehicular Pursuit Reports and police Vehicle Accident Reports.
- b. The Deputy Chief of Administration shall recommend a Tactics Board review of those cases in which there is any question regarding the tactics employed during the incident or where there is a possible deviation from department training, policy, or procedures.
- c. Cases involving the demonstration of innovative or superior tactics shall also be reviewed.
- d. The Chief of Police may also direct that the Tactics Review Board review a particular incident.
- e. Any supervisor or command officer may recommend a review of a particular incident by the Tactics Review Board.



## (4) Tactics Review Board Procedures

- a. The Tactics Review Board will meet on an as needed basis as determined by the Commander of the Conduct Review Division.
- b. Witnesses may be requested to provide additional information to the Tactics Review Board
- c. All recommendations of the Tactics Review Board will be on the basis of a majority vote. Exception: in the case of a tie, the Tactics Review Board Chair shall cast the deciding vote.
  1. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for disciplinary action shall be forwarded to the Internal Affairs Division for investigation based on the facts of the alleged infraction.
  2. Recommendations for changes to policy or training will be forwarded to the Chief of Police.
  3. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for commendatory action will be forwarded to the involved officer's commander. The involved officers' commander, or his/her designee will then be responsible for the following:
    - a. Approve or reject the Tactics Review Board recommendation for a commendation.
    - b. If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.03.
  4. Recommendations for additional training of the involved officer(s) will be forwarded to the Chief of Police.
    - a. If deemed appropriate, the Chief of Police may forward the recommendation to the appropriate commander.
    - b. The involved officer's supervisor will ensure that the officer receives training on the tactic in question. This training will be coordinated with, but not necessarily given by, the academy training staff.
    - c. The supervisor will document specific details of the training on an Inter-Departmental Correspondence, DPD 200, and will make a Journal Entry that the training was administered.
    - d. The Inter-Departmental Correspondence, DPD 200 and a copy of the Journal Entry will be retained in the officer's station personnel file and a copy forwarded to the Training Bureau for inclusion in the officer's training file.
    - e. Cases that have come to the Tactics Review Board from the Use of Force Review Board via a request for an advisory opinion will be reviewed and recommendations made. Upon completion of its review, the Tactics Review Board will return the entire case, including recommendations, to the Use of Force Review Board. Recommendations for changes in policy or training will also be forwarded to the Chief of Police.

## (5) Procedure for Submitting Proposed Tactics for Review and Consideration

- a. Department members who become aware of a technique or tactic that may be beneficial to the department; may request that it be considered by the department for adoption as a tactical option.
- b. The tactic should be fully described on an Inter-Departmental Correspondence, DPD 200. Included should be a list of other law enforcement agencies that employ the tactic, if any. Supporting documentation such as training materials, video demonstrations, or other law enforcement agencies' policies and procedures regarding the tactic, should be included when available.
- c. The packet of documentation will be forwarded through the chain of command to the Commander of the Conduct Review Division.- Copies **will** also be forwarded to the Academy training staff and the Department Less-Lethal Advisor.

- d. When the Tactics Review Board feels there were tactics employed in a situation under review that may warrant consideration by the department for adoption as a tactical option, they will be forwarded to the Training Bureau for assessment and recommendations.
  - e. The Academy training staff and the Department Less-Lethal Advisor will review the information and give their written opinion regarding the proposed tactic to the Chief of Police.
  - f. If approved, the Academy will develop and implement an appropriate training plan for the new tactic, including whether the training will be conducted by Academy training staff, at the division/bureau level, or by some other source.
  - g. Officers trained in the new tactic will have the training documented in their training records.
- (6) All records of the Tactics Review Board are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
- (7) Records of the Tactics Review Board will be retained by the Conduct Review Division.

### 105.11 Crisis Intervention Team

- (1) **DEFINITION:** CIT is an innovative first responder model of police-based crisis intervention that combines community, health care and mental health advocacy partnerships. CIT is a program that provides the foundation necessary to promote community solutions to assist individuals with a mental illness.
- (2) **PURPOSE:** The Crisis Intervention Training is a curriculum that provides officers with alternatives to incarcerating persons with mental illnesses that may be in crisis. The purpose of CIT is to reduce the incidents of violence, injury, and potential litigation. In addition to providing effective services to citizens within the City and County of Denver with mental illness, mental disabilities, or suicidal tendencies who are in crisis.
- (3) **PROCEDURE:**
- a. Anytime a citizen or officer makes a request to have a CIT officer present, the dispatcher shall be notified of the request.
  - b. Generally, CIT trained officers shall handle all CIT-related calls for service in the same manner as other calls for service. In addition, however, CIT officers shall:
    - 1. Be both allowed and encouraged to use as much time as they deem reasonable and necessary to successfully deescalate individuals who are in crisis.
    - 2. Use appropriate time and distance tactics to their advantage to successfully deescalate individuals that are in crisis.
    - 3. Use appropriate safety tactics to protect themselves and individuals who are in crisis, along with others that may be affected.
      - a. CIT officers shall use cover officers who are armed with less lethal and/or lethal weapons when appropriate.
      - b. CIT officers may use retreat as a positive tactic.
      - c. Once CIT officers are engaged in negotiations, they will be in control of the scene until relieved by a superior officer or department hostage negotiator.
      - d. CIT officers shall be permitted and encouraged to cross district boundaries to handle CIT related calls for service when needed.
      - e. CIT officers shall be dispatched to calls when the information received by the Communications Center indicates that mental illness, mental disabilities, or suicidal tendencies are present.
      - f. When available, CIT officers shall volunteer for calls for service that involve mental illness, mental disabilities, or threats of suicide.
      - g. CIT officers shall document all CIT incidents in the Records Management System (RMS) following the investigative and reporting procedures currently in place.

In addition to completing all required electronic and hand-written reports, CIT officers will complete a Street Check, DPD 305, in the MRE program that includes entity details about the subject and the text document utilizing the CIT template. After completing the Street Check, DPD 305, the CIT officers will send a brief MDT V-Mail message to the CIT Coordinator. ***(Refer to RMS Procedure Guide dated 03/07/2008 for instructions regarding the completion of this procedure.)***

- h. If a CIT form is deemed necessary by the CIT officer, the call completion code CT will be entered in the CAD by the dispatcher upon notification by the CIT officer.
- i. When circumstances warrant, CIT officers will follow-up with the person in crisis or the Mental Health agency to determine the outcome to establish whether further action is required.
- j. CIT officers shall follow the procedures outlined in OMS 104.30.
  - 1. If the CIT officer develops information regarding a respondent's current mental health treatment program, which indicates a Mental Health Hold is not the best course of action; the CIT officer may make alternative arrangements for the disposition of the respondent, such as transport directly to a mental health provider.

(4) DEPLOYMENT OF THE CRISIS INTERVENTION TEAM AS NEGOTIATORS:

- a. When requested by the Incident Commander at the scene of a barricaded suspect or hostage incident, the dispatcher shall contact an on-duty CIT officer and have them respond.
- b. If needed, the CIT officer will begin and continue negotiations until relieved by a superior officer or the department hostage negotiators.
- c. At the request of the department hostage negotiators, a CIT officer may assist with ongoing negotiations.

(5) CIT DISTRICT COORDINATOR RESPONSIBILITIES:

- a. Insure that CIT officers complete CIT Data Collection Forms in the RMS per RMS Procedure Guide dated 03/07/2008.
- b. Liaison to disability and mental health providers in the District.
- c. Attend quarterly meetings with Department Coordinator and District CIT officers as needed.
- d. Assist the Department Coordinator with the selection and training of CIT officers.

(6) DEPARTMENT CIT COORDINATOR/ADMINISTRATOR RESPONSIBILITIES:

- a. Retrieve CIT Data Collection forms from the RMS, review, and follow-up as needed.
- b. Establish quarterly meetings with district CIT Coordinators.
- c. Liaison to all disability and mental health providers.
- d. Liaison to other CIT law enforcement agencies.
- e. Develop training and continuing education in concert with current best practices.
- f. Coordinate and facilitate all CIT training sessions and updates.
- g. Coordinate with district coordinators on follow-up investigations of calls for police service involving individuals having experienced an acute mental health crisis or suffering from mental health disorders.
- h. Provide guidance and resources to entities, both inside and outside the Denver Police Department, regarding both CIT program and law enforcement response to the mental health community.

***P*ROCEDURAL**

*Las Vegas Metropolitan Police Department*

***O*RDER**

*Partners with the Community*

TO	:	ALL PERSONNEL	May 15, 2020	Directive No. PO-035-20
SUBJECT	:	USE OF FORCE		Effective Date IMMEDIATELY
Additional Information	:	Initiated by Office of the Sheriff to revise the entire policy and associated procedures. Policy has been reissued.		
Dept. Manual Reference	:	6/002.00		
Approval Signature	:	Joseph Lombardo, Sheriff Kevin McMahill, Undersheriff		

**POLICY BEGINS ON NEXT PAGE**

**6/002.00 USE OF FORCE POLICY**

- I. POLICY**
- II. DEFINITIONS**
- III. GOVERNMENT AUTHORIZATION FOR USE OF FORCE**
- IV. DETERMINING THE APPROPRIATENESS OF FORCE**
- V. DE-ESCALATION**
- VI. DUTY TO INTERVENE**
- VII. MEDICAL ATTENTION**

**I. POLICY**

It is the policy of this Department that officers hold the highest regard for the dignity and liberty of all persons and place minimal reliance upon the use of force. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.

The Las Vegas Metropolitan Police Department is committed to protecting people, their property and rights while providing the best in public safety and service. The proper use of force is essential for ensuring impartial policing and for building trust in the community. There are circumstances where individuals will not comply with the law unless compelled or controlled by police officers through the use of force. Officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (see LVMPD 4/103.26, *Respect for Individual Rights of Persons*).

The Department seeks to manage use of force beyond the *Graham v. Connor* (1989) standard and its minimum requirements by establishing further parameters for the application of force and to offer explicit direction to officers. Sound judgment, the appropriate exercise of discretion, and the adherence to Department policy will always be the foundation of officer decision-making in the broad range of possible use of force situations.

# Opinion: Police officers should be guardians, not warriors. That could have saved Andre Hill's life.

Opinion by **Christy E. Lopez**

Dec. 31, 2020 at 6:37 a.m. MST

Following a fatal police shooting in Columbus, Ohio, this month, Mayor Andrew J. Ginther acknowledged that firing the officer responsible “does not bring Andre Hill back to those who love him.” True, of course, but we’ll never know whether something else could have prevented Hill’s death: skilled first aid given immediately by the officers on the scene.

Three days before Christmas, Columbus police officer Adam Coy shot Hill as Hill was exiting a garage, unarmed and at Coy’s request. Police reportedly did not call for a medic until six minutes after Hill was shot, much less rush Hill to a hospital themselves. It took 15 minutes for an ambulance to arrive. During that time, neither Coy nor any other officer provided aid to Hill, or even words of comfort. Rather, Hill was placed in handcuffs.

First and foremost, our goal must always be to prevent police shootings from happening — and there appears to be no shortage of steps that could have been taken to prevent this one. After-the-fact accountability, such as firings and legal action, while essential, can never cure the harm and trauma inflicted by such a shooting.

But one after-the-fact step by police can reduce the harm of a officer-involved shooting: providing immediate first aid to the person the police have shot. Columbus police did not do that in Hill’s case, and unfortunately, this failure is common in the United States. In the hundreds of police shootings I reviewed during my work investigating police departments with the Justice Department and as a federal police monitor, rarely did I see evidence of police providing care after a shooting. While practices are changing, progress has been too slow.

For many years, it has been standard operating procedure for police to handcuff a person they’ve shot, even when the person clearly presents no threat, even when the person is unconscious or dying. Anyone who studies police shootings for long will find many examples of officers idly standing over the dying person, waiting for an ambulance, often as a crowd of onlookers builds.

Several years ago, police-reform advocates began to be more vocal in challenging this long-standing protocol. After all, if we truly believe that police should use deadly force only when necessary to protect life, shouldn’t police immediately turn to saving lives the moment they can? Isn’t that duty even

greater when they've used deadly force, whether justified in the moment or not?

Policing has begun to respond to this call. Force guidelines broadly accepted by some more-progressive policing agencies have established protecting the “sanctity of life” as a fundamental principle of police use of force and advised agencies they should “respect the sanctity of life by promptly rendering first aid.” Some departments, such as the one in Camden, N.J., changed policies to require officers to use their squad cars as ambulances to rush gunshot victims to hospitals, as has been common practice in a few cities for decades. Departments have also begun issuing first-aid kits to officers and providing training on how to use them; in agencies where officers are not provided such kits, many officers buy them on their own.

A 2018 report from Chicago’s Civilian Office of Police Accountability noted that it had become “nationally accepted best practice” for officers to get training in emergency medical care and “to carry first aid kits, and to render aid consistent with their training following uses of force, particularly following an officer-involved shooting incident.” The same report noted that Chicago police did not meet those best practices, but cited cities that had adopted model policies. Many of these cities made these changes as part of Justice Department consent decrees.

These are important steps in the right direction but, in most places, what happened in Columbus remains the norm.

We can do better. Communities should demand that their police agencies equip and train their officers to save lives, require them to do so, and hold them accountable when they don’t. That means demanding accountability for every officer on the scene of Hill’s death, not just Coy. It means states should require by statute that officers render first aid. It also means that departments must communicate unequivocally to officers that they are expected to save lives — even if they think that person tried to kill them — and train them how to do it. And we need to provide police with the emergency equipment needed to fulfill this mandate.

Most fundamentally, communities should demand a policing ethos under which failing to provide care to someone shot by police is an unthinkable response from any person entrusted with a badge and the power to take life and liberty. This requires changes in who we hire to be police, what we ask them to do and how we ask them to do it. It is a critical part of the broader shift we must have in policing from warrior to guardian.

**Read more:**

Christy E. Lopez: Two things law enforcement agencies should do to keep police responses from ending in tragedy

Paul Butler: Pence may believe what he said about Breonna Taylor. But it’s not true.

Paul Butler: I’m a former prosecutor. The charge in Breonna Taylor’s death is pathetically weak.

Christy E. Lopez: Just prosecuting police officers won’t make us safe. Here’s what’s needed.

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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS,

Plaintiff,

v.

CITY OF CHICAGO,

Defendant.

Case No. 17-cv-6260

Judge Robert M. Dow, Jr.

**CONSENT DECREE**



feedback from the CIT Coordinator and the Advisory Committee when conducting its evaluation.

148. OEMC will develop and implement its portion of the Crisis Intervention Plan.

149. OEMC supervisors, on an ongoing basis, will audit and provide feedback to call-takers and dispatchers regarding their ability to identify, dispatch, and respond appropriately to calls for service involving individuals in crisis.

150. The Parties acknowledge that OEMC currently meets regularly with CPD and the City-wide Mental Health Steering Committee. OEMC will continue to meet regularly with CPD, in addition to appropriate members of the Advisory Committee, including service providers and advocates, to review and assess data and information regarding the identification of, the dispatch of, and response to calls for service involving individuals in crisis by OEMC tele-communicators.

151. Within 180 days of the Effective Date, and annually thereafter, OEMC will review and revise its intake and dispatch policies and protocols as necessary to meet the requirements of this Agreement. OEMC will consider any recommendations or feedback provided by the Advisory Committee when revising its policies.

152. OEMC will ensure that the language used in policies, procedures, forms, databases, trainings, and by tele-communicators to communicate about calls involving individuals in crisis is appropriate, respectful, and consistent with industry-recognized terminology. OEMC will seek input from the Advisory Committee for recommendations to identify appropriate and respectful terminology.

## **V. USE OF FORCE**

153. CPD's use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and

the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; when using force, CPD officers only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and any use of unreasonable or unnecessary force is promptly identified and responded to appropriately.

154. CPD adopted revised use of force policies on October 16, 2017 (“October 2017 Policies”). The October 2017 Policies incorporated multiple best practices that were not reflected in CPD’s prior use of force policies. Building on these improvements, CPD will maintain the best practices reflected in the October 2017 Policies and make additional improvements to its policies consistent with the terms of this Agreement.

**A. Objectives**

155. CPD officers have the authority to use force, but that authority is limited by the law and Department policy. The provisions of this Agreement seek to facilitate compliance with the law and Department policy regarding the use of force to reduce the circumstances in which using force is necessary, and to ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.

156. CPD’s use of force policies and training, supervision, and accountability systems will be designed, implemented, and maintained so that CPD members:

- a. act at all times in a manner consistent with the sanctity of human life;
- b. act at all times with a high degree of ethics, professionalism, and respect for the public;
- c. use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible;

# Seattle Police Department Manual

Adrian Diaz, Chief of Police

## 8.200 - Using Force

Effective Date: 06/19/2020

### 1. Use of Force: When Authorized

An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See **8.300 - Use of Force Tools**. Once it is safe to do so and the threat has ended, the force must stop.

#### Use of Force Core Principles

**Objectively Reasonable** defined

**Necessary** defined

**Proportional** defined

## 2. Use of Force: When Prohibited

- Officers are prohibited from using neck and carotid restraints in all circumstances
  
- An officer will not use force to punish or retaliate
  
- An officer will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See **5.160 - Observation of Officers**).
  
- An officer will not use force to stop a subject from swallowing a substance that is already in their mouth; however:
  - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to **prevent** a suspect from putting a substance in their mouth
  
- In the event that an officer reasonably believes that a suspect has ingested a harmful substance, officers shall summon medical assistance as soon as feasible.
  
- An officer may not use force to extract a substance or item from inside the body of a suspect.

**Exception:** This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, officers will document any use of reportable force.

### **3. Officers Should Assess and Modulate the Use-Of-Force as Resistance Changes**

For example, as resistance decreases, the use of force may decrease.

### **4. Use of Deadly Force**

Deadly force may only be used in circumstances where a threat of death or serious physical injury to the officer or others is imminent. A danger is imminent when an objectively reasonable officer would believe that:

- A suspect is acting or threatening to cause death or serious physical injury to the officer or others; and
- The suspect has the means or instrumentalities to do so; and
- The suspect has the opportunity and ability to use the means or instrumentalities to cause death or serious physical injury.

See also **8.050 – Deadly Force**

### **5. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Believe That it Is Necessary and That There is Probable Cause That:**

- The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death; and
- The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or to another person unless the suspect is apprehended without delay; and

- The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

## **6. Officers May Only Use Force on Restrained Subjects When Objectively Reasonable, Necessary, and Proportional**

Officers may only use objectively reasonable, necessary and proportional force on restrained subjects (e.g. including handcuffed or contained in a law enforcement vehicle).

Officers may use objectively reasonable, necessary and proportional force to get subjects into or out of a law enforcement vehicle only after reasonable attempts to gain voluntary compliance have failed. When feasible, officers shall obtain supervisor approval prior to using force to remove a subject from a Department vehicle.

Officers may only use force on restrained subjects that would foreseeably result in a Type II or Type III investigation under exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. All such force shall be closely and critically reviewed.

The investigating supervisor will consult with FIT regarding the classification of force used on restrained subjects when such force is not easily identifiable as de minimis or Type I.

## **7. Recognizing the Urgency of Providing Medical Aid and the Importance of Preserving Human Life, Following a Use-of-Force, Officers Will Evaluate the Subject for Injuries, Request Medical Aid if Needed or if Requested By Anyone, and Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible**

When safe and feasible, officers will request a medical aid response for any apparent injury, complaint of injury, or sign of medical distress for subjects and others even if the aid is declined. Officers will closely monitor subjects taken into custody.

After requesting a medical aid response, officers will render aid within the scope of their training unless aid is declined. Certified EMT officers should be given priority to render care, when feasible. Consent should be assumed for unconscious subjects or subjects incapable of providing consent.

**Exception:** A call for medical aid is not required for apparent injuries that can be treated by basic first aid (e.g. minor cuts and abrasions).

Absent exigent circumstances, prone subjects will be placed on their side in the recovery position or assisted to an upright position as soon as safe and feasible. Officers shall not restrain subjects who are in custody and under control in a manner that restricts the subject's ability to breathe.

## **8. Officers Shall Automatically Request Medical Aid in Certain Situations**

Every Type III use-of-force.

The following less-lethal incidents:

- TASER applications
- 40 mm LL Launcher applications

After any use-of-force greater than Type I force on subjects who are reasonably believed or known to be:

- Pregnant
- Pre-adolescent children
- Elderly

- Physically frail or disabled

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## Police

**Address:** [610 5th Avenue, Seattle, WA, 98104-1900](#)

**Mailing Address:** PO Box 34986, Seattle, WA, 98124-4986

**Phone:** (206) 625-5011



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# Guiding Principles On Use of Force



SANCTITY OF LIFE • PROPORTIONALITY • DUTY TO INTERVENE • DE-ESCALATION  
• OFFICER SAFETY • DISTANCE + COVER = TIME • CRISIS INTERVENTION •  
CRITICAL DECISION-MAKING MODEL • CONTAIN AND NEGOTIATE • TIME  
IS ON OUR SIDE • TACTICAL COMMUNICATIONS • CHALLENGING CON-  
VENTIONAL THINKING • TACTICS • SCENARIO-BASED TRAINING • LESS-LETHAL  
OPTIONS • ETHICS • AGENCY VALUES • RENDER FIRST AID • OFFICER  
WELLNESS • TRAINING AS TEAMS • PERSONAL PROTECTION SHIELDS •  
SUPERVISORY RESPONSE • SLOWING THE SITUATION DOWN • TACTICAL  
REPOSITIONING • COMMUNITY-POLICE TRUST • POLICE CULTURE • SAFE  
ZONE • CALL-TAKERS AND DISPATCHERS • TRANSPARENCY • ACCOUNTABILITY



CRITICAL ISSUES IN POLICING SERIES

# Guiding Principles on Use of Force

March 2016



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PERF’s January 29, 2016 Summit at the Newseum in Washington, DC

# PERF's Critical Decision-Making Model

**FOR DECADES, SPECIALIZED POLICE TACTICAL UNITS SUCH AS SWAT have employed critical thinking and decision-making processes to guide their unique, often dangerous work.** Prior to taking action, these teams typically take the time to collect and analyze information, assess risks and threats, consider contingencies, and then act and review. Most experienced SWAT members would consider it reckless to approach an assignment without first taking these steps.

As PERF explored training and tactics on use of force, one question kept coming up: **If this type of critical thinking process works for specialized tactical units, why can't it be used by patrol officers as well?** If patrol officers had a structured, easy-to-use decision-making process to follow, and could combine that with tactical concepts such as distance, cover, and time, they could more effectively and safely resolve many types of critical incidents.

## Other Decision-Making Models

For several years, police personnel in England, Scotland, Northern Ireland, and Wales have utilized the National Decision Model (NDM), a five-stage process that revolves around the police code of ethics. In the UK, police officers use the NDM when responding to unplanned incidents and also when planning operations that are known ahead of time, such as the handling of a major sporting event. The National Decision Model is employed by individual officers and teams, and it applies to both operational and non-operational situations. In fact, some of the early applications of the NDM were in support of police budgeting and administrative decisions.

During the PERF-led field visit to Scotland in November 2015, officials from 23 U.S. police agencies learned more about the NDM and observed training scenarios in which the NDM was used. Overall, the U.S. delegation was impressed with the NDM's depth and simplicity. To members of Police Scotland, the NDM has become second-nature. From recruits up to the Chief Constable, personnel understand the model and can readily explain its purpose and implementation in clear and straightforward terms. And police officers in

the UK use the NDM in hundreds of incidents every day—both serious and minor—to *support sound and accountable decision making*.

PERF researchers also examined other decision-making models. One of them is the OODA Loop (Observe, Orient, Decide, Act), which was developed in the 1950s by a U.S. Air Force Colonel named John Boyd. Like the NDM and other models, it is a recurring cycle that users work through as new information is observed and circumstances change. Although it was initially applied to decision-making in military combat operations, the OODA Loop over the years has been used in business, legal, and other professions. Some police agencies have applied the OODA Loop as well.

## Why Adopt the Critical Decision-Making Model?

PERF’s 30 Guiding Principles recommend that police agencies adopt a decision-making framework for use during critical incidents and other tactical situations, and then train officers in how to use that framework. This section of the report presents the Critical Decision-Making Model (CDM) as a preferred framework that agencies can adopt.

The CDM is based largely on the UK’s National Decision Model and concepts from other models. Like the NDM, the CDM is a logical, straightforward, and ethically based thought process that is intended to help U.S. police officers manage a range of incidents effectively and safely. And while the CDM can be employed in a wide range of events, PERF believes it will be especially valuable in helping officers manage those critical incidents we are trying to impact the most—i.e., situations involving subjects who either are unarmed or have an edged weapon, rock, or similar weapon, as well as incidents involving persons who are experiencing a mental health crisis or who are behaving erratically because of a developmental disability, a mental condition such as autism, substance abuse, or other conditions.

## Elements of the CDM

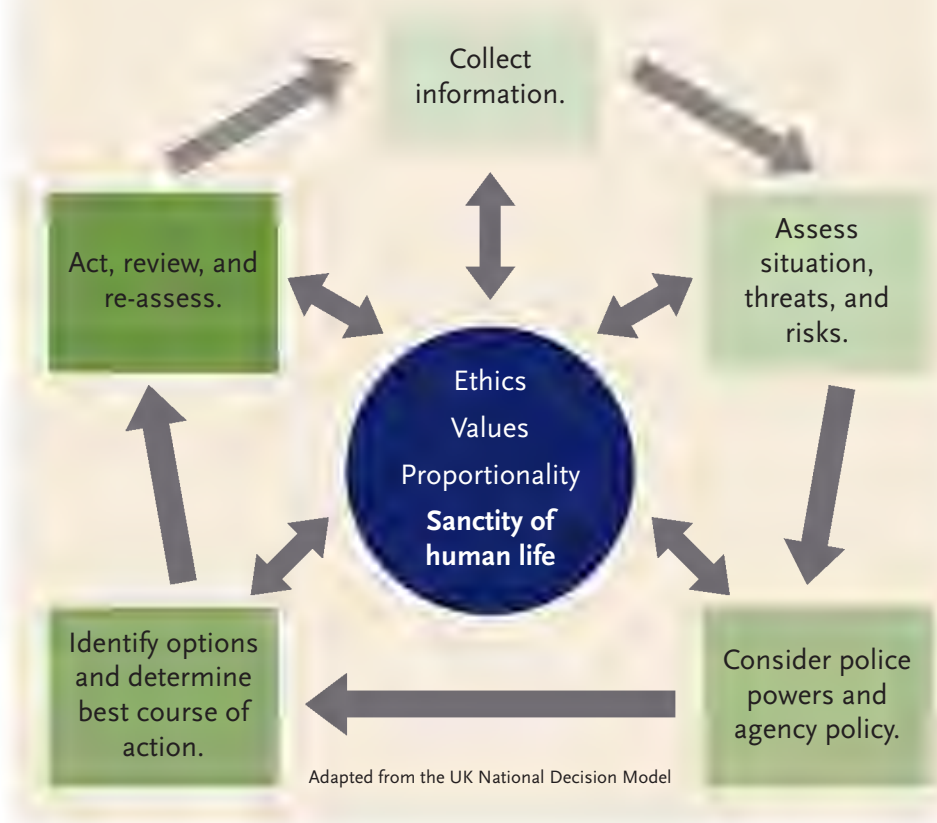
The Critical Decision-Making Model is a five-step critical thinking process. All five steps are built around the core values of the department and the policing profession.

### *CDM Core*

At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

- Police ethics
- Agency values
- Concept of proportionality (Guiding Principle #3)
- Sanctity of all human life (Guiding Principle #1).

## Critical Decision-Making Model



Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.

### Step 1 Collect Information

The logical first step in the process is for officers to gather information and intelligence, a process that begins as officers are heading toward the incident. During this step, officers ask themselves and others, including Dispatch personnel, a series of key questions.

It is important to remember that while the collection of information represents the beginning of the process, it is not a one-time activity in the CDM. Information gathering is ongoing, and new information is collected continuously to help inform the other steps in the process.

#### Officers should ask themselves ...

- What do I know so far about this incident?
- What else do I need to know?
- What do my training and experience tell me about this type of incident?



## Officers should query others (dispatchers, fellow officers, supervisors, computer networks) ...

- What more can you tell me about *this incident*? For example:
  - Circumstances that prompted the call
  - Individuals on the scene, the physical environment
  - Presence of weapons
  - Presence of bystanders, including children
  - Mental health/substance abuse issues
- What more can you tell me about *previous incidents* involving this location or the person or persons who are involved?

### Step 2

## Assess Situation, Threat and Risks

This step typically begins as officers are responding to the incident and are evaluating what they are being told by dispatchers or others. That is the time when officers begin considering “what if?” scenarios in their minds. The assessment step shifts into high gear as officers arrive on scene and can visually begin to gauge threats and risks. During this step:

### Officers should ask themselves ...

- Do I need to take immediate action?
- What is the threat/risk, if any?
- What more information do I need?
- What could go wrong, and how serious would the harm be?
- Am I trained and equipped to handle this situation by myself?
- Does this situation require a supervisory response to provide additional planning and coordination?
- Do I need additional police resources (e.g., other less-lethal weaponry, specialized equipment, other units, officers specially trained in mental health issues)?
- Is this a situation for the police to handle alone, or should other agencies/resources be involved?

### Officers should also request that others ...

- Provide additional information, as needed.
- Respond to the scene, as needed.
- Provide the additional equipment or resources needed.

**The first question in this step is noteworthy: “Do I need to take immediate action?” The CDM does not prevent or restrict officers from taking immediate action if that is what the circumstances dictate. In these**

>> *continued on page 84*

# How Nassau County PD Is Using The Critical Decision-Making Model

By Inspector Ronald Walsh

All police officers think and react based on their training and experience. However, very few police academies train officers to “think” as a specific learning objective. Through the leadership of Commissioner Thomas Krumpter, that is exactly what the Nassau County Police Department (NCPD) has started doing.

The NCPD Police Academy has implemented a customized version of the Critical Decision-Making Model as part of our commitment to continual improvement. Our model is designed as a wheel. In the center are our department’s mission, vision, values and ethics—the foundational principles that all decisions are based on, especially those concerning the use of force. On the perimeter are the five categories or steps that each officer works through when making a decision.



We still teach a comprehensive curriculum in law and U.S. Supreme Court and other critical court decisions. But we have added the Decision Making Model as a way to systematize the pragmatic approach we already take to our training. The model is a framework for making decisions and for assessing and judging those decisions. Did an officer make the right choice, and could or should improvements be made?

While still new, the model is already proving beneficial. Recruits are displaying a better understanding of their training and are able to more fully articulate their thoughts and actions. They can identify where they need additional support, since they can now quickly determine on which step they “get stuck” on the wheel. One recruit, during role play, recently stated:

“I knew where I was stuck on the model, but I resisted changing my approach. I realized I should have moved on and de-escalated by letting my partner step in when what I was doing was just not working!”

Initially some officers and trainers were concerned that the model may “slow down the decision making process” and cause officers to think too much before acting, taking up valuable time in critical situations. In my mind, the best analogy to explain how the Model works is to compare its use to driving a car. The first time drivers get behind the wheel, they have absolutely no idea how to drive. They press too hard on the gas pedal, break unevenly, and the like. It takes time to get to the point where driving is automatic.

Now, try to remember your drive to work this morning. I bet you have no conscious memory of pulling from the curb or pressing the brake pedal to stop. And if you were having a conversation or listening to the radio, you probably made it to work having no idea, at least consciously, how you got there!



The difference between these two processes is simple. When you first learn to drive a car, everything requires a conscious effort, purposeful thinking, and energy. Now, when you drive a car, over 90 percent of the process has been taken over by your subconscious brain—it's automatic. Conscious thought takes energy and time; subconscious thinking is very quick. Your brain is constantly looking to automate as much as possible. Your brain remembers each experience, and if it's repeated often, your brain will begin to automate and move the task and its response to the subconscious.

By training officers to use the Decision Making Model, processes will become subconscious to the point that officers are able to gather intel, assess a threat, recognize policy and legal considerations, choose among a plethora of responses, and adjust their actions in the blink of an eye. Learning how to systematically think and then recall what actions we took and why, gives us the opportunity to improve our responses and to make better decisions.

*A 24-year veteran of the Nassau County, NY Police Department, Ronald Walsh is the commanding officer of the Nassau County Police Academy.*

continued from page 82

**situations, officers would “spin” through the rest of the model in a matter of seconds, determine the best course of action, and then act immediately.**

For example, in active shooter situations, many American police agencies have policies directing the first officers at the scene to respond as quickly as possible to stop the threat. Some departments have policies that allow a single officer to move to stop the threat without waiting for any additional officers to arrive. Other departments have policies requiring officers to wait until a minimum number of officers can form a “contact team” to stop the shooter. Other agencies call for the creation of a contact team, often made up of four officers, but also specify that fewer officers may respond immediately if it is apparent that a full contact team cannot be assembled quickly.<sup>72</sup> These are the types of factors that officers would quickly consider under the CDM in responding to this type of emergency.

However, if the answer to this question is, “No, I do not need to take immediate action,” then officers can go through the CDM at a more deliberate pace. The CDM can be “spun” as quickly or as deliberately as circumstance dictate, and officers can always take immediate action if that is appropriate.

### Step 3 **Consider Police Powers and Agency Policy**

This step represents an important self-check of officers' authority to take action. In addition to considering their legal authority to act, officers must think about what their agencies' policies say about the situation.

For example, a police agency's policy may place restrictions, beyond what is allowed by law, on shooting at vehicles, engaging in vehicle or foot pursuits,

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72. See *The Police Response to Active Shooter Incidents*. Police Executive Research Forum, 2014. Pages 8–15. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf)

or using less-lethal options in certain situations. These internal policies must be considered at this stage, before specific options are identified and actions taken. During this step:

**Officers should ask themselves ...**

- What legal powers do I have to take action?
- What agency policies control my response?
- Are there other issues I should think about? (e.g., jurisdictional or mutual aid considerations—Am I authorized to take action *here*?)

Step 4

**Identify Options and Determine the Best Course of Action**

Using the information and assessment from earlier steps, officers now begin to narrow their options and determine the best course of action. Again, part of this step is to determine if the officers have enough information and resources, and a compelling interest, to act right away. Or should they hold off, possibly to get even more information and resources? During this step:

**Officers should ask themselves ...**

- What am I trying to achieve?
- What options are open to me?
- What contingencies must I consider if I choose a particular option?
- How might the subject respond if I choose a particular option?
- Is there a compelling reason to act now, or can I wait?
- Do I have the information and resources I need to act now?

**Then, officers should select the best course of action, keeping in mind ...**

- The greatest likelihood of success and the least potential for harm.
- How proportional the response will be, given the risk/threats posed by the subject and the totality of the circumstances.
- The safety of the public, officer safety, and the sanctity of all life.

Step 5

**Act, Review and Reassess**

In this step, officers execute the plan, evaluate the impact, and determine what more, if anything, they need to do.

**Officers should execute the plan, then ask themselves ...**

- Did I achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons did I learn?

If the incident is not resolved, then officers should begin the Critical Decision-Making Model again, starting with the collection of additional information and intelligence.

## Benefits of the Critical Decision-Making Model

The thought processes embedded in the CDM are not very different from what many police officers already do on a daily basis. The CDM is certainly in line with how specialized tactical units are trained to approach their assignments. And it likely reflects the activities of many patrol officers, whether consciously or by instinct, when responding to calls for service or engaging in proactive policing.

**What is new and different about the CDM is that it offers a *structure* for working through a series of steps that officers may already be following and questions they are probably asking already. This structure helps to ensure that each critical step is followed and that all key questions are asked along the way.**

The Palm Beach County, FL Sheriff’s Office has implemented a concept called the “Tactical Pause,” which incorporates some of the elements of the CDM, such as slowing down the police response in certain types of incidents and taking time to carefully evaluate possible actions (see page 55).

### *Useful in Everyday Situations and Complex, High-Risk Incidents*

*By practicing the CDM in everyday situations, officers become more fluent in asking questions and formulating effective plans for their responses to a variety of situations.* These skills are critically important when the officers are called on to respond to especially difficult, complex, or high-risk incidents. Officers who have used decision models speak of developing “muscle memory” in making critical decisions through everyday practice.

The CDM provides operational support for many of the key concepts articulated in PERF’s 30 Guiding Principles—for example, using distance and cover to create time, applying de-escalation strategies, considering the proportionality of police actions, and handling individuals experiencing mental health crises. The CDM will help police officers put these concepts into action by providing them with a logical thought process for managing challenging situations.

*The CDM offers an alternative to officers who in the past have been trained to immediately “move in and take control,” even when those responses are not appropriate or safe given the circumstances.*

### *A Framework for Explaining Actions After the Fact*

In addition, the CDM gives officers a framework for *explaining* the thought process behind their actions *after the fact*, such as when they testify in court or provide statements to investigators. The experience in the UK has demonstrated that the NDM can be quite valuable in helping officers describe and

explain their actions, which lends credibility to their testimony. Officials report that officers routinely use the NDM as the outline for articulating their actions and decisions (“I first collected information by asking the following questions. Then I assessed the threat and risk by asking these questions...”).

The CDM should have similar benefits in the United States by providing officers with a detailed and logical mechanism for explaining their actions and decisions beyond the boilerplate language that is often found in police reports today.

For the CDM to be effective and beneficial, agencies must commit to thoroughly training their personnel on it. Scenario-based exercises should be coupled with the CDM. Officers who complete a particular scenario should then be asked to explain their actions in the context of the five-step CDM process.



New York City Law Department

**Corporation Counsel Report**  
**Pursuant to Executive Order 58 (June 20, 2020)**  
**Directing an Analysis of Factors Impacting the**  
**George Floyd Protests in New York City**

James E. Johnson  
Corporation Counsel

December 2020

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equipment to maintain public order.” There is no reference in the mission statement regarding the First Amendment or the rights of protesters. Likewise, while SRG training does include modules that train SRG officers on the First Amendment, the overwhelming focus of the training is on tactics and strategies to control crowds, maintain order, and address violations of the law. As stated above, it is a fundamental responsibility of government officials to support and defend the Constitution, including the First Amendment. Going forward training materials should more comprehensively reflect that duty.

For non-SRG officers, their first exposure to policing protests is in the Police Academy. The recruit curriculum that the NYPD supplied to the Law Department does include a module on “Maintaining Public Order” which notes that:

The role of the Police Department includes protecting the right of protesters to peaceably express their views, while at the same time protecting the right of non-protesters to go about their daily life unaffected by public disorder. Most protests and demonstrations are conducted in a peaceful manner. However, acts of civil disobedience may sometimes evolve into disruptive and/or violent conduct requiring immediate police action.<sup>201</sup>

The question is how strongly this message is reinforced to officers “on the job.”

NYPD Patrol Guide provisions relating to special events and emergency mobilization (e.g., P.G. §213-02 through §213-19) make only one passing reference to the NYPD’s role of protecting the rights of speech and assembly – “[The] incident commander will cooperate with persons in charge to the extent possible, balancing their right to free expression with the need to maintain public safety.”<sup>202</sup>

As discussed further below, the limited framing of the First Amendment and the rights of protesters in NYPD’s policies, training, and actions stands in contrast to other police department practices and expert recommendations.

In making observations about how the NYPD frames its role and conduct in policing protests, we are not reaching a conclusion on the commitment of the Department or its leadership to the principles of the First Amendment and the free speech and free assembly rights of New Yorkers. Rather, we are observing how this commitment is framed in its training and policies, and identifying the risk that current framing can pose to police responses to protest events. Going forward, the NYPD should consult with experts in behavioral psychology, civil rights, and other fields, in the evaluation of its offerings to ensure that they are consistent with the current state of the science and appropriately balance the needs of security with the rights of protesters.

#### **4. Comparative Review**

As discussed above, the NYPD’s training units have informal relationships with their counter-parts in other police forces and are willing to share ideas and incorporate things they learn. They also take part in police forums such as PERF. For example, the NYPD’s training program has adopted PERF model practices such as the Critical Decision Making Model (CDMM) for officer

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<sup>201</sup> New York City Police Department, Police Academy, Chapter 11 Maintaining Public Order.

<sup>202</sup> See City of New York Police Department, Patrol Guide, § 213-11, “Policing Special Events/Crowd Control.”

guidance.<sup>203</sup> SRG also undergoes training in connection with FEMA's Center for Domestic Preparedness which identifies, develops, tests and delivers training on a variety of law enforcement situations, including mass demonstrations.<sup>204</sup> The NYPD's trainings have evolved over time, particularly with the increasing use of scenario-based trainings.

That said, there likely is more that the NYPD can learn about protest policing by looking to other law enforcement agencies and experts. For example, de-escalation tactics have significantly developed in the United Kingdom as well as other U.S. cities.<sup>205</sup> The Baltimore Police Department ("BPD") has generated new training courses, including courses for de-escalation according to the PERF Integrating Communications, Assessments and Tactics ("ICAT") use of force procedures, which incorporate the PERF Critical Decision Making Model (already used by the NYPD).<sup>206</sup> The newly developed Baltimore trainings employ "adult-learning" precepts, such as "mind mapping,"<sup>207</sup> in an attempt to improve retention.<sup>208</sup> In coordination and consultation with the Baltimore Consent Decree, BPD has created a new detailed section of their Patrol Guide explaining and listing de-escalation precepts and techniques (Section #1107).

In 2015, Baltimore was the scene of intense and, at times, violent protests over policing following the death of Freddie Gray in police custody. There is little question that police-community relations in Baltimore had been at a low point for some time. Nevertheless, the George Floyd protests were different in Baltimore. The BPD was widely credited in their handling of the George Floyd protests as they managed, for the most part, to avoid violent incidents between police and protesters.<sup>209</sup> It is important to consider if there are lessons to be learned to NYC's advantage. For instance, the Baltimore Consent Decree Monitoring Team cited the de-escalation of BPD commanders who "lowered the temperature" by, among other things, deploying officers in their regular uniforms and encouraging officers to calmly engage in discussion with protesters.<sup>210</sup> While the new BPD trainings were not in effect officially when the George Floyd protests occurred, the Baltimore Consent Decree Monitoring report noted that the new training and protocols were used as a guide for the agency's approach.<sup>211</sup>

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<sup>203</sup> However, it was not until this summer, in the aftermath of the George Floyd protests, that NYPD decided to institute mandatory refresher training for all officers, something which aligns with the best practices recommendations of PERF and is also found in other jurisdictions.

<sup>204</sup> UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY'S CENTER FOR DOMESTIC PREPAREDNESS, <https://cdp.dhs.gov/news-media/article/cdp-offers-critical-mass-protest-training> (last visited Dec. 23, 2020).

<sup>205</sup> CRAIG PATTERSON, POLICING POLITICAL PROTESTS IN THE UNITED KINGDOM (2014); EDWARD R. MAGUIRE & MEGAN OAKLEY, POLICING PROTESTS: LESSONS FROM THE OCCUPY MOVEMENT, FERGUSON & BEYOND: A GUIDE FOR POLICE (2020).

<sup>206</sup> BALTIMORE POLICE DEPARTMENT, FIRST AMENDMENT PROTECTED ACTIVITY ASSESSMENT (FEB 2020); BALTIMORE CONSENT DECREE MONITORING TEAM, FIRST COMPREHENSIVE RE-ASSESSMENT (SEPT 2020).

<sup>207</sup> A "mind map" is a diagram for representing tasks, words, concepts, or items linked to and arranged around a central concept or subject using a non-linear graphical layout that allows the user to build an intuitive framework around a central concept; <https://www.mindmapping.com/mind-map> (last visited Dec. 23, 2020).

<sup>208</sup> Baltimore Police Department, 2019 Draft Use of Force Policy Training Curriculum (2019).

<sup>209</sup> BALTIMORE CONSENT DECREE MONITORING TEAM, FIRST COMPREHENSIVE RE-ASSESSMENT (SEPT 2020); *see also* Ron Cassie, *Why Baltimore's Protests Are So Peaceful*, (June 4, 2020), BLOOMBERG CITYLAB, <https://www.bloomberg.com/news/articles/2020-06-04/why-baltimore-s-george-floyd-protest-is-different> (last visited Dec. 23, 2020).

<sup>210</sup> BALTIMORE CONSENT DECREE MONITORING TEAM, "FIRST COMPREHENSIVE RE-ASSESSMENT" (SEPT 2020) at p. 16.

<sup>211</sup> *Id.*

# Keeping Each Other Safe: An Assessment of The Use of Peer Intervention Programs to Prevent Police Officer Mistakes and Misconduct, Using New Orleans' EPIC Program As A Potential National Model

Jonathan Aronie<sup>1</sup> and  
Christy E. Lopez<sup>2</sup>

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## Abstract

This article examines the principles of “active bystandership” and “peer intervention” and considers their application in the context of policing to prevent or mitigate police officer mistakes or misconduct. We begin by exploring the science behind bystandership and the application of the concept to solve a number of national problems in nonpolicing contexts. We then explore the unique dynamics of policing and argue these dynamics make active bystandership training, as part of an overarching implementation of an active bystandership ethos, critical to overcoming entrenched inhibitors to peer intervention. We also discuss the significant risks to officers, agencies, cities, and communities of not creating an ethos of active bystandership among officers. Finally, we consider the New Orleans Police Department’s implementation of a peer intervention or active bystandership program beginning in 2015 (during which time it was under the oversight of federal consent decree) and present some “lessons learned” from that department’s experience.

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<sup>1</sup>Sheppard, Mullin, Richter & Hampton LLP, Washington, DC, USA

<sup>2</sup>Georgetown University Law Center, Washington, DC, USA

## Corresponding Author:

Jonathan Aronie, Sheppard, Mullin, Richter & Hampton LLP, 2099 Pennsylvania Avenue, N.W., Suite 100, Washington, DC 20006-6801, USA.

Email: jaronie@sheppardmullin.com

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## Introduction

On July 30, 2005, according to the jury findings outlined in the criminal conviction, New Orleans police officer and Field Training Officer Melvin Williams beat and kicked Raymond Robair so violently he fractured his ribs and lacerated his spleen (Judonna Mitchell et al. v. City of New Orleans, 2016; U.S. v. Moore, 2013). Mr. Robair ultimately died at a local hospital, where Officer Williams and his rookie partner Matthew Dean Moore dropped him off, claiming they found him under an overpass and that he had a history of drug use but saying nothing about the beating. According to expert testimony at the criminal trial, had the doctors known of the blunt force trauma, Mr. Robair's life likely would have been saved (U.S. v. Moore, 2013). Officer Williams ultimately was convicted of federal criminal civil rights violations resulting in Mr. Robair's death and was sentenced to 21 years in prison for the use of excessive force and obstruction of justice. Rookie Moore, just 2 months out of the academy, was convicted of obstruction and lying to the FBI, and was sentenced to 5 years in prison. In sentencing Moore, the federal judge noted he was present during the beating and did nothing to stop it (Judonna Mitchell et al. v. City of New Orleans, 2016).

The Raymond Robair case, and many more like it across the country, traditionally is portrayed as quintessential excessive use of force cases; as lessons in the dangers of poor hiring, poor training, poor supervision, bias, or as blatant criminal misconduct. But these cases also provide a less-talked-about illustration of what can happen when bystander officers fail to intervene to prevent misconduct by a fellow officer, that is, "passive bystandership."

For purposes of this manuscript, we define a *bystander* as a witness who is in a position to know what is happening and is in a position to take action (Staub, 2007). A "passive bystander," then, is someone who fails to take action where the circumstances would seem to require action. While use of force, de-escalation techniques, and other force-related topics are commonplace in police academies, a focus on *how* those who witness the use of excessive force can stop or mitigate it still is not (Attard, 2015; Staub, 2007).

The importance of peer intervention by police officers to prevent misconduct by fellow officers as a key police reform tool recently was considered by the President's Task Force on 21st Century Policing through testimony by the National Association for Civilian Oversight of Law Enforcement:

Police Peer Intervention is a training program that teaches, in a practical and positive way, the powerful influence that police officers have on the conduct and behavior of their fellow officers. The training equips, encourages, and supports officers to intervene and prevent their colleagues from committing acts of serious misconduct

and criminal behavior, particularly those directed against citizens. The basic premise is that police officers themselves, properly trained in ethical decision making and tactics of peer intervention, are an essential and too often overlooked resource in the effort to prevent misconduct by fellow officers. (Attard, 2015, pp. 3–4)

This potential to prevent misconduct is what motivated the U.S. Department of Justice and the City of New Orleans to incorporate the basic tenets of police peer intervention into the New Orleans Police Department (NOPD) Consent Decree in 2012 (Consent Decree, 2013; Staub, 2015; U.S. v City of New Orleans, 2013).

The NOPD Consent Decree followed a lengthy “patterns and practices” investigation conducted by the United States Department of Justice (U.S. v City of New Orleans, 2013). Among other things, the resulting Consent Decree provides that NOPD’s use of force training include “the importance and impact of ethical decision making and peer intervention,” that NOPD must “ensure sufficient recruit academy instructional hours” in the area of “police intervention,” and that “NOPD agrees to involve mental health professionals in officer training on use of force, to address such topics as peer intervention by fellow officers to stop the use of excessive force” (Consent Decree, 2013, p. 294).

The inclusion of peer intervention principles in the NOPD Consent Decree was meant to fill a gap in both law enforcement training and in remedies designed to change the culture of an agency where officers have been found routinely to engage in misconduct or to remain silent when others did so. Specifically, while training and accountability measures frequently address an officer’s duty to report misconduct after it occurs, the NOPD Consent Decree was the first to include a provision focused on *preventing* misconduct by officers by requiring NOPD to train officers on the mechanics of how to intervene to keep another officer from committing misconduct.

While the principles of “active bystandership” and peer intervention are not new, their application to policing in the manner described here is. Few police agencies to date have demonstrated the commitment and resolve to teach peer intervention as a core set of skills and behaviors bolstered by a department-wide cultural commitment. While certainly there always have been and likely always will be officers who intervene in another’s actions to prevent or mitigate misconduct or mistakes, the tools officers need to do so consistently, effectively, and safely rarely are taught in police academies. Without being taught how to use these tools, and in the absence of an active bystandership culture, few of us would be able to muster the extraordinary moral courage required to intervene in the actions of a fellow officer.

The academic literature shows that officers are ready for this change; in a recent nationally representative survey of over 8,000 officers, fully 84% of officers said that officers should be required to intervene when they believe another officer is about to use unnecessary force (Morin, Parker, Stepler, & Mercer, 2017).

## The Science of Active Versus Passive Bystandership

The question of why good people fail to act when, in hindsight, our collective moral compass suggests they should have acted, has interested social scientists for decades. Among other contexts, the questions are frequently discussed in connection with the holocaust (Browning, 1992; Staub, 2015). More recently, the tragedies in Cambodia, Yugoslavia, Turkey, and Rawanda stand as very recent reminders that, as Edmund Burke so eloquently stated, the only thing necessary for the triumph of evil is that good (people) do nothing.

While many scholars have studied the fascinating and discouraging history of active versus passive bystandership, few scholars have dedicated their lives to understanding the phenomenon like Dr. Staub. A child holocaust survivor himself, Dr. Staub has spent a lifetime studying and drawing parallels between and among some of the world's most horrific atrocities. What truly sets Dr. Staub apart from other great contributors to the field, however, is his interest in supplementing those historic lessons with conclusions from current-day, real-world experiments.

A few concepts obtained from Dr. Staub's (2003) work are worth explaining here since they bear directly upon the applicability of peer intervention techniques to police agencies:

- First, there are a number of common *inhibitors* to bystander intervention that often are present regardless of context.
- Second, the actions (or inaction) of some people will have a significant impact on the likelihood others will intervene.
- Third, people who do harm take the passivity of others as acceptance or even approval of their actions, which makes increased harm-doing more likely. Further, once there has been a failure to intervene, the continuation of the nonintervention becomes more likely the next time similar circumstances arise.

Each of these discoveries has direct applicability to policing.

### *Inhibitors*

Through much research in this area, psychologists have identified a number of common *inhibitors* to active bystandership (Staub, 2015). According to Dr. Staub and others, (Latane & Darley, 1968) common inhibitors include pluralistic ignorance (i.e., people tend to put on a "poker face" in public and a person is more likely to act as if there is no problem when others around him or her are acting like there is no problem); diffusion of responsibility (i.e., someone else will take action so I do not need to); (Latane & Darley, 1968) ambiguity whether help is needed, for example, lack of words or actions to indicate help is needed

(those in need of help often do not express their need clearly); greater cost of helping, such as physical or emotional effort or danger; concern about negative reaction to intervention (including taking inappropriate actions, looking foolish, lacking the necessary skills to take action, etc.), devaluation of the potential or actual targets (as discussed later, devaluation is a defense mechanism that allows the perpetrator or bystander to dehumanize the target of the wrongdoing); and a feeling that it is best if people take care of themselves (Staub, 2015).

Most of us readily can understand—or at least empathize with—these inhibitors. Anyone with kids in school (or even anyone who was a kid in school) has seen or experienced playground bullying and the many different inhibitors to intervention that keep the kids watching from entering the fray. But whether you are dealing with a middle school students contemplating standing up to a bully on the playground or a young police officer contemplating telling a supervisor he or she should “calm down,” these inhibitors can be extremely powerful. And the more hierarchical the organization, the more strongly many of these inhibitors exist.

## **Actions of Others**

One should not underestimate the power of those with the first opportunity to intervene to prevent or mitigate a problem. If he or she takes action, others will follow. If he or she stands by, others are more likely to remain passive. Dr. Staub’s experiments with an unwitting subject sitting next to a confederate in a room when sounds of distress come from the next room are telling. If the confederate said, “may be that is another experiment, I don’t think it has anything to do with us,” about 25% of the actual participants helped. If the confederate said “that sounds bad, I will go and get the person in charge, you go into the other room to see what is happening,” 100% acted. The simple step of verbally defining the meaning of an event and appropriate action can make a huge difference in leading to action (Staub, 1974; Staub, 2014).

Relatedly, Dr. Staub and others have discovered that inactions by others beget further inaction. While news headlines may suggest otherwise, most humans are imbued with a preference for fairness and justice (Lieberman, 2013). It also seems, for most humans at least, that acting unfairly causes stress, anxiety, or unhappiness (Lieberman, 2013; Shalvi, Gino, Barkan, & Ayal, 2015; Shue, Gino, & Bazerman, 2011). This stress, in turn, prompts a number of different defense mechanisms that make it easier for the actor to cope with the stress. Common defense mechanisms include distancing, devaluing, and dehumanizing (Shu, Gino, & Bazerman, 2011). Dr. Staub described distancing and devaluing in the context of school bullying (Staub, 2007):

Watching other people be harmed or suffer is painful. To avoid feeling bad for the target, they distance themselves from the person being harmed. Passive bystanders

also need to make their failure to act more acceptable to themselves, so they devalue those who are harmed, seeing them as different, bad, strange, stupid, outsiders, “them” not “us.” However, not all bystanders do this, and some passive bystanders feel guilty, bad about themselves. This could happen during or right after the event, or later in their lives. (p. 14)

Distancing, devaluing, and dehumanizing go hand in hand (Shu et al., 2011). Passive bystanders subconsciously defend themselves by adopting a “they must have deserved it” perspective (Bandura, Underwood, & Fromson, 1975). These self-defense mechanisms—distancing, devaluing, and dehumanizing—can metastasize and start being used to justify not only inaction but also affirmative bad action (Staub, 2010).

## **Other Applications of Active Bystandership**

The application of active bystandership principles to modern problems is not new. The principles of peer intervention have been explored and applied in a number of contexts, including in efforts to curtail drunk driving, sexual assault, school bullying, medical errors, and in-flight mistakes. We describe three examples here.

### **Drunk Driving**

By now, we all know friends do not let friends drive drunk. But this axiom was not always quite so axiomatic. The Ad Council in cooperation with the National Highway Traffic Safety Administration adopted the *Friends* campaign in 1983 in an effort to stem the tide of drunk driving deaths sweeping the nation at that time. According to the Ad Council, “more than 20,000 people were being killed each year in alcohol-related crashes” (Smokey Bear and Friends Don’t Let Friends Drive Drunk, 2014, p. 1). The campaign was highly effective (National Institute of Health, 2006). The Ad Council reports that

[d]uring the life of the campaign (1983-1999), the number of fatalities due to alcohol-related crashes dropped from 21,000 to 12,500 and even as of 2013, more than two thirds of American adults report having stopped a friend from driving while under the influence, speaking to the enormous impact of this intervener strategy. (Fisher, 2014)

What makes the program so interesting for our purposes is that it targeted the intervenor not the perpetrator. The Ad Council described its approach this way:

The campaign took the unique approach of targeting the intervener-first with the tagline, “Drinking and Driving Can Kill a Friendship,” which eventually evolved to the widely recognized “Friends Don’t Let Friends Drive Drunk.” (Fisher, 2014)



In 2014, the “Friends Don’t Let Friends Drive Drunk” campaign was added to the Advertising Walk of Fame alongside Madison Avenue. Even today, years after the program’s roll out, more than 84% of respondents report being aware of the tag line (Lee & Kotler, 2015).

## **In-Flight Mistakes**

Retired American Airline pilot, Dr. Robert Besco, wrote an interesting article titled “To Intervene or Not to Intervene? The Co-Pilot’s Catch 22” (Besco, 1995). After invoking 16 plane crashes where “subordinate flight crew members had detected serious problems in the performance of the Captain,” Dr. Besco went about exploring the unique problems of passive bystandership in the cockpit and offered a four-step solution called PACE. Dr. Besco (1995) described the approach as follows:

The “P.A.C.E.” operational methodology presented here is designed to assist subordinate crew members in resolving the basic question of the junior airman: “To Intervene or Not to Intervene?” The “P.A.C.E.” system has unraveled “The Co-pilot’s Catch 22; You are damned if you ignore the Captain’s mistakes and you are damned if you do something about them.” (p. 1)

According to Dr. Besco (1995),

‘P.A.C.E.’ procedures have been developed from case studies of voice recorder transcripts of National Transportation Safety Board aircraft accident reports. The ‘P.A.C.E.’ methodology provides the skill and knowledge to implement new, operationally relevant components into Crew Resource Management training for each individual organization. (p. 1)

Dr. Besco (1995) described the challenges of being an active bystander as follows:

This paper examines the question of what subordinate crew members can do when they must challenge the unacceptable performance of a Captain. Such a critical situation can be very difficult for junior crew members, particularly if they are still in their new-hire, probationary period. If the organization is one that sanctions fear, intimidation, and reprisal, crew members might be very reluctant to suggest to an established Captain that mistakes are being made. (p. 1)

The parallels between the challenges faced by cockpit crews and those faced by police agencies are readily apparent.

## Medical Mistakes and Misconduct

In 1999, according to a report by the National Academy of Sciences' Institute of Medicine, somewhere between 44,000 and 98,000 people die every year from preventable errors in hospitals (Donaldson, Corrigan, & Kohn, 2000). But that number may be way too low. According to a more recent study in the *Journal of Patient Safety*, 440,000 people die every year from preventable medical errors (James, 2013). While some dispute the precise numbers and various commentators argue with the studies' methodologies, most will agree the number is high (Makary & Daniel, 2016).

The medical profession is like the policing profession in many ways. Hospitals operate in the context of a clear hierarchy, with doctors sitting high atop the pyramid and others operating in an environment of either actual or perceived intimidation (Smetzer & Cohen, 2005). As in policing, mistakes or misconduct by doctors often goes unchecked and unreported. One survey, conducted by the *Institute of Safe Medication Practices*, found that 40% of clinicians have kept quiet or remained passive during patient care events rather than question a known intimidator, according to a patient safety alert from the Joint Commission (Institute for Safe Medication Practices, 2004). Other studies have found passivity by bystanders when faced with doctor mistakes as well (Stavert, 2013).

To combat passive bystanders in the hospital, surgical unit, and doctor's office, some hospitals have adopted their own bystander intervention program. As one advocate for one program described it,

our collective status quo has allowed, and perhaps promoted, a mindset where witnesses to disruptive behavior look the other way, justify the behavior or offer support to victims off the record. The rules for a 'code of silence' are generally implicit and involve complicated combinations of tradition, fear and power mixed with a lack of knowledge, skills and support. (Boynton, 2012, pp. 3-4)

According to proponents of the program, an active bystandership program combats institutional pressure to remain silent. This goal could be written just as aptly about police departments (Boynton, 2007):

The unwritten rules and fears that keep us silent are extremely powerful. Worries about job loss, retribution, or uncertainty about appropriate behavior are very real factors in maintaining silence. Silent witnesses, regardless of intention, give more power to bullies and more fear to victims. When bad behavior occurs in workplaces and no one speaks up, there is a sense of acceptance for the inappropriate conduct. This acceptance inadvertently condones the bullying and isolates the victim. (pp. 3-4)

Others studies have identified a similar problem (see Muha, 2014).

The authors of one study, *A Renewed Call To 'Do No Harm'* (Shapiro, 2011), identified several steps to address the problem of clinician misconduct and passive bystandership, including, among other things, engaging leadership at the highest levels, framing the problem as one that has consequences for everyone, creating a committee to develop solutions that include making it safe to speak up in the face of disruptive behavior, and engaging in a robust internal marketing campaign (p. 6). Notably, these are the same principles that one sees employed in the fight against bullying, sexual assault, cockpit errors and are the same principles that infuse NOPD's active bystandership program.

## **Risks to Officers—and the Cities That Employ Them—Of Not Incorporating Active Bystandership Into Policing**

There are many reasons creating a police culture of active bystandership—including providing active bystandership training to officers—is both the right and prudent thing for any police agency to do. First, not supporting a culture of active bystandership expose individual officers, and the police agencies and jurisdictions that employ them, to potentially significant legal liability. Second, there is good reason to believe there are consequential health risks and personal costs not only for those officers who commit misconduct but also for those who passively observe it. Third, and perhaps most importantly, the very efficacy of policing, including its ability to prevent rather than cause harm, may require imbuing an agency with a culture of active bystandership.

## **Legal Risks of Not Incorporating Active Bystandership Into Policing**

Individual officers, and the law enforcement agencies that hire, train, and supervise them, face potential legal liability should the officer observe another officer violate someone's legal rights and fail to intervene to prevent that violation.

Officer bystander liability is premised on the idea that officers' obligation to uphold the law and protect the public is particularly salient where the person committing the harm is another officer. As stated in the context of an excessive force case from over 40 years ago:

[O]ne who is given the badge of authority of a police officer may not ignore the duty imposed by his office and fail to stop other officers who summarily punish a third person in his presence or otherwise within his knowledge. (*Byrd v. Brishke*, 1972, p. 11)

This duty is, thus, distinct from, and arguably more powerful than, officers' duty to protect individuals from harm by nonofficer members of the public

(DeShaney v. Winnebago Co. Dept. of Social Services, et al., 1989; Mark v. Borough of Hatboro, 1995; *Farmer v. Brennan*, 1994).

Every federal circuit has held that officers have a duty to take reasonable steps to intervene to prevent another officer from violating an individual's constitutional rights. Courts in fact have been remarkably consistent in holding that officers have a duty to intervene to prevent harm by another officer, and have long ago held that this right is "clearly established," at least in the context of excessive force and some searches. Courts generally frame the requirement as a law enforcement officer having "an affirmative duty to intercede on behalf of a citizen whose constitutional rights are being violated in their presence by other officers" (O'Neill v. Krzeminski, 1988, p. 11).

Where officers fail to exercise this duty, they may be held liable pursuant to 42 U.S.C. § 1983. Liability pursuant to Section 1983 can subject an officer to significant financial liability, as well as the possible loss of employment (Anderson v. Branen, 1994; *Cotto v. City of Middletown*, 2016). Officers also *may* be held criminally liable under 18 U.S.C.A. § 242, for willfully failing to intervene to protect a person from an unconstitutional use of force (United States v. Reese, 1993). An officer's failure to intervene may also subject an officer to liability in state court (Com. v. Adams, 1993).

What types of harm do officers have a duty to intervene to prevent? At a minimum, officers have a duty to take feasible steps to prevent excessive force (Sanchez v. Hialeah Police Department, 2009; *Priester v. City of Riviera Beach, Fla.*, 2000; *Boyd v. Benton County*, 2004). The law is less settled regarding officers' duty to intervene to prevent an unlawful arrest, unlawful search, or other constitutional violations (Livers v. Schenk, 2012; *Walker v. Jackson*, 2013). Some courts have held that the duty to intervene does apply to these contexts, and doctrinally, there is no reason not to apply the duty to these circumstances (Anderson v. Branen, 1994). Courts further have held that officers have a duty to intervene even where the officers committing the constitutional violations are their superiors (Putman v. Gerloff, 1981), or where they are from different agencies (Tanner v. San Juan County Sheriff's Office, 2012). Supervisors have an *additional* responsibility to take steps to prevent illegal acts by their subordinates (Randall v. Prince George's County, 2002).

Courts have recognized that in some instances there will be no reasonable opportunity for an officer to intervene. In such cases, an officer of course will not be held liable for not intervening. For instance, in some cases, there simply will not be time or opportunity to intervene to prevent another officer from violating someone's rights. In other cases, there will be no reason or opportunity for an officer to know or believe that a constitutional violation is occurring (Noga v. Potenza, 2002; *Ensley v. Soper*, 1998).

It is important to keep in mind, however, that a single incident may involve both misconduct that is preventable and observed, and misconduct

that is not. Thus, there are incidents during which an officer may have a duty to intervene to stop some aspect of another officer's conduct (e.g., some or all of an officer's use of unreasonable force), even where the officer has no duty to intervene in another aspect of the officer's conduct (e.g., an unlawful search that preceded the use of force, where the officer had no reason to believe that the search was unlawful; *O'Neill v. Krzeminski*, 1988).

Under *Monell* and its progeny, a law enforcement agency or related entity (e.g., city or county) also may be liable if it fails to train officers on their duty to intervene to prevent constitutional misconduct, or how to carry out that duty (*Monell v. Dept. of Social Services*, 1978). The fact that the duty to intervene has been long established and consistently followed indicates not only that qualified immunity is unlikely to be a successful defense (particularly as it applies to excessive force) but also that courts may be less hesitant to hold law enforcement agencies liable for failing to train and supervise in a manner that enables and requires officers to intervene to prevent constitutional rights (*Ricciuti v. N.Y.C. Transit Authority*, 1997). Similarly, a failure to intervene, especially if it appears to be commonplace rather than the exception, may also be evidence that observed constitutional violations are systemic rather than aberrational, giving rise to liability in cases brought by the United States pursuant to 42 U.S.C. § 14141.

In addition to insulating jurisdictions and officers from suits for failing to intervene, creating a culture of active bystandership also can reduce legal risk more directly, for example, by reducing the *number and severity* of incidents of excessive force and other constitutional violations. When it works as it should, active bystandership prevents misconduct from occurring in the first instance. Thus, jurisdictions that successfully implement active bystandership would be expected to see a drop in both the number of misconduct-related lawsuits, as well as in the dollar amount of lawsuit payouts and other costs related to lawsuits (such as legal fees).

As the earlier discussion shows, the law clearly indicates a need for agencies to implement training and related measures aimed at ensuring officers can and do abide by their duty to intervene to prevent constitutional misconduct by fellow officers. As discussed later, fulfilling this legal duty likely requires more than simply providing training in active bystandership since, to be effective, an agency must more broadly inculcate active bystandership throughout the agency culture (Police Executive Research Forum, 2016).

## **Risk to Officer Well-Being and Agency Efficacy**

There are many reasons beyond minimizing legal risk that creating a culture of active bystandership is the right thing to do—not only for the public but also for an agency's own police officers.

## **Saving Officer Careers and Officer Lives**

It is evident that the creation of a culture of active bystandership can save lives and careers. We know individuals can be reluctant to intervene to promote proper conduct even where this failure can result in serious injury, or even death, to the individual committing misconduct and the bystander-colleagues themselves. Many officers can tell you of a time they or a partner did something dangerously wrong and no one stepped up to call the officer on it—instead just hoping it would turn out okay. Usually it does, but tragically, not always. This may not be a frequent occurrence, but when we think about the emphasis put on police protecting one another from attack by others, despite (or perhaps resulting in) the relative rarity of such an occurrence, does it not make sense to put at least as much emphasis on measures that could prevent avoidable police injury or death resulting from bystander-colleagues not intervening?

Making bystander intervention the norm also will save officers' careers. One of the luminaries in the field of police bystander intervention, former Minneapolis Police Department training sergeant Michael W. Quinn (2011), was motivated to write a book encouraging officers to speak out after

seeing some of the good men and women I trained losing their careers and wasting their lives because of bad decisions: decisions that might have been different if their partners, or trainers, had done the right thing and stopped them before it was too late. (p. 6)

The authors of this article can tell you similarly that many officers will recount with gratitude the partner or sergeant who called them on bad behavior at the outset of their career and will more gravely recount the truncated careers of officers whose colleagues failed to step up to help correct or prevent bad behavior.

## **Health Risks and Personal Costs of Committing—and Observing—Misconduct**

Some of the research literature indicate that law enforcement officers generally experience higher mortality rates and long-term health problems than other occupations and the general public, and there is some evidence that this disparity may be related to officer involvement in critical incidents. Posttraumatic stress disorder (PTSD) is linked to participation in, or observance of, critical incidents (Mumford, Taylor, & Kubu, 2015), and PTSD, in turn, is thought to underlie a host of officer problems, from compromising physical and mental health, to increasing alcohol and substance abuse, to damaging familial and personal relationships (Charles, 2011).

While most law enforcement officers of course cannot (and should not) avoid critical incidents entirely, there is reason to believe that these critical incidents

will be experienced and self-appraised more negatively, and thus take a greater toll on officers, if the officer believes that force was used unnecessarily or inappropriately, or that the incident otherwise involved officer misconduct. One study, for example, found that one of the four key factors determining the traumatic stress of an event is whether there is “an element of disruption of the officer’s values or assumptions about his/her environment or those who live in it” (Nielson, 1986, p. 369). Another study of officer suicide included interviews with family members of officers who committed suicide and found a correlation to a negative view of their vocation, with one family member reporting that the officer who had committed suicide “hated cops,” and another “wanted to leave policing” (Rouse et al., 2015). It is of course impossible to know whether observing officer misconduct was the reason for hating colleagues or wanting to leave the profession, but it should be cause for further inquiry. Many other studies of law enforcement officers and PTSD similarly emphasize the extent to which the effect of a traumatic event is exacerbated when the event contradicts the officer’s assumptions about how the world does, and should, work (Green, 2016). This dissonance may help explain the statement in the Mollen report that, “[a]lthough most honest cops will not report serious corruption, we despise corrupt cops and silently hope that they will be removed from the ranks” (City of New York Commission Report, 1994, p. 56).

The risk of harm caused by observing misconduct in the context of critical incidents may be increased where an officer experiences such incidents repeatedly (Green, 2016). As noted on the website of Badge of Life, an organization advocating for officer mental health:

[W]e need to recognize the important role of cumulative events in police work—the daily wounding of the soul over years, over decades—that can result in PTSD. Such events include the constant exposure to death, the screams of the innocent, the struggles during “routine” arrests, the mistakes, the pursuits, and many other factors.

And as Michael Quinn (2011) affirms,

[e]ach stinging battle with the Code [of silence] will either be an inoculation of the spirit and an opportunity to grow stronger or a crippling injury to your integrity. Regardless of the outcome, there will be vivid images you can’t erase from your memory. There will always be the mental and physical scars to remind you of your battles. (p. 26)

There are also indications that some officer suicides may be related to officer involvement in problematic critical incidents, including related issues of PTSD and resulting lawsuits (Clark, 2016). This is a significant consideration, especially when one considers that more law enforcement officers die of suicide than are

killed by gunfire and traffic accidents combined (Clark, 2016). According to some studies, over the past several years the number of officer suicides has ranged between about 100 and 140 per year (policesuicidestudy.com). Other sources put the number of officer suicides at over twice that number (policeone.com/health-fitness/articles/137133-Police-Officer-Suicide-Frequency-and-officer-profiles). Some studies have singled out “legal problems” as a “major contributor” to stress for officers who completed suicide, with one study putting legal problems as second only to “relationship problems,” as a risk factor for suicide (Rouse et al., 2015). Of particular import to the role of the police agency, one study found that, given the nature and intensity of police work, an officer’s colleagues may be aware of an officer’s mental or physical health struggles before that officer’s own family (Rouse et al., 2015).

Perhaps of greatest significance to the topic for this article, however, is the finding that “colleagues felt unprepared to intervene with coworkers they believed to be impaired” (Rouse et al., 2015, pp. 101–102). Participants in the study noted the “historically closed nature” of policing and “a desire to protect coworkers.” This finding underscores the importance of teaching active bystandership to prevent misconduct—after all, if officers are unsure how to intervene to protect an officer from hurting himself or herself, we can expect it to be difficult for an officer to intervene to prevent harm to an arrestee or other stranger. This finding also indicates that imbuing a police culture with active bystander principles, skills, and tactics may help officers step up to help each other in ways beyond those originally anticipated.

While more research into the link between police misconduct and officer mental and physical well-being clearly is warranted, what we know already indicates that officers will benefit from being trained in active bystandership, and working within an agency that supports those principles.

## **Restoring Community Confidence in Policing**

Perhaps the most important consequence of not providing a culture of active bystandership is that it undermines a police agency’s ability to serve its public effectively and ethically. The link between effective policing and policing that engenders community trust and confidence becomes more apparent every day. At the same time, we are increasingly aware that this community trust has been broken in too many cities across our country. Active bystandership can be a potent tool in restoring community confidence in police, thus allowing police to more ethically and effectively serve the public they are sworn to protect.

In his book, “Walking with the Devil,” Michael Quinn recounts the executive director of the Urban League of Minneapolis telling him how black teenagers *hate* the police because *some* officers lie, use excessive force, and target people of color, and that as a result these young people have lost faith



in the police department. Quinn (2011) goes on to say that, “[t]his hate doesn’t just stem from seeing bad cops do bad acts. More than anything, it grows out of the community’s frustration with the good cops who do nothing to stop it” (p.106). This sentiment resonates with the authors of this article, who have spent decades talking with individuals and communities, in New Orleans and across the country, who have lost faith in their police departments. For these individuals and groups, the official position that police misconduct is the result of the acts of a “few bad apples” is belied by the incidents they have observed where officers fail to step in and stop abuse, and where the department investigation of the incident is rendered useless by an impenetrable code of silence.

One only has to imagine an officer caught on video stepping in to take over a tense situation where his partner is clearly about to lose it; or an officer pulling her partner off a arrestee before the partner continues to use force that would be excessive, to begin to see how such actions could transform the public’s view of “the police.” With a culture that nurtures and supports active bystandership, these are the kinds of viral videos that could replace the far more damaging ones that circulate today, too often showing officers using force that is clearly excessive, while other officers, at best, do nothing to stop it.

## **How to Adapt Active Bystandership Principles to Policing**

As discussed later, to be successful, active bystandership programs must be adapted to the dynamics of each particular context. Policing shares many of the same *inhibitors* to active bystandership present in other professional contexts and adds several more. These inhibitors, and suggestions for overcoming them, are addressed later.

## **Close Shared Identity With Fellow Police Officers**

Policing encourages officers to band together and supports one another without question. Officers work long hours alongside their colleagues, face extremely dangerous and stressful situations together, and as a group endure abuse and hostility from members of the public (Paoline, 2003). They know that at any moment, if they have not already, they may have to rely on another officer—who may be a complete stranger but for the uniform—to protect their life. These ties can even overshadow racial differences among officers: hence the metaphor “more blue than black,” which, while probably an overstatement (Pew Research Center, 2017), is nonetheless illuminating. As Michael Quinn (2011) puts it, “publicly confronting [a fellow officer] about criminal or unethical behavior is like testifying against your spouse” (p. 6)

## **Information About Threats to Officers Underemphasizes the Most Common Dangers**

As discussed later, suicide, poor physical health, and traffic accidents are a more common threat to officers than the officer losing his or her life to violence at the hands of a criminal. Yet in training and popular culture, there is almost exclusive emphasis on officers losing their lives at the hands of a criminal. Officer-safety training is of course critical, and likely one of the reasons that officers are so unlikely to be killed in the line of duty. But the underemphasis of the most common threats to officers does them a disservice by masking the need for officers to be prepared to step in or speak up to keep another officer from committing violations that can have disastrous consequences for the fellow officer's physical or mental health, or their livelihood and family relationships.

## **Fear of Retaliation or of Being Ostracized**

Most of us would think twice about speaking up to prevent wrongdoing at work if we feared being retaliated against, or ostracized by, our coworkers for doing so. This fear is particularly rational for officers, who work in a climate that, historically, has been replete with retaliation against officers who have reported or sought to prevent misconduct, and where one may need to rely on one's colleagues to protect one's life (Mason, 2010). This fear may be more pronounced among minority (including women) officers, many of whom may already feel (or be) marginalized, or feel a need to prove that they identify as officers first and foremost (Morin, Parker, Stepler, & Mercer, 2017).

## **Police Hierarchy: Formal and Informal**

Just as policing's paramilitary aspects emphasize the importance of a shared identity, as discussed earlier, police also enforce a hierarchical command structure that, as in the military, can make it particularly challenging for officers to speak out or intervene where they are outranked (Cruickshank, 2013). While the paramilitary structure of policing is often discussed, less acknowledged is the influence of informal leaders who, regardless of rank, can have a profound influence over police culture. Both dynamics have the potential to inhibit or encourage active bystandership (Eaglin, 2015; Reilly, 2012; Milo, 2016).

## **Incidents Often Unfold Rapidly and Can Be Complex**

Unlike other contexts in which active bystandership has been implemented successfully, and as the law recognizes, many police actions are "rapidly evolving" as the caselaw often notes (Graham v. Connor, 1989) and may not give an officer

the opportunity to prevent misconduct. Foot chases, vehicle pursuits, hot-pursuit searches of dwellings, or the combative arrestee are just some examples of these types of circumstances. And yet, as anyone who has been an officer or worked with police will tell you, these adrenaline-raising incidents are among the situations most likely to result in officer misconduct (Schultz, Hudak, & Alpert, 2010).

### **Victims of Police Misconduct Are Rarely Innocents**

In some respects, the aspect of policing that most distinguishes it from other contexts in which active bystander programs have been implemented is the nature of the victim of the conduct. The victims of police abuse often appear less sympathetic or innocent than the victims of bullying, the unconscious patient on the operating table, or the passengers of an airplane. This may fundamentally alter the equation for an officer who must quickly determine whether and how to intervene. Of course, this is a dynamic present in many aspects of policing, and police leaders must be able to inculcate a culture of respect and service notwithstanding it.

Strategies for overcoming these inhibitors include teaching officers that intervening can be one of the most important things they ever do to protect another officer—or themselves. Hearing from officers who have had another officer call them out for bad behavior, and who are better officers for it; or hearing from officers who have been fired because of misconduct committed by another officer (which they then felt compelled to help cover), may have particular resonance for officers. Agencies also must be unwavering in their support for officers who intervene to prevent misconduct, and just as unyielding in their pursuit of discipline against officers who retaliate against officers who intervene. This requires strong anti-retaliation policies, a values-system that permeates all ranks and includes officer integrity and public service at its center, and well-functioning accountability systems.

Law enforcement agencies also should look at their policies and training related to force, foot and vehicle pursuits, and searches (and likely other topics as well), to see where they can safely and feasibly slow down a situation to allow officers more time to consider their actions, and allow colleagues more opportunity to intervene as necessary to prevent misconduct (Jackman, 2016). Moving toward force de-escalation, crisis intervention training, and changes to practices related to foot chases and vehicle pursuits are practices already underway in many departments. These and other departments should consider the potential for police and training changes to encourage a culture of active bystandership.

Law enforcement agencies seeking to implement successful active bystander programs also may need to take steps to humanize community members to police officers—especially those against whom officers are more likely to use

force, search, or arrest. While these individuals may not in most cases be innocents, only rarely are they the incorrigibles they are often made out to be. Many times, they are simply people trying to feel safe and make a living, often in the face of challenges most of us will never have to face. Regardless, officers have a sworn duty to protect their rights. Officers may need to have opportunities to get to know, outside the enforcement context, people who live in the places they police. They may also need to be taught about their own potential to hold implicit biases and, perhaps explicit stereotypes, and how these can impact officer decision making. Having individuals who have been victims of excessive police force, or even members of the public who have been traumatized by observing abuse by officers, may help remind officers of the potential human impact of police misconduct and further incentivize them to step in to stop it.

As the earlier discussion underscores, creating a police culture in which bystander intervention is the norm rather than the exception requires more than running officers through a training program. It requires creating a culture that incentivizes and teaches officers how to intervene to prevent misconduct, and that supports them when they do. Such a culture starts with who a department recruits and how they train those recruits; adopting seizure and force policies that encourage officers to slow things down when possible; ensuring that the entire chain-of-command, from the first line supervisor to the Chief, not only support but also demand that officers intervene to stop misconduct; an employee-wellness program that overcomes the barriers to officers seeking needed physical and mental health care; and a disciplinary system that reinforces the agency's values of intervention and public service.

## **Consideration of and Lessons Learned From the New Orleans Model**

The New Orleans Consent Decree comprises 127 pages and 492 paragraphs of obligations, guidance, and best practices aimed at ensuring “police services are delivered to the people of New Orleans in a manner that complies with the Constitution and laws of the United States” (Consent Decree). The Consent Decree Department required NOPD to “implement new policies, training, and practices throughout the Department, including in the areas of use of force; stops, searches, seizures, and arrests; discriminatory policing; community engagement; and much more (Consent Decree).” Each of these areas received a good amount of public attention. With somewhat less fanfare, the Consent Decree also incorporated a requirement to implement peer intervention principles in the areas of recruit training (para. 266), use of force training (para. 109), dealing with those in need of mental health service (para. 294), and supervisor training (para. 315).

To implement a department-wide peer intervention program (which the Department calls EPIC, for Ethical Policing is Courageous), the NOPD

Superintendent appointed a working group and directed them to come up with a practical, meaningful, and effective peer intervention program that not only would meet, but also would exceed, the requirements of the Consent Decree (Westbrook & Howell personal communication, 2015). The working group included patrol officers, supervisors, and command staff, and a number of *outsiders*, including a civil rights lawyer, a community activist (who describes himself as a “very unlikely member of any police working group”), a mental health professional, and others (NOPD).

Going into the first meeting, the officers on the working group, for the most part, were concerned EPIC was just another way to discipline officers, that it was a rat-on-your-fellow-officers program, and that it was being championed simply because of the Consent Decree. Each perception was incorrect, but each was strongly held.

The working group slowly broke down misperceptions and came to recognize that they really had in their hands a simple, straight-forward, unobjectionable means to give officers the tools to protect themselves and protect the community at the same time. Several of the myths the work group had to confront follow:

Myth 1: “This is just another discipline program.”

Some of the NOPD officers from the start were convinced “peer intervention” meant they were obligated now to step in and prevent misconduct and that they would be disciplined for failing to do so. Putting aside the fact that every police department in the nation requires officers to take action to stop officer misconduct, the idea of a formal program scared many.

To combat this misperception, the working group decided EPIC would not impose any new requirements on NOPD officers. Instead, EPIC simply would teach officer how to intervene safely and effectively if they chose to do so—and remind officers of the existing law that already puts nonintervening officers at significant legal risk. By focusing on teaching peer intervention as a learnable skill—no different from learning how to put on a bullet resistant vest, use a firearm, or apply handcuffs—NOPD was able to offer a very strong response to this myth.

Myth 2: “This is just a ploy to get us to rat on one another.”

Whether they say it or not, police officers are not inclined to *rat* on their colleagues (Trautman, 2000). While there is no lack of focus on this blue wall of silence, it is unfair to view this as a problem unique to policing. Most professionals are hesitant to *rat* on their peers (CNN). Police agencies for years have tried to combat the blue wall with ethics training, reason, logic, discipline, carrots, sticks, and every other tool imaginable, with only modest success. NOPD took a different tact. Instead of focusing EPIC on the blue wall, NOPD focused

EPIC on teaching officers how to avoid putting themselves in the untenable position of having their back up against that wall in the first place. As one of the experts NOPD brought in to advise the working group put it: “Having to choose between doing the right thing and losing the trust of your colleagues or staying silent and putting yourself at personal legal risk is a horrible position to be in.” EPIC is targeted at keeping officers out of that horrible dilemma by teaching them to help their fellow officers do the right think in the first place.

Myth 3: “We do this anyway. Why do we need a formal program?”

While police officers no doubt intervene to prevent or mitigate wrongdoing, there is no reason to believe police officers intervene in their peer’s actions any more than the rest of us do. And research makes it clear most of us intervene far less than we think we do. Thus, the numbers alone suggest the need for more formalized training. But perhaps more importantly, an attempted intervention does not necessarily translate into an effective intervention. By teaching proper intervention techniques, officers will be able to take action more effectively, more consistently, and more safely.

Myth 4: “We don’t engage in excessive use of force so why do we need this?”

Despite NOPD’s notorious history, NOPD officers generally view themselves as not engaging in activities requiring intervention. The working group dealt with this in a very practical and strategic manner. Rather than focusing the EPIC training on the very public and obviously over-the-top incidents of excessive force covered by the national media, the working group focused NOPD’s training on incidents that are far more realistic to officers—incidents that every officer could see him or herself having to deal with.

For example, the quintessential EPIC scenario is what NOPD calls the “frustrated officer” scenario. In that scenario, a visibly frustrated officer is approaching a driver during a traffic stop. EPIC teaches the second officer how to recognize the signs of frustration, smartly intervene to handle the scene, and do so without alienating his or her partner. From these simple scenarios, NOPD’s EPIC instructors then show how the same principles apply to the more problematic, but less frequently, excessive uses of force.

By attacking the common myths, the NOPD EPIC working group was able to develop a program that was modest in its goals and simple in its execution. The modesty component in hindsight turned out to be a significant key to the department’s success. In speaking with experts, the working group recognized that far too often ethics programs fail because they target the wrong universe of actors (Bazerman & Tenbrunsel, 2011). Ethics programs typically target the bad actors. But such efforts produce only modest results because good people generally do not need to be told to not violate the rules and bad people will give such lessons little

heed. NOPD's EPIC program, on the other hand, is a program neither for angels nor devils. EPIC, as NOPD explains it, is a program "for the rest of us."

This focus, interestingly, leads to a common question NOPD managers receive when discussing the program. "What do you do about those officers who always will hide behind the blue wall of silence?" NOPD's answer is simple: "EPIC is not worried about those officers." The truth is, there always will be officers—just like there will always be lawyers, doctors, athletes, and clergy—not interested in or unwilling to step in to stop wrongdoing. Other programs, like existing discipline programs, will continue to deal with those folks. EPIC focuses on those who would like to do the right thing if they knew what the right thing was, knew how to do it, and felt safe doing it.

While the working group also struggled for some time with the problem of naysayers and those who are intent on doing the wrong thing, it finally was a statement by Dr. Staub that brought the working group to the tipping point. According to Dr. Staub's research, individuals are more likely to intervene to help others simply by being introduced to the concepts of active and passive bystandership, including the concept of inhibitors to intervention. Being introduced to that concept was a breakthrough for the working group and bears repeating. Whether an officer thinks he or she is likely to intervene in the actions of another, simply by taking training and being exposed to the concepts underlying active intervention, that officer is more likely to intervene. That realization helped the working group stop worrying about designing a program that solved all NOPD's problems and instead focus on designing a program that attacked a particular problem.

Another very strong idea the NOPD came up with was to incorporate a successful intervention as a formal mitigating factor in any resulting disciplinary hearing (NOPD Policy 26.2.1). The fact that internal affairs *must consider* a successful intervention as a mitigating factor means the intervening officer very accurately can tell him or herself that he is doing the officer (not just the subject) a favor by jumping in—whether the officer recognizes it at the time or not.

Once the broad outlines of the program came together, the department put together a PowerPoint presentation, a teacher's guide, multiple role-playing scenarios, and even a video using NOPD members to illustrate positive intervention strategies. Currently, more than 70% of NOPD's officers have received EPIC training either at the Academy or through a day-long in-service program. While the department admittedly has a long way to go to ingrain peer intervention in officer thinking to the same extent as putting on a vest or proper handcuff techniques, the department has taken a significant step along that path.

## Measuring Effectiveness

One of the most significant struggles NOPD faced in standing up its EPIC program is figuring out how to measure its success. Under the terms of the Consent Decree, NOPD is implementing a wide range of reforms at the same time.

Figuring out whether EPIC is bringing about the intended improvements is no easy task. The working group considered a number of indicia of success but recognized none could be laid squarely at the feet of the EPIC program.

- ***Reduced use of excessive force.*** If EPIC is successful and police officers intervene more frequently and more effectively, then one would expect uses of excessive force to go down. In fact, NOPD has seen a reduction in its uses of excessive force but that reduction cannot solely be attributed to EPIC. At the same time NOPD is rolling out EPIC, it also has created new Use of Force policies, improved its use of force training, created a thriving Use of Force Review Board, and implemented a Body Worn Camera program (Consent Decree). Each of these improvements no doubt contributed to a decreased use of excessive force.
- ***Fewer discipline cases or citizen complaints.*** Here again, there are far too many factors to attribute improved numbers to peer intervention. Although, one certainly could intuit that more peer intervention would lead to fewer discipline cases or fewer citizen complaints.
- ***Increased reporting of interventions.*** Certainly, this metric could fairly be attributed to a program that taught effective peer intervention techniques. But the metric does not materialize in reality because, by definition, a successful intervention means nothing happens, and, thus, there is nothing to report.

While these metrics proved elusive, the working group did come up with a few perhaps less data-driven means to measure the program's effectiveness.

First, NOPD can measure discipline cases where an intervention is used as a mitigating factor. Second, NOPD supervisors and managers are on the look-out for positive interventions when they review BWC videos. While many interventions will not make it onto the camera because they occur before cameras are even turned on and, thus, prevent any problem from happening in the first place, some interventions are captured on video. Third, NOPD plans to survey officers to try to get at whether they have intervened or been intervened upon in the past 10 months. While officers obviously will resist giving details about such incidents, officers may be willing to discuss such events in general terms. Fourth, while the least interesting to those looking for hard data is the number of anecdotes coming from officers in the field. Over the past 2 years, NOPD has seen more officers and supervisors recounting more stories of "EPIC events." While hard to measure with any analytical precision, keeping track of those stories provides additional useful information.

## Conclusion

While still in its infancy, the NOPD's EPIC program both builds on past active-bystandership work developed by Dr. Ervin Staub and others and represents a



significant step forward. The aim of this article has been both to show that this program can work (and is working) and to persuade law enforcement officials and others that there are good reasons to consider implementing active bystandership training in their own agencies. Moreover, because most agencies are fortunate enough not to face the same breadth and depth of challenges NOPD has faced in its past, other communities may be able to meet or exceed NOPD's success, thus broadening the number and type of police active-bystandership models for others to emulate. Active bystandership training provides significant promise to law enforcement agencies seeking to increase community confidence in policing as we all work together to keep one other safe.

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### Author Biographies

**Jonathan Aronie** was appointed by the U.S. District Court for the Eastern District of Louisiana in August 2013 to serve as the Federal Monitor over the New Orleans Police Department's Consent Decree in *United States vs. City of New Orleans*, No. 12-1924.

**Christy E. Lopez** was a deputy chief in the Department of Justice's Civil Rights Division from 2010 to 2017. While there, Ms. Lopez led the investigation of several police departments and negotiated and implemented consent decrees to reform police practices. These law enforcement agencies included the New Orleans Police Department. She is professor from Practice at Georgetown University Law Center, Washington, DC, USA.

# EPIC (/HOME)

## ETHICAL POLICING IS COURAGEOUS

### WHAT IS EPIC?

Ethical Policing Is Courageous (EPIC) is a peer intervention program developed by the NOPD, in collaboration with community partners, to promote a culture of high-quality and ethical policing. EPIC educates, empowers, and supports the officers on the streets to play a meaningful role in “policing” one another. EPIC is a peer intervention program that teaches officers how to intervene to stop a wrongful action before it occurs.

At its core, EPIC is an officer survival program, a community safety program, and a job satisfaction program. EPIC represents a cultural change in policing that equips, encourages, and supports officers to intervene to prevent misconduct and ensure high-quality policing. Everyone benefits when potential misconduct is not perpetrated or when a potential mistake is not made.

## ABLE PROJECT TRAIN THE TRAINER EVENT

LATE SEPTEMBER

TO BE DELIVERED VIA ZOOM

Our team at the NOPD is excited to see a surge of interest in peer intervention from our colleagues in law enforcement throughout the country. To help us meet the growing demand for peer intervention training, the NOPD is working with the Georgetown University Law Center's **ABLE (Active Bystandership for Law Enforcement) Project**, a national police peer intervention program founded upon the success of EPIC. The NOPD is intimately involved in the work of the ABLE Project, as much of it is built upon the work we have been doing in New Orleans since we introduced our EPIC program in 2014.

ABLE is offering a **comprehensive active bystandership train-the-trainer event**, to be delivered virtually via Zoom. This event, in which the NOPD will play an active role, will be provided at no cost to local law enforcement agencies, but those agencies will have to commit to creating a culture of active bystandership and peer intervention through policy, training, support, and accountability. To learn more about the train-the-trainer event, **please visit the ABLE website (<https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/events/>)**.

*“It is curious that physical courage should be so common in the world and moral courage so rare.”*

**—MARK TWAIN**

EPIC Video



# HOW DOES EPIC WORK?

EPIC seeks to incorporate active bystandership into everything an officer does, and to provide officers with the tools and resources needed to do it well. EPIC strives to redefine police culture so that intervention to prevent or stop harmful action is not an exception to good team-work; it is the very definition of good teamwork. To do this, EPIC reaches throughout the NOPD and touches everything the Department does. EPIC:

- Redefines critical loyalty;
- Changes (or at least adds to) what we look for in the officers we hire;
- Trains officers and supervisors to identify danger signs;
- Equips officers with the skills they need to intervene before problems occur/escalate, and to do so safely;
- Supports and protects officers who do the right thing; and
- Provides officers with resources to help them make ethical decisions.



The Department's management is fully committed to peer intervention and to the key role it will play as we all work together to transform the NOPD into a premier law enforcement institution.

# TRAINING MATERIALS

## BY NOPD

The materials provided here are available for use by law enforcement agencies across the country.

[EPIC Overview \(/epic/media/Assets/EPIC-Overview.pdf\)](/epic/media/Assets/EPIC-Overview.pdf)

[EPIC One-Page Overview \(/epic/media/Assets/EPIC-One-Pager.pdf\)](/epic/media/Assets/EPIC-One-Pager.pdf)

## RECOMMENDED READING AVAILABLE ONLINE

[Browning, Christopher R. "Ordinary Men."](http://www.faculty.umb.edu/lawrence_blum/courses/290h_09/readings/browning&goldhagen.pdf)

[\(http://www.faculty.umb.edu/lawrence\\_blum/courses/290h\\_09/readings/browning&goldhagen.pdf\)](http://www.faculty.umb.edu/lawrence_blum/courses/290h_09/readings/browning&goldhagen.pdf)

[Scully, Maureen and Rowe, Mary. "Bystander Training within Organizations."](https://www.bu.edu/fafc/files/2012/05/bystander.pdf)  [\(https://www.bu.edu/fafc/files/2012/05/bystander.pdf\)](https://www.bu.edu/fafc/files/2012/05/bystander.pdf)

[Staub, Ervin. "The Psychology of Bystanders, Perpetrators, and Heroic Helpers."](http://people.umass.edu/estaub/The_Psychology_of_Bystanders.pdf)

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[Teaching Excellence in Adult Literacy. "Adult Learning Theories."](https://lincs.ed.gov/sites/default/files/11_%20TEAL_Adult_Learning_Theory.pdf)

[\(https://lincs.ed.gov/sites/default/files/11\\_%20TEAL\\_Adult\\_Learning\\_Theory.pdf\)](https://lincs.ed.gov/sites/default/files/11_%20TEAL_Adult_Learning_Theory.pdf)

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[Aronie, Jonathan and Lopez, Christy. "Keeping Each Other Safe: An Assessment of the Use of Peer Intervention Programs to Prevent Police Officer Mistakes and Misconduct, Using New Orleans' EPIC Program as a Potential National Model."](/epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf)

[\(/epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf\)](/epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf)


## ADDITIONAL RECOMMENDED READING

Cook, Kevin. *Kitty Genovese: The Murder, the Bystander, the Crime that Changed America*.

Goodman, Nancy R. and Meyers, Marilyn B. *The Power of Witnessing: Reflections, Reverberations, and Traces of the Holocaust: Trauma, Psychoanalysis, and the Living Mind*.

Staub, Ervin. *The Roots of Goodness and Resistance to Evil: Inclusive Caring, Moral Courage, Altruism Born of Suffering, Active Bystandership, and Heroism*.

## IN THE NEWS

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- "[Loyola Hosts First National Police Peer Intervention Conference.](http://www.loyno.edu/jsri/sites/loyno.edu.jsri/files/JSRI%20Newsletter_justsouth_quarterly_%20Summer_%202018_Weishar.pdf)" ([http://www.loyno.edu/jsri/sites/loyno.edu.jsri/files/JSRI%20Newsletter\\_justsouth\\_quarterly\\_%20Summer\\_%202018\\_Weishar.pdf](http://www.loyno.edu/jsri/sites/loyno.edu.jsri/files/JSRI%20Newsletter_justsouth_quarterly_%20Summer_%202018_Weishar.pdf)). JustSouth Quarterly. Weishar, Sue. Summer 2018.
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- "[NOPD Provides EPIC Training Opportunity to Police and City Government Representatives.](http://nopdnews.com/post/may-2017/nopd-provides-epic-training-opportunity-to-police/)" (<http://nopdnews.com/post/may-2017/nopd-provides-epic-training-opportunity-to-police/>). NOPDNews.com, May 2017
- "[Federal judge presiding over police reform pact praises NOPD for embracing ethical policing program.](http://www.theadvocate.com/new_orleans/news/courts/article_fbea508a-3c1e-11e7-a84f-abb936262bb2.html)" ([http://www.theadvocate.com/new\\_orleans/news/courts/article\\_fbea508a-3c1e-11e7-a84f-abb936262bb2.html](http://www.theadvocate.com/new_orleans/news/courts/article_fbea508a-3c1e-11e7-a84f-abb936262bb2.html)). The New Orleans Advocate. May 2017.

- "NOPD deputy chief on peer intervention: No more calling officers 'rats'." ([http://www.nola.com/crime/index.ssf/2016/11/nopd\\_deputy\\_chief\\_on\\_peer\\_inte.html](http://www.nola.com/crime/index.ssf/2016/11/nopd_deputy_chief_on_peer_inte.html)). The New Orleans Times-Picayune. November 2016.
- "NOPD officers are holding each other accountable for their behavior." ([http://www.nola.com/politics/index.ssf/2016/10/nopd\\_peer\\_intervention.html](http://www.nola.com/politics/index.ssf/2016/10/nopd_peer_intervention.html)). The New Orleans Times-Picayune. October 2016.
- "With reforms, NOPD is becoming a model for other police departments." ([http://www.nola.com/politics/index.ssf/2016/08/nopd\\_reforms\\_mitch\\_landrieu.html](http://www.nola.com/politics/index.ssf/2016/08/nopd_reforms_mitch_landrieu.html)). The New Orleans Times-Picayune. August 2016.
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- "New Orleans Police Implement Peer Intervention Program." ([http://www.policeforum.org/assets/docs/Subject\\_to\\_Debate/Debate2016/debate\\_2016\\_julsep.pdf](http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2016/debate_2016_julsep.pdf)). Police Executive Research Forum Newsletter, July-September 2016.

## OFFICERS SHARE THEIR EPIC STORIES

"I apprehended a subject who had fled the scene of a possible theft. The subject was face-down on the ground being handcuffed, at which time a deputy from another law enforcement agency quickly approached from the side, just out of my line of sight, and kicked the subject about the head area. I immediately told the deputy, 'Stop and back away. We don't do that here!'"

***Sergeant Terrence Wilson, New Orleans Police Department***

"In addition to promoting EPIC-style peer intervention principles in our department (Arlington, Texas - just under 700 sworn officers), we also expanded on those principles in a very innovative way. We took our existing CIT program and flipped it to teach our officers how to recognize and react to emotional issues among other officers. While most CIT programs are "outward looking," our CIT program now is outward AND inward looking. It's an idea that is wholly consistent with the core principles of NOPD's EPIC program."

***Will Johnson, Chief of Police, Arlington, Texas***

EPIC - Sgt. Brooks



“In EPIC training, one of our role-play scenarios was about how to respond if a subject spits at you. The day after I took the training, I apprehended a subject who had previously evaded arrest. He was resisting being handcuffed, and as I was restraining him, he turned and spat right in my face. Everything seemed to happen in slow motion. I was thinking, “We *just* talked about this!” I did what we had done in the role play – I turned the subject’s head away from me so he couldn’t do it again. I got him into the vehicle and took him to the station with no further incident.”

Eighth District Officer Shares Testimonial on EPIC



**CONTACT**

## WHERE CAN I LEARN MORE?

For more information, please reach out to EPIC Program at [epic@nola.gov](mailto:epic@nola.gov) (<mailto:epic@nola.gov>), or to Innovation Manager Lisa A. Kurtz at [LAKurtz@nola.gov](mailto:LAKurtz@nola.gov) (<mailto:LAKurtz@nola.gov>) or at (504) 330-7658.

## HOW DO I SHARE MY STORY?

We would be happy to read your stories of successful interventions. If you have an example of putting EPIC into practice, you may share it anonymously using this form.

[Tell your story](#)

(<https://nola.gov>)

(<https://nola.gov/nopd>)

# SPD Blotter

Seattle Police Department

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## The Seattle Police Department Joins National ABLE Project

by [Public Affairs](#) on December 10, 2020 10:06 am

The Seattle Police Department has been accepted into the Active Bystandership for Law Enforcement (ABLE) Project, Georgetown University Law Center's national training and support initiative for U.S. law enforcement agencies committed to building a culture of peer intervention that prevents harm.

By demonstrating agency commitment to transformational reform with support from local community groups and elected leaders, the SPD joins a select group of more than 60 other law enforcement agencies and statewide and regional training academies chosen to participate in the ABLE Project's national rollout. To date, hundreds of agencies across the country have expressed interest in participating.

Backed by prominent civil rights and law enforcement leaders, the evidence-based, field-tested ABLE Project was developed by Georgetown Law's Innovative Policing Program in collaboration with global law firm Sheppard Mullin LLP to provide practical active bystandership strategies and tactics to law enforcement officers to prevent misconduct, reduce officer mistakes, and promote health and wellness.

ABLE gives officers the tools they need to overcome the innate and powerful inhibitors all individuals face when called upon to intervene in actions taken by their peers.

Chief Adrian Diaz said, seeking inclusion to join the ABLE Project reflected important priorities for the SPD.



“Every member of the Seattle Police Department understands how critical it is for officers to watch out for each other,” said Chief Diaz. “That responsibility includes inspiring each other to always do the right thing and being an active bystander when our behavior may need improving. Participating in the ABLE Project will encourage SPD Officers to speak up if they witness wrongdoing in their fellow officers, and you have my word those concerns will be addressed.”

Assistant Chief Lesley Cordner, head of the SPD’s Professional Standards Bureau, will oversee all ABLE Project training in the coming weeks. Instructors will be certified as ABLE trainers, and over the coming months, all the Department’s officers will receive 8 hours of evidence-based active bystandership education designed not only to prevent harm, but to change the culture of policing.

Professor Christy Lopez, co-director of Georgetown Law’s Innovative Policing Program, which runs ABLE, explained: “The ABLE Project seeks to ensure every police officer in the United States has the opportunity to receive meaningful, effective active bystandership training, and to

help agencies transform their approach to policing by building a culture that supports and sustains successful peer intervention to prevent harm.”

Chair of the ABLE Project Board of Advisors, Sheppard Mullin partner Jonathan Aronie, added: “Intervening in another’s action is harder than it looks after the fact, but it’s a skill we all can learn. And, frankly, it’s a skill we all need – police and non-police. ABLE teaches that skill.”

The ABLE Project is guided by a Board of Advisors comprised of civil rights, social justice, and law enforcement leaders, including Vanita Gupta, the president of the Leadership Conference on Civil and Human Rights; Commissioner Michael Harrison of the Baltimore Police Department; Commissioner Danielle Outlaw of the Philadelphia Police Department; Dr. Ervin Staub, professor emeritus at the University of Massachusetts Amherst and the founder of the Psychology of Peace and Justice Program; and an impressive collection of other police leaders, rank and file officers, and social justice leaders.

- See the complete list of the [ABLE Project Board of Advisors](#).

- For more information about the ABLE Project, visit the program's [website](#).
- See a list of the [ABLE Standards](#) to which every participating agency must adhere.
- [These articles](#) share more information about active bystandership generally, and the ABLE Project in particular.

For more information on the ABLE Project, contact Liza, ABLE Program Manager, at [lba17@georgetown.edu](mailto:lba17@georgetown.edu).

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[SPD Seeks Community Feedback on Draft Use of Force...](#)

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## Police

**Address:** 610 5th Avenue, Seattle, WA, 98104-1900

**Mailing Address:** PO Box 34986, Seattle, WA, 98124-4986

**Phone:** 206-625-5011

### City-Wide Information

Departments & Agencies

List

Elected Officials

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Requests

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### Top Requests

1. Find a Police Job
2. Contact SPD
3. Police Locations
4. Crime Information
5. SPD Manual

The Seattle Police Department (SPD) prevents crime, enforces laws, and supports quality public safety by delivering respectful, professional, and dependable police services. SPD operates within a framework that divides the city into five geographical areas called "precincts". These precincts define east, west, north, south, and southwest patrol areas, with a police station in each.

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**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

Plaintiff;

v.

POLICE DEPARTMENT OF BALTIMORE  
CITY, et. al.,

Defendants.

Civil Action No. \_\_\_\_

**CONSENT DECREE**

as enumerated below, improve its training, investigations and review regarding officers' uses of force to ensure that officers uphold the value and dignity of all individuals they encounter. To the extent BPD's use of force and related policies meet the requirements of this Agreement, the policies need not be revised. As noted below, however, BPD must adhere to those requirements.

124. BPD will ensure that officers:

- a. Are encouraged to resolve incidents without resorting to the use of force, when possible;
- b. Use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate and lawful orders;
- c. Use tactics that do not unnecessarily escalate an encounter;
- d. Continually assess the situation and changing circumstances, and modulate the use of force appropriately;
- e. When force is necessary, use force in a manner that avoids unnecessary injury or risk of injury to officers and civilians;
- f. Recognize and act upon the duty to intervene to stop any officer from using excessive force;
- g. Accurately and completely report all Reportable Force used or observed; and
- h. Are held accountable for use of force that is not objectively reasonable or otherwise violates law or policy.

**B. Policies on Officers' Use of Force**

125. BPD will require officers to use de-escalation techniques, including verbal persuasion and warnings and tactical de-escalation techniques such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the



# Policy 319

Subject	
DUTY TO INTERVENE	
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***By Order of the Police Commissioner***

## **POLICY**

The purpose of this policy is to set forth the legal, ethical, and affirmative duty of Baltimore Police Department (BPD) members to Intervene to prevent or stop Misconduct and/or other problematic behavior. **This policy creates no new reporting requirements for members beyond their existing duty to report Misconduct.** Instead, Intervening can prevent or stop member misconduct, reduce harm to individuals, and preserve the integrity of the Department. When Misconduct is prevented, there is no reporting requirement, however, members – with the consent of the intervened-upon – may report a successful Intervention. When Misconduct occurs, it must be reported (See Policy 302, *Rules and Regulations*).

## **CORE PRINCIPLES**

**Ethical Policing.** BPD is a proud proponent of the peer intervention program, EPIC—Ethical Policing is Courageous. Indeed, the duty to Intervene is reflected in the BPD’s statement of values and mission, in the law enforcement officer’s code of ethics, and through BPD’s training. By actively preventing or stopping Misconduct and/or other problematic behavior will preserve the integrity of the BPD and promote a culture of accountability.

**Community Safety and Wellness.** A member’s duty to Intervene is rooted in the BPD’s commitment to community service and treating members of the public fairly, respectfully, and with every effort to preserve human life, value, and dignity in all situations. Intervention can build community trust through accountability for problematic incidents.

**Officer Safety & Wellness.** A member’s duty to Intervene is rooted in the BPD’s commitment to member safety and wellness. Member Interventions that prevent Misconduct and/or other problematic behavior will lead to fewer citizen complaints, fewer member grievances, higher morale, and a healthier working environment. Preventing misconduct preserves job security and the integrity of all BPD members, ultimately protecting members from jeopardizing their careers as a result of Misconduct or, in some instances, as a result of a failure to Intervene to prevent Misconduct by others. In turn, a more accountable and healthy police department restores community trust, and aids in the shared policing goals of the community and the BPD, which ultimately helps the crime fight.

## **DEFINITIONS**

**Intervene** — To verbally or physically interact with another member so as to prevent or alter a result or course of events.



**Misconduct** – Action, inaction, and/or failure to act by any member of the BPD, civilian or sworn, that violates BPD policy, the Constitution, or the law, including but not limited to criminal acts, applicable civil laws, administrative rules, or regulations.

## **GENERAL**

1. All members must recognize and act upon the affirmative duty to Intervene to prevent or stop any member from conducting any act that is unethical or that violates law or policy, including, but not limited to:
  - 1.1. Excessive force, including intentionally escalating an encounter absent a lawful, necessary purpose,
  - 1.2. Stops, searches, and arrests that are unconstitutional or violate BPD policy,
  - 1.3. Discriminatory policing (See Policy 317, *Fair and Impartial Policing*),
  - 1.4. Retaliation against an individual participating in 1<sup>st</sup> Amendment protected activity,
  - 1.5. Theft/fraud/waste,
  - 1.6. Inappropriate language including discourteous language to members of the public,
  - 1.7. Sexual misconduct,
  - 1.8. Harassment,
  - 1.9. Falsifying documents, and
  - 1.10. Inappropriate behavior.
2. Additionally, members have an affirmative duty to Intervene when they see unsafe behavior and/or bad tactics, corner-cutting, and signs of a fellow member's stress and/or mental health issues that are affecting their performance. If apparent signs of stress and/or mental health issues are affecting a colleague's performance, members may Intervene by connecting their colleague to the Officer Safety and Wellness (OSW) Section, and/or informing their Supervisor for a referral to the BPD's Employee Assistance Program (EAP) (See Policy 1703, *Employee Assistance Program*). Specific EAP resources and the direct contact information for the OSW Section are available on the BPD's Intranet at:  
[http://intranet.bpdnet.org/Documents/Officer%20Safety/OSW\\_Resource\\_and\\_Contact\\_List.pdf](http://intranet.bpdnet.org/Documents/Officer%20Safety/OSW_Resource_and_Contact_List.pdf)
3. Interventions may be verbal and/or physical depending on the urgency of the situation and the potential level of Misconduct and/or problematic behavior.
4. Instances of successful member Intervention may be referred to the BPD's Meritorious Service Board for a commendation (See Policy 1712, *Departmental Awards and Commendations*).

**REQUIRED ACTION****Member**

5. Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to engage in unethical or inappropriate behavior.
  - 5.1. Examine the circumstances surrounding the incident to determine the appropriate form of Intervention.
  - 5.2. Intervene verbally or physically, depending on the circumstances.
6. Take an active approach to Intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another member.
7. If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved when safe and feasible while preserving officer safety (e.g., maintaining tactical advantage over a suspect).
8. If the other member is receptive to the Intervention, and the unethical conduct is avoided, members may proceed with their duties. If no misconduct occurs, there is no reporting requirement.
9. If the other member is **not** receptive to the Intervention and **misconduct** occurs, members shall immediately contact a supervisor to respond to the scene, and ensure their body-worn camera (BWC) is activated.

**Supervisors**

10. If appropriate, consider making a recommendation to the Meritorious Service Board that the member who Intervened receive the Peer Intervention Ribbon for his/her actions.
11. If misconduct occurred, supervisors shall report it per BPD policy.

**Public Integrity Bureau (PIB)**

12. Consider attempts to intervene or the reception of intervention as mitigating factors in disciplinary decisions resulting from misconduct investigations as appropriate.

**ASSOCIATED POLICIES**

Policy 301, *Code of Ethics*  
Policy 302, *Rules and Regulations*  
Policy 308, *General Disciplinary Process*  
Policy 310, *Disciplinary Matrix / Failure to Appear and Traffic Matrix*  
Policy 317, *Fair and Impartial Policing*  
Policy 804, *First Amendment Protected Activity*  
Policy 1016, *Public Observation/Recording of Officers*  
Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*  
Policy 1109, *Warrantless Searches*  
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*  
Policy 1115, *Use of Force*  
Policy 1701, *Equal Employment Opportunity and Diversity*  
Policy 1703, *Employee Assistance Program (EAP)*  
Policy 1712, *Departmental Awards and Commendations*

**COMMUNICATION OF POLICY**

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

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# Active Bystandership for Law Enforcement (ABLE) Project

**Now more than ever, communities across the country, and the law enforcement agencies that serve those communities, are recognizing that first responders must do a better job intervening when necessary to prevent their colleagues from causing harm or making costly mistakes.**

Years of academic research and on-the-ground experience has shown us that effective active bystandership can be taught. The Georgetown Innovative Policing Program, partnering with global law firm Sheppard Mullin, has created Project ABLE\* (Active Bystandership for Law Enforcement) to prepare officers to successfully intervene to prevent harm and to create a law enforcement culture that supports peer intervention.

Project ABLE is a national hub for training, technical assistance, and research, all with the aim of creating a police culture in which officers routinely intervene as necessary to:

- Prevent misconduct

- Avoid police mistakes, and

- Promote officer health and wellness.

Building upon a training developed by Dr. Ervin Staub, the Founding Director of a program on the psychology of peace and violence, to

help police officers stop unnecessary harmful behavior by fellow officers, in 2014, Dr. Staub, other consultants, and the New Orleans Police Department developed the EPIC Peer Intervention Program. Project ABLE builds upon EPIC and Dr. Staub's prior work to develop and deliver practical, scenario-based training for police agencies in the strategies and tactics of police peer intervention. Project ABLE will guide agencies and communities on the concrete measures that must be in place to create and sustain a culture of peer intervention. Project ABLE also will provide a wide array of resources to communities and law enforcement agencies across the country interested in developing peer intervention programs of their own.

**ABLE training will be provided at no cost to local law enforcement agencies, but those agencies must commit to creating a culture of active bystandership and peer intervention through policy, training, support, and accountability.**

*\*Project ABLE, ABLE Project, ABLE, and Active Bystandership for Law Enforcement are trademarks of the President and Directors of Georgetown College.*

#### **CONTACT INFO**

## **ABLE Project**

202-662-4236

[Lba17@georgetown.edu](mailto:Lba17@georgetown.edu)



# ABLE

Active Bystandership  
for Law Enforcement

## Christy Lopez

Professor, Georgetown Law Center  
Co-Director, Innovative Policing Program

## Rosa Brooks

Professor, Georgetown Law Center  
Co-Director, Innovative Policing Program

## Jonathan Aronie

Partner, Sheppard Mullin LLP  
Chair, ABLE Project Board of Advisors

## Active Bystandership for Law Enforcement (ABLE) Project

### FACT SHEET

#### Executive Summary

Georgetown University Law Center's Innovative Policing Program, in collaboration with global law firm Sheppard Mullin LLP, created the Active Bystandership for Law Enforcement (ABLE) Project, to serve as a national hub for active bystander scholarship, training, and technical assistance.

- **ABLE teaches a practical skill.** ABLE training provides practical active bystandership strategies and tactics to prevent misconduct, reduce officer mistakes, and promote health and wellness. ABLE gives officers the tools they need to overcome the powerful inhibitors to intervene in another's actions.
- **ABLE requires agency commitment.** ABLE training currently is provided primarily through a Train-The-Trainer (TTT) program. To be considered for the TTT program, law enforcement agencies must commit to 10 ABLE Standards and submit four letters of support – one from the agency head (e.g., Chief/Sheriff), one from the locality head (e.g., Mayor/County Executive), and two from community groups vouching for the agency's commitment to ABLE. These Standards are meant to ensure that ABLE training is effective at preventing harm and changing culture.
- **ABLE is evidence-based.** The ABLE Project is unique in how carefully the training is built upon decades of research, field studies, and on-the-ground experience. When based on sound research, active bystandership works and can be taught.
- **ABLE is widely supported.** Officers, departments, civil rights/social justice groups, and members of the community embrace ABLE. Law Enforcement agencies that have made public commitments to ABLE include the New Orleans Police Department, the Philadelphia Police Department, the Washington State Criminal Justice Training Commission, the Northern Virginia Criminal Justice Training Academy, the New Hampshire Police Standards and Training Council, the Clemson University Police Department, the Wilmington North Carolina Police Department, and many others.
- **ABLE is not a reporting program.** ABLE is not a disciplinary program or a reporting program. If an action is reportable before the implementation of ABLE, it remains reportable after the implementation of ABLE. ABLE simply teaches officers a new skill – a better way to do something many want to do anyway – and seeks to promote a departmental culture where the use of that skill is encouraged, accepted, and even rewarded.



# ABLE

Active Bystandership  
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- **ABLE is tested.** The ABLE Project is founded upon the scholarship and research of Dr. Ervin Staub, professor emeritus, U. Mass. Amherst. Dr. Staub worked hand in hand with other experts and the men and women of the New Orleans Police Department to develop the country's first department-wide peer intervention program, called EPIC (Ethical Policing Is Courageous). EPIC has been in use successfully in New Orleans since 2016.

- **ABLE is adaptable.** No matter what policing or police departments look like tomorrow, we still will need active bystandership training.

## The ABLE Project Mission

The mission of the ABLE Project is simple and straightforward.

- Ensure every police officer in the United States has the opportunity to receive meaningful, effective active bystandership training.
- Produce and serve as a clearinghouse for thoughtful and sound training materials, including curricula, lesson plans, presentation materials, and teacher's aides.
- Provide guidance to police agencies and communities that want to develop meaningful active bystandership programs and build the cultures that sustain them.
- Establish standards and benchmarks for effective active bystandership programs.
- Serve as a hub to connect ABLE partners agencies, community groups, and other organizations across the U.S.

## ABLE Project Programs

The ABLE Project offers different active bystandership programs for law enforcement agencies of all sizes.

- **ABLE Train-The-Trainer Events.** ABLE Train-The-Trainer events are offered free of charge to agencies willing to commit to the 10 ABLE Standards available at [www.law.georgetown.edu/IPP/ABLE](http://www.law.georgetown.edu/IPP/ABLE). Interested agencies must submit FOUR letters of support in conjunction with their applications: One letter from the agency head (chief/sheriff/director) one letter from the locality head (mayor/county executive/governor), and two letters from community groups vouching for the agencies sincerity in implementing ABLE.

- **ABLE Academy/POST-Focused Train-The-Trainer Events.** The ABLE Project is working with a number of statewide and regional academies and standards-setting agencies to offer dedicated Train-The-Trainer events for those organizations.



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- **ABLE Overview Programs.** The ABLE Project from time to time holds “virtual open houses” to provide more information about active bystandership generally and the ABLE Project in particular. The first Open House was held in July 2020, and is available for free download at <https://www.youtube.com/playlist?list=PL2QPFPgZ63f-40iGfVATW4DZjaiqaGK15>.
- **Implementation Work Shops.** ABLE participants will be invited to participate in free, dedicated online workshops. These workshops will provide implementation support for agencies accepted into the ABLE Project.
- **Command Staff “Lunch & Learns.”** Upon request and subject to availability, the ABLE Project offers free virtual overview programs to law enforcement agencies looking to participate in the ABLE Project.
- **Complementary Programs.** The New Orleans Police Department, in partnership with Loyola University New Orleans Law School, holds an annual Executive Leadership Conference focusing on peer intervention. More information about the EPIC conference can be found at <https://epic.nola.gov>. While this is not an ABLE-sponsored program, it is an excellent complement to the ABLE Project.

## How We Know Active Bystandership Training Works

While it is hard to quantify the success of active bystandership training because, in most cases, when it works, nothing happens, we have strong evidence it is effective.

- Dr. Ervin Staub and other scholars have studied active bystandership for decades. Their research confirms the skills necessary to intervene successfully can be taught and learned.
- Dr. Staub and others have conducted extensive field experiments that show the inhibitors to an intervention can be overcome even in hierarchical environments.
- Other national problems have been successfully mitigated using active bystandership techniques, including drunk driving, mistakes in surgery, pilot errors, and sexual assaults on campus.
- The on-the-ground experience of the New Orleans Police Department evidences the success of the ABLE principles. The NOPD developed and implemented a successful bystandership program called EPIC (Ethical Policing Is Courageous) in New Orleans in 2015, much of which served as the foundation for the ABLE Project.
- A survey of police officers in New Orleans showed officers who have gone through EPIC training perceive themselves as being more likely to intervene in another officer’s actions.





# ABLE

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for Law Enforcement

## ABLE History

The ABLE Project was launched in March 2020, but is built upon decades of research, field studies, and on-the-ground experience.

- Dr. Ervin Staub, Professor Emeritus at the University of Massachusetts and the founder of the Psychology of Peace and Violence Program, has studied active and passive bystandership for decades. Following the Rodney King beating, Dr. Staub was engaged by the LAPD to create active bystander training for LAPD officers.
- The 2012 New Orleans Consent Decree incorporated a requirement that NOPD teach peer intervention to its officers.
- In 2014 civil rights lawyer Mary Howell, social activist Ted Quant, psychologist Dr. Joel Dvoskin and others proposed incorporating an active bystandership training recommendation in the President's Task Force on 21<sup>st</sup> Century Policing Report.
- In 2014 and 2015, the New Orleans Police Department worked with Dr. Staub, Dr. Dvoskin, community members, and other experts to develop the country's first department-wide active bystandership program, called EPIC (Ethical Policing Is Courageous).
- The push to develop EPIC came from NOPD rank and file officers, working closely with Department leadership and community members, looking for a way to protect the public and save careers at the same time.
- In March 2020, following the tragic killing of George Floyd, Georgetown University Law Center's Innovative Policing Program, in collaboration with global law firm Sheppard Mullin LLP, created the Active Bystandership for Law Enforcement (ABLE) Project to serve as a national hub for active bystander scholarship, training, and technical assistance. The Active Bystandership for Law Enforcement (ABLE) Project is housed within Georgetown's existing Innovative Policing Program, led by Professors Christy Lopez and Rosa Brooks. The creators of the New Orleans EPIC program remain significantly involved in the ABLE Project.
- In September 2020, the ABLE Project began working with the FBI National Academy (NA), the country's premier education program for law enforcement executives, to bring the ABLE Project to even more agencies and communities across the country. Among other things, the FBI NA will incorporate active bystandership training taught by ABLE-certified professional NA instructors for all NA attendees and will give NA participants the option of taking a two-day ABLE certification program while at the NA to become an ABLE-certified instructor.



# ABLE

Active Bystandership  
for Law Enforcement

## ABLE Resources

The ABLE Project is always evolving. We continue to expand our training offerings and expand the resources available on our website. Here is a look at the resources that are or soon will be available via the ABLE Project web site:

- **Caselaw Digests.** Federal and state law regarding the civil and criminal liability of bystander officers continues to evolve. The ABLE Project website will provide a digest of relevant federal and state bystander caselaw.
- **Statutory Digests.** Legislatures across the country are actively seeking to impose requirements for officers to intervene to prevent wrongdoing. The ABLE Project website will track these legislative efforts.
- **Policy Best Practices.** To participate in the ABLE Project, law enforcement agencies must adopt certain policies designed to create a culture in which active bystandership will thrive. The ABLE Project website will provide a collection of model policies to assist agencies in adopting best practices in these areas.
- **Online "ABLE Shorts" Video Series.** To give agencies and communities a deeper understanding of what active bystandership is and how it works in the context of policing, the ABLE Project will host a series of 20-minute Zoom interviews with thought-leaders in the areas of policing, social justice, civil rights, teaching, psychology, and related fields. These videos will be free to all, and will air beginning in November 2020.
- **Implementation Technical Assistance.** The ABLE Project provides law enforcement agencies accepted in the program with a wide variety of free implementation support. For agencies that require additional assistance, the ABLE Project website will offer a list of individuals and agencies offering free and fee-based support.

**For More Information regarding the ABLE Project, please visit**

[https://www.law.georgetown.edu/innovative-policing-program/  
active-bystandership-for-law-enforcement/](https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/)  
or email [Lba17@georgetown.edu](mailto:Lba17@georgetown.edu).

[PREV](#)

[SECTION 121.12](#)

[Strangulation In The Second Degree \(/Legislation/Laws/PEN/121.12/\)](#)

[NEXT](#)

[SECTION 121.13-A](#)

[Aggravated Strangulation \(/Legislation/Laws/PEN/121.13-A/\)](#)

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## Section 121.13

Strangulation in the first degree

Penal (PEN)

SHARE



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A person is guilty of strangulation in the first degree when he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, and thereby causes serious physical injury to such other person.

Strangulation in the first degree is a class C felony.

# Senate Bill S6670B

SIGNED BY GOVERNOR

2019-2020 Legislative Session

## Establishes the crime of aggravated strangulation

### JUSTIFICATION:

In 1993, the New York City Police Department completely banned its officers from using a procedure commonly referred to as a "chokehold." According to the NY Daily News: "Members of the NYPD will NOT. Usechokeholds," the NYPD patrol guide clearly states. "A chokehold shall include, but is not limited to, any pressure to the throat or windpipe which may prevent or hinder breathing to reduce intakes of air" (NYPD patrol guide clearly states members cannot use chokeholds; New York Daily News Barry Paddock, Thomas Tracy; Friday, July 18, 2014)

Despite the ban, Bronx resident Anthony Baez died in 1994 as a result of a chokehold. Baez's crime was throwing a football with some friends and the football hit a cop's car. He was unarmed. The officer was ultimately tried by a federal jury and convicted.

On Thursday, July 17, 2014, Eric Garner, who was also unarmed and accused of selling loose cigarettes, was placed in a chokehold by an officer of the NYPD. Despite Mr. Garner's audible pleas that he could not breathe, the officers proceeded to put him in handcuffs. He died later at the hospital.

It is clear that the NYPD's ban on the use of chokeholds is not sufficient to prevent police officers from using this method to restrain individuals whom they are trying to arrest. Between 2009 and 2013, the Civilian Complaint Review Board substantiated nine complaints by people who said they had been subjected to a chokehold. Not only has this supposed ban not been enforced, there is evidence that the penalties for using a chokehold have resulted in little more than the loss of vacation time. (New York Times, J. David Goodman, July 21, 2014).

It is obvious that the NYPD is either unable or unwilling to enforce its own employee manual. The use of chokeholds has resulted in too many deaths. Criminal sanctions must be established for those who continue to disregard this banned procedure.

This bill does not bar any affirmative defenses or justifications for the use of force in making an arrest or in preventing an escape as outlined in Section 35.30 of the Penal Law.

**LEGISLATIVE HISTORY:**

2017-18: A.1699; referred to codes

2015-16: A3361; Referred to Codes / S346; Referred to Codes

2014: A10170; Referred to Codes / S7929; Referred to Rules

**FISCAL IMPLICATIONS:**

None

**EFFECTIVE DATE:**

This act shall take effect immediately.

# New York State Law

## Penal Law

Consolidated Laws of New York's Penal code

### S 35.30 **Justification; use of physical force in making an arrest or in preventing an escape.**

1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(a) The offense committed by such person was:

(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefor or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

2. The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.

3. A person who has been directed by a police officer or a peace officer to assist such police officer or peace officer to effect an arrest or to prevent an escape from custody may use physical force, other than deadly physical force, when and to the extent that he or she reasonably believes such to be necessary to carry out such police officer's or peace officer's direction, unless he or she knows that the arrest or prospective arrest is not or was not authorized and may use deadly physical force under such circumstances when:

(a) He or she reasonably believes such to be necessary for self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(b) He or she is directed or authorized by such police officer or peace officer to use deadly physical force unless he or she knows that the police officer or peace officer is not authorized to use deadly physical force under the circumstances.

4. A private person acting on his or her own account may use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; and may use deadly physical force for such purpose when he or she reasonably believes such to be necessary to:

(a) Defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(b) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible criminal sexual act and who is in immediate flight therefrom.

5. A guard, police officer or peace officer who is charged with the duty of guarding prisoners in a detention facility, as that term is defined in section 205.00, or while in transit to or from a detention facility, may use physical force when and to the extent that he or she reasonably believes such to be necessary to prevent the escape of a prisoner from a detention facility or from custody while in transit thereto or therefrom.



# Use of Force

## Model Policy

*September 2020*



New York State Division of Criminal Justice Services  
80 South Swan Street, Albany, New York 12210

[www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)



**Municipal Police  
Training Council**

# Use of Force Model Policy



STATE OF NEW YORK  
Division of Criminal Justice Services  
Office of Public Safety

# Use of Force - Model Policy

Municipal Police Training Council

## VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.<sup>16</sup>
- B. Deadly physical force may be used to stop a fleeing suspect where:
  - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
  - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - 3. Where feasible, some warning should be given prior to the use of deadly physical force.<sup>17</sup>
- C. Chokeholds and Obstruction of Breathing or Blood Circulation
  - 1. Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.<sup>18</sup>

## VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer for the following reasons:
  - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  - 2. To coerce a confession from a subject in custody;

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<sup>16</sup> NY Penal Law and § 35.30(1)(c)(McKinney 2013)

<sup>17</sup> NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses “significant threat of serious physical harm, either to the officer or others” in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

<sup>18</sup> NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

# Use of Force - Model Policy

## Municipal Police Training Council

3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

### **IX. REPORTING & REVIEWING THE USE OF FORCE**

- A. A police or peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith.<sup>19</sup>
  1. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
  2. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.<sup>20</sup>
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
  1. Use of force that results in a physical injury.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

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<sup>19</sup> NY Civil Rights Law § 28

<sup>20</sup> NY Mental Hygiene Law § 9.41



# Policy 1115

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USE OF FORCE	
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***By Order of the Police Commissioner***

## **POLICY**

The purpose of this policy is to establish when a member may use force, and members' duties before, during, and after the Use of Force. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully.

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

## **CORE PRINCIPLES**

1. **Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.
2. **Value and Worth of All Persons.** All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.
3. **Peaceful Resolutions.** Members shall avoid the Use of Force unless it is not possible to do so.
4. **De-Escalation.** Members shall use De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible (See Policy 1107, *De-Escalation*).
5. **Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
6. **Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.
7. **Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force Reasonable, Necessary, and Proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
8. **Reporting Use of Force.** Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the Use of Force by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

9. **Duty to Intervene.** Members shall intervene to prevent the abusive conduct or the use of excessive force by another member (See Policy 319, *Duty to Intervene*).
10. **Duty to Provide Medical Assistance.** After any Use of Force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.
11. **Accountability.** Members shall be held accountable for uses of force that violate law or policy.
12. **Retaliatory Force.** Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other reason (See Policy 804, *First Amendment Protected Activity*).

## **DEFINITIONS**

**Active Aggression** — Active Aggression is when a person attacks or attempts to attack a member or another person. Strikes, kicks, or attempted strikes or kicks with hands, fists, the head, elbows, knees, or an instrument, constitute Active Aggression.

**Aggravated Aggression** — Aggravated Aggression is when a person presents an Imminent Threat of death or Serious Physical Injury to the member or another person based on the Totality of the Circumstances. Aggravated Aggression represents the least encountered but most serious threat to a member or other person. Even when confronted with Aggravated Aggression, the member is required to make every reasonable effort to de-escalate and to continuously assess the member's Use of Force.

**Chemical Agents** — Substances designed to irritate the eyes and mucous membranes (CS gas, PepperBall, Mk-9 Pepper Fogger, smoke, etc.).

**Chokehold/Neck Hold** — A Chokehold or Neck hold is any hold or contact with the neck that may inhibit breathing by compression of the airway in the neck, may inhibit blood flow by compression of the blood vessels in the neck, or that applies pressure to the front, side, or back of the neck. Chokeholds/Neck Holds are prohibited unless the use of Deadly Force/Lethal Force is justified.

**Conducted Electrical Weapon (CEW)** — A weapon designed to discharge electrical impulses in two modes:

**Drive Stun** — Pulling the trigger on the CEW with the cartridge removed or discharged, and placing the electrodes upon the skin/clothing of the person. Drive Stunning does not cause neuro-muscular incapacitation but causes severe pain.

**Probes Deployment** — Probes Deployment is the primary way that CEWs are used. With a cartridge attached, pulling the trigger fires two probes with barbs on the end that can penetrate the clothing or skin of a person. The two probes are connected to the CEW by wires and upon contact, if an electrical circuit is established, the CEW delivers pulsed electricity into the person, and overrides the person's voluntary motor function. Probes Deployment also causes significant pain.

**Deadly Force/Lethal Force** — Any force likely to cause death or Serious Physical Injury, whether the member intended to cause death or Serious Physical Injury or not. Deadly Force/Lethal Force includes, but is not limited to:

- The discharge of a firearm at a person;
- Strikes with any hard object such as a baton, flashlight, radio, weapon stock/handle, or Improvised Impact Weapon to the head, neck, sternum, spine, groin, or kidneys;
- Intentionally striking a person's head against a hard, fixed object such as a roadway, concrete floor, wall, or iron bars;
- Knee strikes or kicks to a person's head;
- Any strikes to a person's throat;
- "Knee drops" against a prone or supine person's head, neck, or torso;
- Chokeholds/Neck Holds;
- Shooting someone in the head, neck, chest, or back, with a Less-Lethal Launcher at close range.
- The use of any force on a person whose health, age, condition, or circumstances make it likely death or Serious Physical Injury will result.

**De-Escalation Techniques** — De-Escalation Techniques are actions taken by members that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical re-positioning and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully (See Policy 1107, *De-Escalation*).

**Imminent Threat** — A person presents an Imminent Threat when the person has the means and ability to harm the member or another person, and the member reasonably believes the person intends to deliver that harm.

**Improvised Impact Weapon (IIW)** — An Improvised Impact Weapon (IIW) is a device or object that is not a department approved weapon, but is nonetheless used as an impact weapon (e.g., flashlight, radio, or stick). Such weapons may be unpredictable, ineffective, or exert unexpectedly high levels of damage (e.g., board with protruding nail). Consequently, members shall use Improvised Impact Weapons only in rare, emergency conditions where members lack an authorized Baton or other approved less-lethal alternatives, and use of an Improvised Impact Weapon is reasonable and necessary to defend against a person displaying Active or Aggravated Aggression.

**Less-Lethal Force** — Force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or Serious Physical Injury. Devices of Less-Lethal Force may include, but not be limited to, a DS-3027 bean bag, FN-303, Pepper Ball rounds, batons/impact weapons, O.C. spray, and CEW. The way a Less-Lethal Force device is used and the circumstances in which it is used could constitute Deadly Force/Lethal Force.

**Less-Lethal Launchers/Munitions** — A delivery tool that, when used as designed and intended, is less likely to cause death or Serious Physical Injury than a conventional lethal weapon such as a firearm. Less-Lethal Launchers/Munitions are only approved for use by certified members.

**Physical Force** — A member uses Physical Force any time a member coercively touches, directly or indirectly, any person. Physical Force includes holds, grabs, blows, and strikes as well as the use of instruments, such as batons, devices, such as CEWs, tools such as O.C. spray, canines, or firearms, whether

lethal or less-lethal.

**Reasonable, Necessary, and Proportional** — The review of every Use of Force shall be to determine whether it was reasonable, necessary, and proportional in light of the Totality of the Circumstances that were known, or should have been known, to the member, and in light of the mandates of BPD Policies.

**Reasonable** — A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.

**Necessary** — Force is necessary only when no reasonably effective alternative exists. When force is Necessary, members shall use force in a manner that avoids unnecessary injury or risk of injury to members and civilians.

**Proportional** — Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.

**NOTE:** Members who use force that is not Reasonable, Necessary, and Proportional will be subject to corrective action, possible discipline, possible criminal prosecution, and/or civil liability.

**Resistance** — Members may face the following types of Resistance to lawful directives:

**Active Resistance** — Active Resistance is when a person moves to avoid detention or arrest but does not attack or attempt to attack the member or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the member's grasp are all examples of Active Resistance. Verbal statements, bracing, or tensing alone do not constitute Active Resistance. A person's reaction to pain caused by a member or purely defensive reactions to force does not constitute Active Resistance.

**Passive Resistance** — Passive Resistance is when a non-assaultive person fails to comply with the member's commands without attempting to flee. Passive Resistance may include, but not be limited to, going limp, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent being taken into custody.

**Serious Physical Injury** — Serious Physical Injury is when there is disfigurement or substantial disruption or harm to one or more body parts, organs, or systems. The term includes, for example, brain injury, with or without unconsciousness, gunshot wounds, cardiac arrhythmia, difficulty breathing, cardiac or respiratory arrest, broken bones, dislocations, torn ligaments or tendons, or significant bleeding. This list is not exhaustive and is intended only to provide representative examples for guidance.

**Temporary Pain** — Any pain or complaint of pain that is brief, does not result in injury, and is delivered as a means to gain compliance. Temporary Pain may result from the application of, but is not limited to, elbow grips, wrist grips, shoulder grips, pressure point techniques, and/or forcible takedowns.

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

- Whether an offense has occurred;
- The nature of the offense;
- The seriousness of the offense;
- The size and strength of the person;
- The number of persons;



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

**Use of Force** — Any Use of Force or show of force that falls within Level 1, Level 2, or Level 3 force as defined in this policy. Use of Force Levels are:

**Level 1 Use of Force** — Includes:

- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip), and pressure point compliance techniques. Force under this category is not reasonably expected to cause injury,
- Pointing a firearm, Less-Lethal Launcher, or CEW at a person,
- “Displaying the arc” with a CEW as a form of warning, and
- Forcible takedowns that do not result in actual injury or complaint of injury.

**NOTE:** Escorting, touching, or handcuffing a person with minimal or no resistance does not constitute a Level 1 Use of Force.

**EXCEPTION #1:** SWAT team members and members assigned to work on a federal task force will not be required to report the pointing of a firearm at a person as a Use of Force during the execution of SWAT team or federal task force duties.

**EXCEPTION #2:** Pointing of a firearm at a person by any member, if done solely while entering and securing a building in connection with the execution of an arrest or search warrant, will not be a Use of Force. A permanent-rank supervisor must still complete a Form 93, Weapons-Pointing Report detailing the incident (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

**Level 2 Use of Force** — Includes:

- Force that causes or could reasonably be expected to cause an injury greater than Temporary Pain or the use of weapons or techniques listed below — provided they do not otherwise rise to a Level 3 Use of Force:
- Discharge of a CEW in Drive-Stun or Probes Deployment, in the direction of a person, including where a CEW is fired at a person but misses,
- Use of OC spray or other Chemical Agents,
- Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks,
- Discharge of a Less-Lethal Launcher/Munitions in the direction of a person,
- Canine-inflicted injuries that do not rise to a Level 3 Use of Force,
- Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and
- Striking of a person or a vehicle with a vehicle that does not rise to Level 3 Use of Force.

**Level 3 Use of Force** — Includes:

- Strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon,
- Firearm discharges by a BPD member,
- Applications of more than three (3) CEW cycles in a single encounter, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different members,
- CEW application for longer than 15 seconds whether the application is a single continuous application or from multiple applications,
- Uses of Force resulting in death, Serious Physical Injury, loss of consciousness, or requiring hospitalization, and
- Uses of Deadly Force/Lethal Force.

**NOTE:** Hospitalization refers to admission to the hospital, and does not include treatment and release in the emergency department, no matter how long the stay.

**DIRECTIVES****Use of Force**

1. Sworn members have the authority to use Reasonable force when Necessary to accomplish lawful ends. This authority is limited by the laws of the State of Maryland, federal law, the United States Constitution, and the provisions of this policy. Members must conform their actions to the law, the Constitution, and BPD policies. When members use force, they shall exercise the utmost restraint. When practical, members should announce that force will be utilized prior to the application of such force.
2. Members shall prevent or stop the illegal, inappropriate, or excessive Use of Force by other members. Failure to intervene may subject a member to disciplinary action (See Policy 319, *Duty to Intervene*).
3. Members may only use weapons and/or force techniques that are allowed by policy and on which the member is trained, unless warranted by the Totality of Circumstances.

**De-Escalation**

Members shall, unless it is not possible to do so, avoid the Use of Force by using De-Escalation Techniques, including verbal persuasion and warnings, slowing down the pace of an incident, waiting out persons, using barriers, creating distance (and thus the reactionary gap) between the member and the threat, and requesting additional resources such as specialized units, CIT trained members, behavioral health care providers, or negotiators, before resorting to force, and to reduce the need for force. De-Escalation Techniques mitigate the threats and gives officers time to utilize extra resources, and increases time available to call more officers or specialty units (See Policy 1107, *De-Escalation*).

1. Members shall talk to the person; attempt to convince the person to comply; reduce any threat presented by withdrawing to a position that is tactically advantageous; or take actions that allow the member greater distance and time, in order to de-escalate a situation or deploy a lesser force option or no force at all.

2. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a person without proper evaluation of the situation, failing to leave sufficient space between the member and the person, closing the reactionary gap, or escalating a situation.
3. Members shall not use tactics that unnecessarily escalate an encounter or create a need for force.
4. Members shall de-escalate force immediately as resistance decreases.
5. If the member has no alternative to using force, the member shall use only the amount of force that is Reasonable, Necessary and Proportional to respond to the threat or resistance and shall immediately reduce the level of force as the threat or resistance lessens or stops.

### **Critical Thinking**

Prior to using force, members shall use a critical thinking and decision-making framework to analyze and respond to incidents. This framework will allow members to uphold the sanctity of life and protect themselves by decelerating and stabilizing a situation to minimize the likelihood of a Use of Force incident. Using this framework, members will:

1. Assess the situation, threats, and risks;
2. Gather relevant facts about the incident;
3. Consider police powers and BPD policy;
4. Identify options and determine the best course of action; and
5. Act, review, and re-assess the situation.

### **Restrained Persons**

1. Members shall not use force against persons who are handcuffed or otherwise restrained, except in exceptional circumstances where the Totality of Circumstances makes it Reasonable and Necessary to prevent injury or escape. Members are cautioned that force that may be Proportional against an unrestrained person may not be Proportional when used on a restrained person. As with any Use of Force, members shall be required to use De-Escalation Techniques and critical thinking in order to avoid the Use of Force.
2. Members shall not use force against a handcuffed or restrained person if the person's actions only present a risk of property damage.
3. Members shall **not** position a restrained person face-down as it may cause positional asphyxia, placing persons on their back can cause radial nerve damage to the wrist and forearm area. Restrained persons are to be seated or placed on their side.

### **Use of Deadly Force/Lethal Force**

1. The use of Deadly Force/Lethal Force shall always be the last resort.
2. Members shall not use Deadly Force/Lethal Force unless they have exhausted de-escalation

(See Policy 1107, *De-Escalation*) and Less-Lethal Force options have been tried and failed, or are not safe based on the Totality of Circumstances.

3. A member may use Deadly Force/Lethal Force when they reasonably believe such action is immediately necessary to protect a member or another person from an Imminent Threat of death or Serious Physical Injury.
4. Prior to the decision to employ Deadly Force/Lethal Force members shall consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life.
5. Where safety permits, a member should identify himself/herself as a law enforcement officer and state his/her intention to use Deadly Force/Lethal Force before using a firearm or employing Deadly Force/Lethal Force.
6. A member may use Deadly Force/Lethal Force to prevent the escape of a fleeing person if force is authorized and no Reasonable force alternative exists that is within BPD policy, the member has given a verbal warning to the person (if time, safety, and circumstances permit), and there is probable cause to believe that:
  - 6.1. The person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death, and
  - 6.2. The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the member or another unless the person is apprehended without delay, and
  - 6.3. Members have identified themselves as law enforcement officers, have stated their intention to use Deadly Force/Lethal Force, and have given the person a reasonable opportunity to comply voluntarily, if time, safety, and the circumstances permit.

### **Restrictions on the Use of Deadly Force/Lethal Force**

1. Deadly Force/Lethal Force shall not be used to subdue persons whose conduct is a threat only to property.
2. Deadly Force/Lethal Force shall not be used against persons whose conduct is a threat only to themselves.
3. **The following are prohibited** unless the use of Deadly Force/Lethal Force is authorized and no reasonable alternatives exist:
  - 3.1. Discharge of a firearm at a person.
  - 3.2. Strikes with any hard object, such as a baton, flashlight, radio, weapon stock/handle, or IIW to the person's head, neck, sternum, spine, groin, or kidneys.
  - 3.3. Intentional strikes of a person's head against a hard, fixed object including, but not limited to, a roadway, concrete floor, wall, or iron bars.
  - 3.4. Kneeing or kicking a person's head, neck, back, or torso, including "knee drops" onto a prone or supine person.

- 3.5. Intentionally deploying a CEW to the neck, chest, groin or face of a person.
  - 3.6. Application of Chokeholds/Neck Holds.
  - 3.7. Discharge of a Less-Lethal Launcher to the chest, neck, or head at close range.
  - 3.8. The use of any force on a person whose health, age, condition, or circumstances make it likely that death or Serious Physical Injury will result.
4. Firing warning shots is prohibited.
  5. Firing into crowds is prohibited.
  6. Members shall not fire any weapon from or at a moving vehicle, except:
    - 6.1. To counter an immediate threat of death or Serious Physical Injury to the member or another person, by a person in the vehicle using means other than the vehicle.
    - 6.2. To counter a situation where the member or another person is unavoidably in the path of the vehicle and cannot move to safety. Members shall not position themselves in the path of a moving vehicle where they have no option but to use Deadly Force/Lethal Force.

**NOTE:** Refer to Policy 409, *Firearms Regulations*, for instructions on the use of firearms.

## **REQUIRED ACTION**

### **Duty to Intervene**

Members shall intervene to stop any member from using excessive force. Intervention may be verbal and/or physical (see Policy 319, *Duty to Intervene*).

**NOTE:** Failure to intervene may subject a member to disciplinary action. Members must immediately, or as soon as safety allows, notify a permanent-rank supervisor after such an intervention.

### **Duty to Provide Medical Assistance**

1. When there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, members shall immediately render aid consistent with their training and shall request that a medic respond to the scene, or transport the person directly to the nearest hospital emergency room. The member shall then notify their supervisor and the Communications Section.
2. If a person has been subjected to impact by any type of Less-Lethal Force including CEW, impact weapons or impact projectile, he/she will be provided with medical treatment. If the person refuses medical treatment or leaves the location (e.g., persons of an unlawful gathering dispersed by Less-Lethal Force that may voluntarily leave without aid), members must document the actions taken to identify and render aid to the person in the Use of Force Review.

### Children and Youth

1. As with any encounter, members are expected to continually assess the situation, employ De-Escalation Techniques, and seek peaceful resolutions during incidents involving children and youth.
2. Members will, when feasible, recognize and employ developmentally-appropriate and trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language. Members will also account for any fear-based reactions children and youth may experience during an encounter.
3. When force against a child or young person is necessary, take into account personalized factors of the child or young person including, apparent age, body size, and relative strength of the member relative to the child or young person; and risk posed by the child or young person; and,
4. In the case of injury resulting from a Use of Force, in addition to the requirements to render aid, summon medical care and notify a supervisor, the member will notify the child or young person's parent, guardian, or other responsible adult.

### Reporting

1. All members will adhere to the Use of Force guidelines found in Policy 725, *Use of Force Reporting, Review, and Assessment*.
2. Members of the BPD must notify a permanent-rank supervisor immediately, or as soon as practicable, following a Use of Force. The supervisor will notify the Shift Commander by the end of the shift during which the force occurred. The notification will contain basic information concerning the incident. Any member with knowledge that another member used force must also immediately report that Use of Force to a permanent-rank supervisor. In all instances, the permanent-rank supervisor will conduct a thorough review of the Use of Force, and document this review by completing a BlueTeam entry before the conclusion of the supervisor's tour of duty.
3. The failure of any commander, supervisor or member to fulfill any of the requirements of this policy will not prevent, inhibit or otherwise affect the ability of the Department to conduct an investigation of any misconduct arising from a Use of Force incident or to otherwise discipline a member for any violation of this policy.

**ASSOCIATED POLICIES**

Policy 302,	<i>Rules and Regulations</i>
Policy 319,	<i>Duty to Intervene</i>
Policy 409,	<i>Firearms Regulations</i>
Policy 414,	<i>Less-Lethal Munitions and Chemical Agents</i>
Policy 710,	<i>Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)</i>
Policy 719,	<i>Conducted Electrical Weapon</i>
Policy 724,	<i>Performance Review Board</i>
Policy 725,	<i>Use of Force Reporting, Review, and Assessment</i>
Policy 824,	<i>Body-Worn Camera</i>
Policy 1107,	<i>De-Escalation</i>
Policy 1111,	<i>Batons / Impact Weapons</i>
Policy 1114,	<i>Persons in Police Custody</i>
Policy 1118,	<i>Oleoresin Capsicum Spray</i>
Policy 1602,	<i>Canine Procedure</i>

**RECISSION**

Remove and destroy/recycle Policy 1115, *Use of Force*, dated 2 March 2018.

**COMMUNICATION OF POLICY**

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



# PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-01	
<b>FORCE GUIDELINES</b>			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 4

## SCOPE

**The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody.** Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force must be consistent with existing law and with the New York City Police Department's policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.



# PATROL GUIDE

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## SCOPE (continued)

Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.

## NOTE

*Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.*

## DEFINITIONS

DE-ESCALATION - Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

OBJECTIVELY REASONABLE STANDARD - The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. The Department examines the reasonableness of force viewed from the perspective of a member with similar training and experience placed into the same circumstances as the incident under investigation.

EXCESSIVE FORCE - Use of force deemed by the investigating supervisor as greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the MOS at the time force was used.

CHOKEHOLD - A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

## PROCEDURE

To provide members of the service with the Department's force/restraint and firearm prohibitions:

### PROHIBITIONS

## UNIFORMED MEMBER OF THE SERVICE

1. Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious physical injury, taking into account the below prohibitions imposed by the Department.

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## UNIFORMED MEMBER OF THE SERVICE (continued)

Members of the service **SHALL NOT**:

- a. Discharge a firearm when, in the professional judgment of a reasonable member of the service, doing so will unnecessarily endanger innocent persons
- b. Discharge firearms in defense of property
- c. Discharge firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to the MOS or another person present
- d. Fire warning shots
- e. Discharge firearm to summon assistance, except in emergency situations when someone's personal safety is endangered and no other reasonable means to obtain assistance is available
- f. Discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the member of the service or another person present, by means other than a moving vehicle
- g. Discharge firearm at a dog or other animal, except to protect a member of the service or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat
- h. Cock a firearm. Firearms must be fired double action at all times.

### NOTE

*Drawing a firearm prematurely or unnecessarily limits a uniformed member's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.*

2. Members of the service **SHALL NOT**:

- a. Use a chokehold
- b. Use any level of force to punish, retaliate or coerce a subject to make statements
- c. Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault
- d. Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs
- e. Transport a subject facedown
- f. Use force to prevent a subject from swallowing alleged controlled substance or other substance, once a subject has placed suspected controlled substance in his or her mouth, or forcibly attempt to remove substance from subject's mouth or other body cavity.

### NOTE

*Any violations of the above force prohibitions may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstance, the actions were reasonable and justified. The review may find that, under exigent or exceptional circumstances, the use of the prohibited action may have been justified and within guidelines.*

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**NOTE**  
**(continued)**

*Members who are subject to investigation, the subject of disciplinary action, civil action, or a civilian complaint related to a violation of the above prohibitions may submit a request for review of the circumstances to the Use of Force Review Board. The Use of Force Review Board will review the facts and circumstances and make a final determination of whether the force used was reasonable under the circumstances and within guidelines.*

*When a uniformed member of the service observes or suspects that a prisoner has ingested a narcotic or other dangerous substance, the prisoner will be transported from the place of arrest DIRECTLY to the nearest hospital facility.*



Chicago Police Department

## General Order G03-02

### USE OF FORCE



<b>ISSUE DATE:</b>	16 October 2017	<b>EFFECTIVE DATE:</b>	16 October 2017
<b>RESCINDS:</b>	1 October 2002 Version		
<b>INDEX CATEGORY:</b>	Field Operations		

#### I. PURPOSE

This directive sets forth Department policy regarding sworn members' and detention aides' use of force.

#### II. DEPARTMENT POLICY

- A. **Sanctity of Human Life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. **Public Cooperation.** A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.
- C. **Core Principle.** The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.
- D. **Assessing Uses of Force.** The Chicago Police Department recognizes that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.

**NOTE:** Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.

### III. USE OF FORCE - WHEN AUTHORIZED

- A. **Definition of Force.** Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.
  
- B. **Use of Force: Objectively Reasonable, Necessary, and Proportional.** Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.
  - 1. Objectively reasonable. The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to:
    - a. whether the subject is posing an imminent threat to the officer or others.
    - b. the risk of harm, level of threat or resistance presented by the subject.
    - c. the subject's proximity or access to weapons.
  
  - 2. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose.
  
  - 3. Proportional. Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.
  
  - 4. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:
    - a. exercising persuasion and advice, and providing a warning prior to the

use of force.

- b. determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
- c. requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers.

5. Prohibitions.

- a. The use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated.
- b. Department members are prohibited from using force based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic as outlined in the Department directive entitled "[Prohibition Regarding Racial Profiling and Other Bias Based Policing.](#)"
- c. Force used as punishment or retaliation is prohibited.
- d. Force used in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, and filming police activity) is prohibited.

**NOTE:** First Amendment rights are not absolute and are subject to reasonable time, place, manner restrictions. Further guidance may be found in the Department directive entitled "[The First Amendment and Police Actions.](#)"

6. Additional procedures. For further procedures on de-escalation, the principles of Force Mitigation, and when force is authorized, Department members will refer to the Department directive entitled "[Force Options.](#)"

C. **Use of Deadly Force: Necessary to Prevent Death or Great Bodily Harm.** The following additional policies apply to the use of deadly force:

- 1. Definition of Deadly Force. Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to:

- a. firing of a firearm in the direction of the person to be arrested.
  - b. firing of a firearm at a vehicle in which the person to be arrested is riding.
  - c. intentional striking of a subject's head with an impact weapon.
  - d. application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.
2. Definition of Imminent Threat. A threat is imminent when it is objectively reasonable to believe that:
- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
  - b. the subject has the means or instruments to cause death or great bodily harm; and
  - c. the subject has the opportunity and ability to cause death or great bodily harm.
3. Last Resort. The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person. Consistent with this requirement, a sworn Department member may use deadly force only when such force is necessary to prevent:
- a. death or great bodily harm from an imminent threat posed to the sworn member or to another person.
  - b. an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.
4. Fleeing Persons. Deadly force may not be used on a fleeing person unless the subject poses an imminent threat, as defined above.
5. Sworn members will, whenever possible, identify themselves as police officers prior to using deadly force, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.

6. A sworn member is justified in using deadly force to stop a dangerous animal only when the animal reasonably appears to pose an imminent threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.

D. **Prohibitions on the use of firearms.** The use of firearms in the following ways is prohibited:

1. Firing warning shots.
2. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).
3. Firing solely in defense or protection of property.
4. Firing into crowds. However, this prohibition does not preclude the use of deadly force directed at a specific person who is near or among other people, but the use of deadly force in such circumstances is only permitted in the limited circumstances when such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
5. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
6. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.

**NOTE:** When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle.



#### IV. MEDICAL ATTENTION

- A. Once the scene is safe and as soon as practical, whenever an individual is injured, complains of injury, or requests medical attention, Department members:
  - 1. will immediately request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Office of Emergency Management and Communications (OEMC).
  - 2. may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.
- B. Members will treat injured persons, whether another officer, a member of the public, or a subject, with dignity and respect.

#### V. DUTY TO INTERVENE AND REPORT

- A. **Ensure Compliance.** All Department members are obligated to ensure compliance by themselves and other members with Department regulations, policies, and the law.
- B. **Intervention, Notifying Superiors, Supervisory Intervention.** A Department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. Except in extraordinary circumstances, the member will act to intervene on the subject's behalf. Such action will include, but is not limited to, verbally intervening to try to stop the violation. If the member is a supervisor, he or she will issue a direct order to stop the violation.
- C. **Written Reporting Obligation.** Consistent with the Department directive entitled "[Complaint and Disciplinary Procedures](#)," Department members who have knowledge of the use of force against a subject in violation of this directive will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct.
- D. **Retaliation Prohibited.** The Department prohibits any form of retaliation against a Department member for:
  - 1. reporting a use of force that is allegedly in violation of this directive, or
  - 2. cooperating with any internal investigation of the complaint.

- E. **Accuracy and Candor.** Department members will be responsible at all times:
1. for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members.
  2. for articulating the specific facts to explain the member's own decision to employ a particular use of force.

**VI. DEPARTMENT MEMBER'S BILL OF RIGHTS**

Use of Force investigations remain bound by the involved members' respective collective bargaining agreement(s) and the Department directive entitled "[Department Member's Bill of Rights.](#)"

Kevin B. Navarro  
Acting Superintendent of Police

16-021 MWK

**GLOSSARY TERMS:**

**ADDENDA:**

1. G03-02-01 - Force Options
2. G03-02-02 - Incidents Requiring the Completion of a Tactical Response Report
3. G03-02-03 - Firearms Discharge Incidents Involving Sworn Members
4. G03-02-04 - Taser Use Incidents
5. G03-02-05 - Oleoresin Capsicum (OC) Devices And Other Chemical Agent Use Incidents
6. G03-02-06 - Canine Use Incidents
7. G03-02-07 - Force Review Unit

# Seattle Police Department Manual

Adrian Diaz, Chief of Police

## 8.200 - Using Force

Effective Date: 06/19/2020

### 1. Use of Force: When Authorized

An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See **8.300 - Use of Force Tools**. Once it is safe to do so and the threat has ended, the force must stop.

#### Use of Force Core Principles

**Objectively Reasonable** defined

**Necessary** defined

**Proportional** defined

## 2. Use of Force: When Prohibited

- Officers are prohibited from using neck and carotid restraints in all circumstances
  
- An officer will not use force to punish or retaliate
  
- An officer will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See **5.160 - Observation of Officers**).
  
- An officer will not use force to stop a subject from swallowing a substance that is already in their mouth; however:
  - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to **prevent** a suspect from putting a substance in their mouth
  
- In the event that an officer reasonably believes that a suspect has ingested a harmful substance, officers shall summon medical assistance as soon as feasible.
  
- An officer may not use force to extract a substance or item from inside the body of a suspect.

**Exception:** This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, officers will document any use of reportable force.

# ICAT

## Integrating Communications, Assessment, and Tactics



TRAINING GUIDE  
For Defusing Critical Incidents

CRITICAL ISSUES IN POLICING SERIES

# ICAT

## **Integrating Communications, Assessment, and Tactics**

*A Training Guide for Defusing Critical Incidents*

October 2016



## Note: About this ICAT Training Guide

This report is a summary of the Police Executive Research Forum's Training Guide on Use of Force.

**The complete Training Guide, with all related materials, is available online at [www.policeforum.org/TrainingGuide](http://www.policeforum.org/TrainingGuide).**

The online Training Guide will be a "living document." Over time, as new materials become available, such as police body-worn camera footage of new incidents that illustrate training principles, they will be added to the online Training Guide.

The information and attachments contained in this Training Guide are designed to be used as a guide to the subject matter covered, and should be thoroughly reviewed by your agency's training academy, legal department and policy unit before implementation in your agency. This substantive agency review is to ensure that the material presented or suggested in this Training Guide conforms to and is consistent with your agency's policies, training and legal guidelines. For maximum impact and effectiveness, PERF recommends that the Training Guide be implemented in a comprehensive manner, and not in a haphazard, arbitrary or piecemeal way. Further, PERF cautions against announcing and implementing changes in training before all relevant policies, equipment, and other operational considerations have been updated, as needed, to support the training. Accordingly, PERF shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused or alleged to be caused directly or indirectly by the information, in whole or in part, contained in this Guide.

This publication was supported by the Motorola Solutions Foundation. The points of view expressed herein are the authors' and do not necessarily represent the opinions of the Motorola Solutions Foundation or all Police Executive Research Forum members.

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Members of PERF's Use of Force Working Group—more than 60 training and tactical experts representing more than 30 police agencies and other organizations across the country—outside New York Police Department headquarters, following a meeting with then-Police Commissioner William Bratton. In April 2016, the Working Group spent a week at the New York City Police Academy exploring and discussing the key concepts in this Training Guide.

# Acknowledgments

THE CREATION OF THIS TRAINING GUIDE WAS TRULY A TEAM EFFORT by many people, representing dozens of police agencies at the local, state, federal, and international levels as well as private and nonprofit organizations. Throughout this process, we learned from dedicated police professionals *at all ranks*—from police officers to police chiefs—who brought expertise in such diverse areas as tactics, crisis intervention, negotiations, lethal and less-lethal weapons, officer safety and wellness, and training and curriculum development.

We are especially indebted to the nearly 70 individuals who devoted a week of their time in April 2016 to work with us at the New York City Police Academy (see the Appendix for a list of participants). This working group engaged in intense, sometimes heated, but always productive discussions about the content, organization, and presentation of this Training Guide. Their ideas and expertise helped to shape this publication. Our goal was to help police agencies build training programs that will be helpful and meaningful to front-line patrol officers, because they are the ones who most often respond to the challenging and often dangerous calls that are the focus of this guide.

Special thanks go out to recently retired New York City Police Commissioner William Bratton, his successor James O’Neill, First Deputy Commissioner Benjamin B. Tucker, Chief of Staff Kevin Ward, and the entire command staff of the NYPD. Whenever PERF asked for assistance and support throughout this project, they answered the call. Deputy Chief Theresa Tobin and Assistant Chief Terry Shortell were instrumental in making arrangements for our use of the Police Academy for the week-long working group meeting in April, as well as a follow-up day of videotaping at the Academy in July. The men and women of the NYPD Emergency Service Unit have been particularly supportive in helping us understand how the specialized training and tactics that the ESU employs can be applied to patrol officers. We are deeply indebted to Deputy Chief Vincent Giordano, Deputy Inspector Matthew Galvin, Lieutenant Sean Patterson, Sergeant John Flynn, Officer Robert Zajac, Officer Steve Stefanakos, Detective Jim Shields, Officer Kimberly Zarrilli, and their ESU team. Special thanks also go to Detective Jose Otero, who sets the standard for the critically important job of playing the roles of people with disabilities, mental illnesses, or other conditions that can cause them to behave erratically and sometimes dangerously, in the realistic scenario-based training that is at the heart of this guide. We are also indebted to Lieutenant Mark Turner and Detectives Jeff Thompson and Jim Shanahan, who taught us so much about

crisis intervention, communications, and negotiations, and how patrol officers can apply those skills as well.

We are also grateful to the individuals who reviewed an early draft of this Training Guide: Assistant Chief Pam Davis, Anne Arundel County, MD Police; Assistant Commissioner Tatum Fox, Nassau County, NY Police; Sergeant Dan Nelson, Seattle Police; Deputy Assistant Director Ariana Roddini, Federal Law Enforcement Training Center; Detective Jeff Thompson, New York City Police; Laura Usher, National Alliance on Mental Illness; and from Police Scotland, retired Chief Constable Stephen House, Superintendents Alan Gibson and Kirk Kinnell, and Sergeant James Young.

Following peer review of this guide, six police agencies stepped forward to serve as pilot sites for presenting this training to classes of their officers. I am thankful to the chief executives and training staffs of the following agencies: the Bay Area Rapid Transit (BART) Police Department; the Burlington, VT Police Department; the Camden County, NJ Police Department; the Daytona Beach, FL Police Department; the Houston Police Department; and the Prince William County, VA Police Department. These departments provided valuable, real-world feedback on how our materials work in the classroom.

This Training Guide also benefited from the hard work, insights and experience of two individuals who were part of the April working group session in New York City—and then stayed deeply involved in the project over the next six months. Sergeant Bryan Hubbard of the Oakland, CA Police Department, and Michael Schlosser, Director of the Police Training Institute at the University of Illinois at Urbana-Champaign, volunteered countless hours of their time to drafting and reviewing materials, challenging our thinking, and offering practical insights and suggestions. Along with retired Deputy Chief Howard Lodding of the Chicago Police Department, a consultant on the project, Bryan and Mike provided guidance and support at every stage of this process.

Of course, none of our work would have been possible without the continued generous support of the Motorola Solutions Foundation. This is the 31st report in the Critical Issues in Policing Series, which has been supported solely by Motorola for nearly two decades. Just since 2014, the Motorola Solutions Foundation has supported four projects, resulting in four reports, that serve as the foundation of this training guide.<sup>1</sup> Motorola also helped us see this project through to its practical next step: the creation of this Training Guide. Motorola supported the April working group session at the NYPD and a meeting with officials from the six pilot sites that tested this training. In addition, Motorola supported PERF's work in observing the pilot training at each agency, so that we could gather quantitative and qualitative feedback that guided the final product.

Thanks go to Jack Molloy, Motorola's Senior Vice President for Sales, North America; Jim Mears, Senior Vice President; Gino Bonanotte, Executive Vice President and Chief Financial Officer; Cathy Seidel, Corporate Vice President,

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1. *Defining Moments for Police Chiefs; Re-Engineering Training on Police Use of Force; Advice from Police Chiefs and Community Leaders on Building Trust; and Guiding Principles on Use of Force.* Available at <http://www.policeforum.org/free-online-documents>.

Government Relations; Matt Blakely, Director of the Motorola Solutions Foundation; and Rick Neal, retired Vice President at Motorola Solutions and now President of the Government Strategies Advisory Group, who continues to assist us with these projects. We are also most grateful to Motorola Solutions Vice President James Munro and Vice President David White, who came to the NYPD Police Academy for our Working Group session.

Finally, I want to thank the talented and dedicated PERF staff. Our work on use-of-force issues has been a top priority for PERF for the past two years, as one of the most important challenges we have addressed in our 40-year history. Development of this Training Guide was an “all-hands-on-deck” undertaking. In addition to organizing meetings, compiling and reviewing materials, and working with dozens of collaborators from across the country and internationally, PERF staff built and tested this Training Guide from the ground up.

Kevin Morison, Director of Program Management, demonstrated phenomenal skill in directing the entire project and developing the Training Guide materials. Kevin and Communications Director Craig Fischer drafted and produced this report. Tom Wilson, Director of Applied Research and Management, was instrumental in content development and organization of the Training Guide, drawing upon his 24-year career with the Anne Arundel County, MD Police Department. Communications Coordinator James McGinty assisted in countless ways, including creating and managing key content—video, audio, and print—for our planning meetings. James also spearheaded the launch of the online Training Guide on our website, and served as an observer at one of the pilot training sites. Research Assistant Matt Harman oversaw logistics and planning for the April 2016 working group meeting and was the on-site staff coordinator in New York City. Research Assistant Sarah Mostyn oversaw logistics and planning for our August meeting with representatives from the six pilot sites. Research Associate Rachael Arietti oversaw development of the Course Feedback Form used by the pilot sites, and the collection and analysis of the feedback we received, with assistance from Christine Litten. Sarah, Rachael and James all assisted with preparations for the working group meeting in New York.

This project had many moving parts, and my Executive Assistant, Soline Simenauer, continued to keep me on track, providing exceptional administrative and planning support. My Chief of Staff, Andrea Luna, provided vital project direction and budget management, in her role of overseeing the entire Critical Issues in Policing series. She also observed and reported on one of the pilot site trainings. PERF’s graphic designer, Dave Williams, produced this report—another attractive and easy-to-read publication.

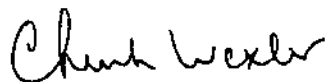
Special thanks also go to Richard Herard, who provided excellent videotaping and editing support for the online Training Guide. Richard’s “day job” is as a detective with the Anne Arundel County, MD Police Department.

**The report you are holding (or reading online) provides an overview of PERF’s latest work on improving training on police use of force and, as a result, on strengthening police-community relations.**

**However, the real power of this initiative lies in the various materials that make up the online Training Guide. The online ICAT Training Guide**

**is far more detailed than this report, and it includes links to training videos and other materials. Please to to [www.policeforum.org/TrainingGuide](http://www.policeforum.org/TrainingGuide) to review the Training Guide resources we have created.**

If you are a police chief, training director, or otherwise are involved in training of police officers, this ICAT Training Guide will show you how you can incorporate our materials into your own training programs. I am convinced that by working together and providing our police officers with more and better training in this vital area, we can save lives—and we can save officers' careers and advance their well-being as well.

A handwritten signature in black ink that reads "Chuck Wexler". The signature is written in a cursive, flowing style.

Executive Director  
Police Executive Research Forum  
Washington, D.C.

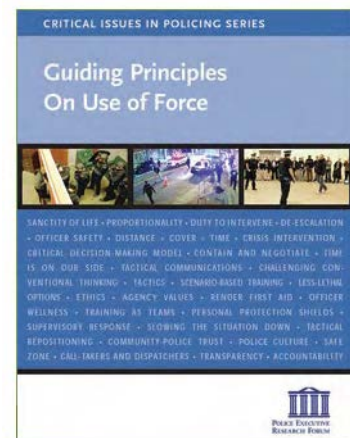
# Introduction: Filling a Critical Gap in Training

By Chuck Wexler

SINCE 2014, THE POLICE EXECUTIVE RESEARCH FORUM (PERF) HAS been studying developments regarding police use of force, particularly with respect to officer safety and the safety of the people they encounter, and the impact of these issues on police-community relationships. While PERF's research and policy development on use-of-force issues go back decades,<sup>2</sup> our recent efforts have followed a series of highly publicized police use-of-force incidents across the country, many of them captured on video and some resulting in large-scale protests and demonstrations.

There is a growing realization among leaders of the policing profession and members of the public that, in many communities, police use of force has become a critical issue that is setting back community-police relations and may even be impacting public safety and officer safety. It was clear that additional research and new ways of thinking about police use of force were needed, and PERF members and PERF as an organization stepped forward to fill that need.

PERF has convened several national conferences and working groups of police officials from the across the country on these issues. We also have conducted survey research and field visits in the United States and internationally, and have published a series of reports detailing our work. Our most recent publication, *Guiding Principles on Use of Force*, presents 30 recommended best practices in the key areas of use-of-force policy, training and tactics, equipment, and information needs.<sup>3</sup> This ICAT Training Guide should be used in conjunction with the *Guiding Principles* report.



## A Critical Need for Training on Certain Types of Encounters

Throughout our research on use of force, one critical issue surfaced repeatedly—the need for better and more consistent training of police officers.

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2. See, for example, the groundbreaking study, *Deadly Force: What We Know* (1992). Police Executive Research Forum.

3. *Guiding Principles on Use of Force*, Police Executive Research Forum. 2016.  
<https://perf.memberclicks.net/assets/guidingprinciples1.pdf>

Specifically, we found that *training is lacking in many departments for front-line patrol officers about how to respond to a particular set of circumstances, namely:*

- A person is behaving erratically and perhaps dangerously;
- The person's behavior is often the result of mental illness, drug or alcohol abuse, post-traumatic stress disorder, intellectual disabilities, developmental disabilities, or conditions such as autism that may *limit the person's ability to understand or respond rationally to a police officer's orders*;
- The person either is *unarmed or has a weapon other than a firearm*, such as a knife, baseball bat, or rocks.

It is the police response to these types of circumstances that have raised the most questions about police training and practices on use of force. Few people second-guess an officer's decision to use lethal force against a criminal or a suspect who is armed with a firearm and is threatening the officer or the public. But incidents involving persons who are *not* armed with a firearm, and who come to the attention of the police because of their mental illness or other condition, not because they have committed a crime, are receiving closer scrutiny.

**In these types of incidents, officers should be trained in a wider array of options, including opportunities to “slow the situation down” in order to avoid the need for use of force.**

**These incidents are the focus of this Training Guide.**

## **It's Unfair to Blame Officers for Doing What They Were Trained to Do**

In our discussions with police officials at all ranks, PERF heard that officers often do not have the training that would equip them with options (and alternatives to deadly force) in these types of non-firearms encounters. Use of lethal force in these incidents can have far-reaching implications for everyone involved: the person in the encounter, the officer, the police department, and the entire community.

**In researching this issue, PERF has emphasized that it is unfair to blame individual police officers for using force in the ways they have been trained to use it.** Our research revealed major shortcomings in the training that most officers currently receive. For example, a 2015 nationwide survey of PERF members found that recruit officers in responding agencies receive substantial training on firearms and defensive tactics, which is appropriate given the firearms threats that officers in the United States face. However, officers receive considerably less training on subjects such as de-escalation, crisis intervention, tactical communications, and less-lethal options such as Electronic Control Weapons (ECWs). A similar imbalance was noted with in-service training.<sup>4</sup>

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4. The survey findings are summarized in the PERF report, *Re-Engineering Training on Police Use of Force* (2015), <http://www.policeforum.org/assets/reengineeringtraining1.pdf>, pp. 11–12.

This ICAT Training Guide provides new options to traditional approaches to police use of force.

Our research also documented how outdated concepts such as the “21-foot rule,” “drawing a line in the sand,” and never backing away from a threat or repositioning continue to permeate police culture and practice. In some cases, these outdated concepts are presented to recruits in the police academy; in other departments, they are not formally presented but they are discussed by Field Training Officers or generally within the profession, and they continue to influence the actions and behavior of officers.<sup>5</sup>

Compounding the challenges for today’s police officers are increased workloads and complexity caused by the failures of other social service systems, including mental health care, education, public health, and others. While the exact percentage of police encounters that involve people with mental illness is difficult to measure, one study estimated that in the police departments of U.S. cities with populations greater than 100,000, approximately 7% of all police contacts, both investigations and complaints, involve a person believed to have a mental illness.<sup>6</sup>

More recent research suggests that the percentage of time officers spend on situations involving people with mental illness has increased in recent years, as community mental health services have shrunk.<sup>7</sup> In addition, many of these contacts involve subjects who may also be under the influence of drugs or alcohol.

Given how volatile and potentially dangerous these situations can be, first-responding police officers face considerable challenges in trying to maintain the safety of everyone involved, peacefully resolve the incident, and avoid reaching the point where deadly force becomes an option.

Police agencies and their leaders can work to increase the options and tools that are available to their first-responding patrol officers. Agencies can train officers on how to use those options and tools safely and effectively. When agencies focus on increasing options and providing training, both the officers and the communities they serve are safer. Community trust in the police increases, and community willingness to engage with officers in community policing also grows.

## Filling the Gap in Training

**The ICAT Training Guide attempts to fill the gap in training for these types of dynamic and potentially dangerous encounters. It presents model lesson plans and support materials (including PowerPoint presentations, video recordings of use-of-force incidents, and other resources) in the key areas of decision-making, crisis recognition and response, tactical communications**

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5. See *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <https://perf.memberclicks.net/assets/guidingprinciples1.pdf>, pp. 19–22.

6. Deane, Martha; Steadman, Henry J.; Borum, Randy; Veysey, Bonita; Morrissey, J.P. “Emerging Partnerships Between Mental Health and Law Enforcement.” *Psychiatric Services* Vol. 50, No. 1 January 1999: pp.99–101. <http://ps.psychiatryonline.org/doi/full/10.1176/ps.50.1.99>

7. Biasotti, Michael C. “Management of the Severely Mentally Ill and Its Effects on Homeland Security.” Thesis: Naval Postgraduate School, Monterey, California. 2011. <http://mentalillnesspolicy.org/crimjust/homelandsecuritymentalillness.pdf>



**and negotiations, and operational safety tactics. The guide integrates these skills and provides opportunities to practice them through video case studies and scenario-based training exercises.**

In recent years, a number of police agencies have launched large-scale training programs focused on crisis intervention, de-escalation, and less-lethal options. In putting together this guide, PERF staff relied on the insights and materials of leading agencies and their training professionals from across the country.

Throughout this research, PERF has involved training experts of all ranks from dozens of local, state, and federal police agencies throughout the country.<sup>8</sup> Most recently, in April 2016 PERF assembled a working group of more than 60 training professionals representing more than 30 local and state law enforcement agencies from across the country, plus Police Scotland<sup>9</sup>, for a week-long session at the New York City Police Academy.<sup>10</sup> Top officials from the Federal Law Enforcement Training Center and DHS Customs and Border Protection also participated, along with representatives of the National Alliance on Mental Illness and the Police Training Institute at the University of Illinois.

PERF's April 11–15, 2016 meeting included officers, sergeants, lieutenants, captains, commanders, and higher-ranking officials. They brought a diverse set of skills and expertise, including crisis intervention, negotiations, tactics, firearms and less-lethal weaponry, and curriculum design and development. The working group reviewed the proposed outline and presentation of this Training Guide, and offered feedback, suggestions, and continued assistance. And

NYPD Emergency Service Unit officers demonstrate communication skills and safety tactics in a scenario-based training exercise at the NYPD Police Academy.



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8. For a review of PERF research on use of force over the past two years, see *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 8-13.

9. Police Scotland has contributed expertise to PERF's research for this Training Guide, because the overwhelming majority of Scottish officers do not carry firearms, so they have become expert in de-escalating and resolving the types of incidents that are the subject of this Guide.

10. See Appendix to this report for a list of participants at the April 2016 working group meeting.

NYPD officials conducted demonstrations of their scenario-based training in many of the concepts that were incorporated into the PERF Guiding Principles.

In addition, the working group participants provided PERF staff with many of their agencies' lesson plans and supporting documents in the areas covered in the Training Guide. In developing the model lesson plans included here, PERF reviewed hundreds of documents submitted by more than a dozen participating agencies. Some of these agencies have dramatically overhauled their use-of-force policies, practices, and training in recent years, and PERF was able to benefit from the work these agencies have done. In addition, members of the New York City Police Department staged a scenario-based training exercise during the working group session, which provided a model for the scenarios that are included in this guide.

**This guide focuses on the unique training needs of first-line officers, who are usually the first to respond to volatile situations that involve subjects behaving erratically. The guide integrates these components into a cohesive training program that promotes the safety of the public, the officers, and the involved subjects.**

## Focus of the ICAT Training Guide

This guide is focused on the following key areas:

**Patrol officers.** In almost every instance involving a subject acting erratically and dangerously, the first police personnel on the scene are front-line patrol officers—"beat cops." Supervisory personnel and more specialized units such as SWAT, emergency services, Crisis Intervention Teams (CIT), K9 teams, and hostage negotiators often are called in as the situation develops. This is a best practice, and this Guide recommends calling in additional resources to help de-escalate situations.

**But in the critical first few minutes, often it is up to the responding patrol officer or officers to manage the situation. This ICAT Training Guide is designed to provide those officers with more options and additional tactical and communications skills to safely and effectively manage those situations and resolve conflicts peacefully whenever possible. In many instances, the goal is to buy enough time until additional, specialized resources can get to the scene.**

**Non-firearms incidents.** Like PERF's 30 Guiding Principles report, the ICAT Training Guide is not focused on situations where police officers encounter offenders with firearms. As the *Washington Post* found in its Pulitzer Prize-winning project detailing the circumstances of the 990 fatal officer-involved shootings in 2015 that it identified, incidents in which an offender was shooting or pointing a gun at officers or someone else accounted for the majority of the fatal police shootings.<sup>11</sup> In these situations, officers generally have limited options besides deadly force for stopping that threat.

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11. <https://www.washingtonpost.com/graphics/national/police-shootings-year-end/>

However, the *Washington Post* also found that in 2015 there were several hundred fatal officer-involved shootings that did *not* involve subjects with firearms. Incidents in which subjects had knives (16%), were unarmed (9%), or were trying to use a vehicle as a “weapon” (5%) accounted for approximately 300 fatal shootings in 2015. Furthermore, in approximately 25 percent of the 990 fatal police shootings, the subject displayed signs of mental illness.

Of course, some of these non-firearms situations involve serious imminent threats to police officers or others, and the officers may have had little choice but to take immediate steps to stop the threat, including the use of deadly force. But in many of these non-firearms situations, officers have time and opportunity to consider other options. Helping officers effectively and safely manage these types of encounters is the focus of this Training Guide.

**Integration of crisis recognition/intervention, communications and tactics.** PERF’s research found that in recent years, a growing number of police agencies have been providing their officers with specialized training on how to interact with persons who are in crisis because of mental illness or other conditions. The Crisis Intervention Team (CIT) training program has become a model in this area, and in cities that have embraced the CIT concept, positive results are occurring.<sup>12</sup> Other agencies have developed their own training curricula that, like CIT, focus on crisis recognition (teaching officers how to recognize the nature of a situation and the factors that may be contributing to the subject’s behavior), intervention, and communications.

**While these efforts are important and promising, PERF also found that there is often a gap between crisis intervention and communications on one hand, and on the other hand, tactics. In many of the officer-involved shootings that PERF reviewed, we found that officers on the scene had been trained in CIT. However, CIT is mainly about communications. So when a situation turns dynamic, officers may forget or downplay their CIT communications skills and instead resort to the basic defensive tactics they had been trained in.**

In other words, officers in some cases may use deadly force when other options might have been available because of the gap between communications training and tactical training.

*For PERF, the takeaway is that crisis intervention training is important and necessary, but it is not always sufficient to produce the best outcomes in situations involving people who have a mental illness or are otherwise in crisis and are behaving erratically or dangerously, but are not brandishing a firearm. Tactical skills are also necessary. What ICAT does is bridge that gap.*

**Crisis recognition and response, tactical communications, and operational safety tactics must be integrated in both training and field operations. This Training Guide provides such an integrated approach to training for incidents in which the subject is not threatening anyone with a firearm. The guide presents this integrated approach within the context of a Critical**

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12. See, for example, *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 58–59, which documents the progress being made in Seattle.

**Decision-Making Model that is designed to help officers develop and think through their options in these situations.**

This Training Guide also presents a number of “micro-skills,” especially in the area of tactical communications. For example, the guide explores useful and effective alternatives to repeatedly shouting “Drop the knife!” at persons who are not complying—in many cases, because they are suffering a mental health crisis and cannot understand or process the commands.

**Officer safety and wellness—physical, emotional, legal.** This Training Guide is centered on PERF’s Guiding Principle #1: “The sanctity of human life should be at the heart of everything an agency does.” As PERF said in the Guiding Principles report, “Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.”

Protecting officers from physical threats and harm lies at the heart of all of PERF’s work, not just on use of force but on other issues as well. Whether the topic has been handling mass demonstrations, using Electronic Control Weapons (ECWs), or reducing officer fatalities through the negotiation of mandatory-wear policies for body armor and motor vehicle seat belts, PERF has focused on policies and practices that protect officers from danger.

PERF’s *Guiding Principles on Use of Force* and this Training Guide continue that focus, and expand it to include officer safety and wellness from an emotional and legal standpoint as well. In recent years, police agencies have begun to dedicate attention and resources to the mental and emotional well-being of officers with regard to use of force and other issues. The San Diego Police Department stands out as a leader in this area.<sup>13</sup>

**At its core, this ICAT Training Guide is focused on protecting officers in non-firearms incidents in terms of physical safety as well as wellness. This is accomplished by equipping officers with the tools and techniques needed to slow down some situations, and provide additional specific options for safely resolving them. The goal is to help officers avoid reaching the point where their lives or the lives of others become endangered and the officers have no choice but to use lethal force.**

In addition to protecting officers from physical harm, providing officers with more options can minimize the risk of emotional turmoil and legal and media scrutiny that accompany most officer-involved shootings, even those that are clearly appropriate and necessary. This Training Guide is intended to help officers stay out of harm’s way physically and to protect their emotional well-being, their family lives, and their careers.

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13. See *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 23–24. The San Diego Police Department also received the 2016 Agency Officer Wellness award from the National Law Enforcement Officers Memorial Fund: <http://www.nleomf.org/newsroom/news-releases/national-officer-safety-and.html>.

## Approaches to Promoting Officer Safety and Wellness Following an Officer-Involved Shooting

Recognizing that involvement in a police shooting can have detrimental and lasting effects on officers, participants at PERF's April 2016 working group meeting of police training professionals discussed how their agencies are promoting officer safety and wellness in the aftermath of these incidents. Here are some of the ideas that were presented:

**Mandatory wellness visits.** Most agencies mandate that officers involved in a shooting or other critical incident see medical professionals promptly. The Las Vegas Metropolitan Police Department maintains doctors on staff and requires that officers have regular contact with them. Similarly, the Washington, D.C. Metropolitan Police Department mandates days off to see a clinical psychologist.

**Follow-Up Visits.** In Miami Beach, officers have follow-up wellness visits at 3, 6, and 12 months following an incident. Multiple visits are required because circumstances and emotions can change over time.

**Peer support.** Several agencies maintain peer support groups. Officers who have experienced the aftermath of an officer-involved shooting are often in the best position to understand the feelings that fellow officers are experiencing, to help them cope, and to provide referrals to additional resources. In New York City, the peer support structure has been formalized outside the agency. In 1996, various police unions came together to create Police Organization Providing Peer Assistance (POPPA), a private, volunteer peer support group.<sup>14</sup> Moving this function outside the department created a confidential, safe, and supportive environment for officers and their families to discuss a range of issues.

**Addressing “collateral stress.”** Recognizing that the partners of officers involved in shootings and other officers on the scene may be impacted, the Madison (WI) Police Department created a program in which the department reaches out every six months to all officers who were on the scene, to help ensure their safety and well-being.

**Keeping officers informed.** Several participants noted that for many officers, one of the most stressful aspects of being involved in a shooting is not knowing the status of the legal and administrative review processes. Many agencies have dedicated department liaisons who are tasked with updating officers on their cases. In Nassau County, NY, two supervisors respond to all critical incidents: one is responsible for the investigation; the other is responsible for serving as a liaison for the officer involved. Often, agency Wellness Center personnel also respond to scenes and can make appropriate referrals to the employee assistance program right away.

**Seizing training opportunities.** Some agencies, such as the Washington, DC Metropolitan Police, have their Academy personnel respond to the scenes of some critical incidents. They use information gathered at the scene (which increasingly includes body-worn camera footage) in order to examine, from a training perspective, the tactics and decision-making that officers used. If better approaches are identified, they can be addressed in future lesson plans. If there are immediate officer safety implications, agencies work to get training bulletins and other information out immediately. In New York City, this is being accomplished quickly and comprehensively through text and video distributed through the smartphone technology that has been issued to officers.

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14. <http://poppanewyork.org/>

## The ICAT Mission Statement

ICAT is anchored by the following mission statement and broad training goals:

### Mission Statement

Patrol officers will learn to safely and professionally resolve critical incidents involving subjects who may pose a danger to themselves or others but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm are the cornerstones of ICAT.

### Training Goals

- Reinforce with patrol officers the core ideal of sanctity of human life—the need to protect themselves, members of the public and, whenever possible, criminal suspects and subjects in crisis from danger and harm.
- Promote public safety and officer safety by learning and integrating skills and strategies related to decision-making, crisis recognition, tactical communications, and safety tactics.
- Provide patrol officers with the skills, knowledge, and confidence they need to assess and manage threats, influence behavioral change, and gain voluntary compliance whenever possible in dynamic and dangerous situations.
- Provide patrol officers with a decision-making model that is intuitive, practical, and effective for safely resolving non-firearms critical incidents and for documenting and explaining actions after the fact.
- Provide patrol officers with basic skills needed to recognize individuals in crisis and to approach and attempt to engage them in a safe and effective manner.
- Provide patrol officers with key communications skills needed to safely engage with, de-escalate, and gain compliance from subjects who are in crisis and/or non-compliant.
- Reinforce with patrol officers effective tactical approaches and teamwork skills needed to safely resolve incidents.
- Provide patrol officers with realistic and challenging scenario-based training which focuses on recognition of persons in crisis, tactical communication, and safe tactics as part of an overall, integrated de-escalation strategy.

## How the ICAT Training Guide Was Created

This Training Guide is the next step in PERF's work on use-of-force reforms. Following the publication of *Guiding Principles on Use of Force* in March 2016, PERF assembled a Working Group of more than 60 professionals representing law enforcement agencies and other organizations from across the country (see Appendix, page 60, for a list of participants). The Working Group met in New York City on April 11–15 to discuss the key concepts, review an early draft of this Training Guide, and work on scenarios for the scenario-based training described herein.

PERF then completed a draft of this Training Guide, which was reviewed by a panel of 10 policing experts from across the country. The draft was updated and refined.

Finally, PERF obtained the assistance of police agencies in six jurisdictions for “pilot-testing” of the training. The pilot sites were the Bay Area Rapid Transit Police Department; the Burlington, VT Police Department; the Camden County, NJ Police Department; the Daytona Beach, FL Police Department; the Houston Police Department; and the Prince William County, VA Police Department. These training sessions, based on the key elements of this Training Guide, were conducted in August and September 2016. PERF obtained quantitative and qualitative feedback about the training from police officers and instructors in these six departments, and that feedback is reflected in this final report.

**The online version of the ICAT Training Guide, which can be found at [www.policeforum.org/TrainingGuide](http://www.policeforum.org/TrainingGuide), is more detailed than this summary report, and will continue to be updated and expanded over time.**



Commissioner William Bratton addressed the April 2016 Working Group meeting at the NYPD training academy in which 60 officials from all ranks at more than 30 local, state, and federal law enforcement agencies reviewed and commented on a draft of PERF's training guide. Participants also witnessed scenario-based training exercises conducted by NYPD personnel to demonstrate the elements of the training.

# How to Use This ICAT Training Guide

PERF HAS LABELED THIS DOCUMENT THE ICAT TRAINING GUIDE (AS opposed to a “lesson plan” or “curriculum”) for a reason. This report provides a new approach to incidents that in the past have sometimes ended with a use of force by police, but which in many cases could potentially be resolved peacefully if officers had better options for assessing the situation and using specialized communications skills and tactics to “slow the situation down,” while protecting their own safety and public safety.

Because some police agencies and training academies already have curricula on topics like crisis intervention, communications, tactics, and decision-making, it may not be possible to simply drop this ICAT Training Guide into an existing training program. Elements of this Training Guide may duplicate certain aspects of a police department’s current training, or in other cases, parts of this Training Guide may contradict existing policy or training. Thus, each agency should review the six Modules of this Training Guide, and decide how to merge new concepts with existing training, or to make adjustments as necessary.

And although the lessons in this ICAT Training Guide are especially pertinent to critical incidents involving subjects who are not armed with a firearm, some of the concepts, approaches, and techniques presented here can also be applied to certain situations in which firearms may be present. For example, if a barricaded subject has a firearm but is not actively shooting or pointing the weapon at an officer or someone else, the same elements covered in this Training Guide—good decision-making, effective communications, officer safety issues, and sound tactics—are still critical parts of a safe and effective response.

This Training Guide will be most effective in agencies and training academies that have reviewed and embraced the 30 guiding principles on use-of-force policy, training and tactics, equipment, and information exchange that are contained in PERF’s 2016 report, *Guiding Principles on Use of Force*.<sup>15</sup> That 127-page document provides the context, supporting research, and commentary by

The complete Training Guide, with links to training videos and other materials, can be accessed online at [www.policeforum.org/TrainingGuide](http://www.policeforum.org/TrainingGuide).

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15. <http://www.policeforum.org/assets/guidingprinciples1.pdf>





At PERF's April 2016 meeting, NYPD officers demonstrated effective approaches for handling a situation in which a woman called police to report that her son is "off his meds," is refusing to cooperate, and is waving a baseball bat.

leading police executives and other experts about how the Guiding Principles and this Training Guide were developed and how the two documents complement each other.

## ICAT Is Flexible and Adaptable

PERF encourages police agencies and training academies to be creative in how they choose to use this Training Guide.

Some agencies and academies may decide to present the Training Guide materials as a *stand-alone training program* for the types of situations described above, in which patrol officers encounter a person behaving erratically, possibly because of a behavioral crisis, who is either unarmed or armed with a weapon other than a firearm.

Other agencies or academies may choose to incorporate the modules in this Training Guide into existing training programs on de-escalation, tactical communications, or crisis intervention. Still others may want to take elements of individual modules and create their own lesson plans. This Training Guide is designed to accommodate these and other approaches.

ICAT can be used to support recruit training, in-service training, or both. Again, it will be up to individual agencies and academies to determine how to best integrate this material into their overall training strategies and approaches.

One of the key points raised by the training experts that PERF consulted in the development of this guide<sup>16</sup> is that many skills—in particular, tactical communications skills—are perishable and need to be reinforced and practiced on a regular basis. This guide can be used to provide officers with regular "training booster shots" in a number of areas. Elements of this training can be reinforced during roll call or team training exercises.

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16. See "How The ICAT Training Guide Was Created," page 14.

## Menu of ICAT Training Modules

This Training Guide is presented in six modules:

**Module 1: Introduction.** This module explains the purpose and focus of the training, emphasizing that public safety and officer safety lie at the heart of the entire Training Guide.

**Module 2: Critical Decision-Making Model (CDM).** This module discusses the importance of critical thinking and decision-making for officers responding to the types of incidents that are the focus of this Training Guide. It presents the Critical Decision-Making Model as a training and operational tool for agencies to structure and support officers' decision-making.

**Module 3: Crisis recognition and response.** This module provides basic information on how to recognize individuals who are experiencing a behavioral crisis caused by mental illness, drug addiction, or other conditions. It also provides techniques on how to respond to such individuals and initiate communications with them.

**Module 4: Tactical communications.** This module provides more specific and detailed instruction on communicating with subjects who are agitated and initially non-compliant. It focuses on key communications skills, including active listening and non-verbal communication, that are designed to help officers manage these situations and gain voluntary compliance.

**Module 5: Operational safety tactics.** Using the Critical Decision-Making Model as the foundation, this module reviews critical pre-response, response, and post-response tactics to incidents in which a person in behavioral crisis is acting erratically or dangerously but is not brandishing a firearm. It emphasizes concepts such as the "tactical pause"; using distance and cover to create time; using time to continue communications, de-escalate heightened emotional responses, and bring additional resources to the scene; tactical positioning and re-positioning; and teamwork.

**Module 6: Integration and practice.** This module pulls the preceding modules together. Using video case studies and scenario-based exercises, it gives officers additional opportunities to practice the concepts and skills learned throughout the training.

These modules, and the material within each module, are presented in a recommended sequence. However, it is not required that the material be delivered in this exact order or format. An agency or instructor may feel it beneficial to transition between modules to more closely represent recent events or challenges particular to the operational environment for that agency.

## Different Training Methods for Visual, Auditory and Kinesthetic Learners

ICAT utilizes both lecture/discussion-based training and practical instruction. As such, the guide attempts to accommodate the three basic types of adult

learners: visual, auditory, and kinesthetic. Because traditional, lecture-based classes do not provide kinesthetic learners with an avenue to easily retain the information presented, the guide includes multiple hands-on activities. In addition, some individuals do not have a single learning style. For example, visual/kinesthetic learners will retain more information if it is presented across the two different learning styles. The Training Guide is designed for these types of learners as well.

The material is presented in a basic lesson plan format that should be familiar to police trainers. It is also designed for agencies and academies to customize the modules to match their own policy considerations, training philosophies, state-level requirements, and available training resources.

## Course Goals and Learning Objectives

For each module, the Training Guide specifies course goals and specific learning objectives. The guide also provides suggestions about the amount of time that should be devoted to each module, based on the material presented and recommended exercises. However, individual agencies or academies can adjust the material and the amount of time used to cover it.

**Lectures and discussions:** Each module includes an outline of suggested material to cover during lectures and class discussions. This material is not tightly scripted; rather, individual instructors will be expected to provide additional context and depth to the major learning points that are included. To assist instructors, the guide includes “Instructor Notes” that provide additional explanation and resources. Again, agencies and academies should add to these notes as appropriate.

**Suggested Power Point:** To support the lectures and class discussions, the Training Guide includes a Power Point presentation for each module. Use of the Power Point files is recommended, but optional. Agencies and academies should customize the presentations to fit their training requirements and philosophies. The format of the Power Point slides is simple, allowing agencies or academies to insert their own logos or other training information, as appropriate.

**Video case studies:** The Training Guide includes several video case studies that illustrate and amplify the material presented in the various modules. The modules include suggested questions and discussion points for each video case study. Instructors should feel free to augment these discussion points or introduce different or additional videos that cover the same learning objectives as those included in the Training Guide.

**Scenario-Based Training (SBT):** This guide also includes several scenario-based training exercises. These exercises are presented in two ways: as written scripts and as videos of the recommended scenarios. The scripts are intended to help agencies and academies create and run their own SBT exercises. They provide the background on the scenario and guidance to the role players, as well as key discussion and learning points for the instructors to use. The SBT



videos can be used in one of two ways. For agencies and academies that want to run their own live SBT exercises, the videos offer a visual guide in how to structure and stage the exercises. For agencies and academies that may not be able to run their own SBT exercises, the videos can be used as case studies to illustrate the same discussion points and learning objectives. It should be noted, however, that to most effectively reach different types of adult learners, running actual scenarios is recommended.

Local police officers from various ranks in 30 agencies discussed the organization and content of this Training Guide at the NYPD training academy.

## Consider Stepping Outside the Regular Training Academy Structure

The training experts who have advised PERF on this Training Guide emphasized that selecting the right instructors to deliver this type of training is critically important. Some agencies that have rolled out new use-of-force training have decided to go outside their traditional academy structure, and use trusted individuals within their agencies, as well as community leaders or outside experts in some cases. When training challenges conventional thinking and presents innovative new ideas and approaches, it is essential to have trainers who endorse the new approach and who are trusted and respected by members of the organization.

That is the blueprint the Camden County, NJ Police Department followed in rolling out its “Ethical Protector” training—a department-wide initiative that stresses de-escalation, tactical communications, and the sanctity of human life. Rather than simply assigning the new training to regular training personnel, the department identified and recruited approximately 20 informal leaders within the agency. These were people who, regardless of rank, assignment, or patterns of experience, were well known and widely respected by fellow officers. The department provided those personnel with intensive train-the-trainer instruction on the Ethical Protector philosophy and program. These mentors then delivered the Ethical Protector training to the entire department. Department leaders and rank-and-file officers have attributed the effectiveness of the training to this unconventional approach.

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>> *continued on page 23*

## Some Tips and Techniques for Conducting Scenario-Based Training

The training experts who have assisted PERF in the development of this Training Guide emphasized the importance of scenario-based training (SBT) for police officers. They said SBT is particularly important for the subject of this training: patrol officers responding to an agitated subject, possibly in crisis, and either unarmed or possessing a weapon other than a firearm. These situations are dynamic, potentially dangerous, and require a mix of communications, tactical, and decision-making skills. SBT provides opportunities for officers to practice and demonstrate proficiency in all of those skills sets, in a realistic, hands-on, and sometimes stressful environment.

### What is scenario-based training? (Also referred to as reality-based training, or RBT)

The Dallas Police Department, which helped to pioneer the concept with the creation of a dedicated Reality Based Training Team in 2006, provides this definition:<sup>17</sup>

*Reality Based Training is training that places the student into a setting that simulates a real-life encounter, in order to test his/her ability to respond to an incident while acting within the law and departmental policy. RBT allows a student to experience various situations under stress before they reach the street and experience them for real. The student can experience these situations while in a safe/sterile environment.*

SBT is designed to complement, reinforce, and extend the other training methods that are used here and in other training. The Dallas Police Department presents the following learning continuum, emphasizing the advantages of RBT, or SBT:

### Reality Based Training

Advantage of RBT's hands on approach compared to other styles of training:

**I hear it, I forget-** Lectures, Speeches

**I see it, I remember-** Power Point Lectures, Visual Demonstrations

**I do it, I understand-** Reality Based Training, Hands On Approach

### Building officers' skills and confidence

Training experts emphasize that while effective SBT exercises inject physical and mental stress into the scenarios, SBT is ultimately designed to build up officers' skills and confidence. Scenarios should be designed for officers to practice and learn—and to *succeed*. SBT is not effective if the scenarios are seen as “gotcha” exercises that embarrass or shame students for not performing perfectly every time. The training should emphasize that the situations are complex and difficult to navigate until they have been practiced and the critical thinking process starts to become more automatic. The scenarios included in this Training Guide adhere to these principles, and it is important for agencies and academies to conduct their SBT in this same spirit.

### How do you select and coach role-players?

A key component of any successful SBT exercise is the selection and coaching of “role players.” Role players are the people who portray, for example, the subjects who are acting irrationally, relatives who call the police and may help calm the person down, and bystanders who may interfere and complicate the police response.

Role players must not only understand the parts they are playing; they must immerse themselves in those roles. The training experts who advised PERF emphasized that for SBT to be effective, the role players must be realistic and adept at playing their parts. Police department staff members can be effective role players, but they must demonstrate the ability to carry out the parts in the scenarios. However, it is *not recommended* that police personnel attending the training also serve as role players during that same training session. The roles of students and role players should be kept separate. Some agencies and academies hire professional actors,

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17. “Introduction to Reality Based Training.” Dallas Police Department Power Point presentation. (Included as a resource with the online Training Guide.)

where resources are available.<sup>18</sup> Others, including the Metropolitan Police Department of Washington, DC, partner with the theater programs at local colleges or universities to supply student actors at little or no cost.

### Stop at key points and discuss? Or complete the entire scenario and then discuss?

PERF's training experts identified two basic approaches for running SBT exercises:

1. Stop the exercise at key points to discuss what is happening and various possible responses, or
2. Run through the entire exercise, and then discuss.

Under option 1, instructors stop the action at key points during the scenario, sometimes to reinforce a successful action or technique by the officer, to point out warning signs, or to amplify an important teaching point. Frequent "cuts" in the action are not intended to indicate that anything is necessarily "wrong." Rather, they represent key decision points at which to explore tactical options (e.g., Where is your cover? What are your options for protecting yourself? Is the nature or severity of any threat posed by the subject changing? How has the threat changed? Is the person becoming more or less compliant? What communications and tactical strategies are warranted given the change in the threat?). Instructors should emphasize these points prior to the scenario starting, so that students understand the purpose behind the frequent breaks in the action.



At the conclusion of a scenario-based exercise, an instructor and participants discuss how officers responded and alternative strategies and tactics that they could have considered.

One other consideration: when conducting this type of training, part of the memory has no recall of the perception of time. By infusing "pauses" into the scenario, the student has more time to come up with the correct answer or action. When recalling the scenario later, the student will likely recall only his or her correct actions, not the pauses. This allows for the student to perform the "perfect rep," which will later be recalled as a template when confronted with a similar scenario, either in training or in the field.

The New York City and St. Paul Police Departments are among the agencies that use this stop-and-discuss approach. The primary advantage is that issues and questions can be addressed right away as they come up. The main disadvantage is that the "cuts" interrupt the flow of the scenario, and thus do not mirror actual events as they would unfold.

Under option 2, instructors allow the scenario to run all the way through, and then debrief and discuss important learning points. Prince William County, VA and Police Scotland, among others, have adopted this approach. The primary advantage here is that the scenarios more realistically mimic the structure and pace of the actual situations that officers will encounter on the street. A potential disadvantage is that some key decision points may not be fully covered in the post-scenario discussion and debrief.

Neither approach is necessarily better than the other. Each has its strengths and drawbacks, and agencies and academies will need to decide which approach works better for them. Agencies may use a mix of options 1 and 2, depending on which works best in a given scenario. In a certain scenario, it may make sense to stop just once to highlight a critically important decision point, but otherwise allow the scenario to run without interruption.

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18. For example, for its crisis intervention training, the New York City Police Department hired professional improv actors.

In all scenarios, the purpose is not to render a simple “pass-fail” judgment on individual officers. Rather, SBT is intended to get officers to think about their decision-making, both as the situation unfolds and after the fact, as the officers are called on to explain their actions.

Finally, some agencies, including Oakland and Fresno, CA, take their scenarios all the way through to the end of the call for the officer. For example, officers are expected to call for medical backup if appropriate, write reports, and conduct other follow-up activities, as they would in a real-world encounter.

### **What to do with students not actively engaged in an SBT exercise?**

One of the common concerns about SBT is that there is a lot of “down time” for students who are not actively involved in the scenario. The training experts who advised PERF generally recommended that students who had not yet been through the scenario should not be allowed to observe it before their turn. After students have completed the scenario, some agencies allow them to observe subsequent scenarios. In some cases, students are given specific “assignments,” such as watching for particular communications techniques or tactical approaches. However, students should never be involved in evaluating or debriefing with other students; those are the job of the instructors.

One other option (recommended in this Training Guide) is to split a class into two groups (or more, depending on the overall size of the class). While one group is performing SBT, the others can be engaged in other practical training activities, such as video case studies.

### **What type of investment do agencies and academies need to make in SBT?**

The training experts who advised PERF on this initiative emphasized that agencies and police academies need to be prepared to invest in their scenario-based training. This investment means devoting resources to create and implement a robust SBT program, with realistic scenarios, high-quality role players, and highly trained instructors. Agencies should also consider investing in video recording and editing equipment to film and play back scenarios for students. Such videos can be useful during one-on-one discussions about an officer’s actions during the scenario.

**Realistic scenes:** Agencies and academies should also work to provide realistic locations for scenario-based training. Some organizations have robust “tactical villages” and similar facilities to stage a wide range of scenarios. Other agencies may need to be creative in finding realistic locations, such as storefronts that are temporarily closed, vacant office space, school facilities after hours, and the like.

**Don’t rush the scenarios:** Devoting time to scenario-based training also means giving individual scenarios the time to play out. One of the key lessons of the PERF Guiding Principles on Use of Force is that police often achieve better outcomes if they can “slow a situation down,” in order to give themselves more time to communicate with the subject and establish a rapport, assess the nature of the crisis, thoughtfully consider options for responding, call mental health experts and additional police resources to the scene, and give the person time to calm down and de-escalate. Thus, patience is important in handling these incidents.

It is equally important to have patience and allow time for the scenarios in this training to play out. By giving scenarios the time to evolve and play out, agencies and academies send the message to officers that their goal is to resolve the situation peacefully, which often does not mean quickly, and that officers are encouraged to take the time they need. It is important to emphasize this point, because in many departments, the traditional way of thinking is that officers should resolve every incident as quickly as possible, so the officers can move on to the next call.

**Train as a team, if possible:** If possible, agencies and academies should also attempt to have units, or at least partners, go through scenario-based training as a team. This approach allows for units and partners to practice team tactics during SBT, which is likely to translate into greater coordination and increased officer and public safety in the field.

**The Chief Must Endorse the Training—Publicly and Internally.** Experts said it is critically important for the police chief, sheriff, or other agency top executive to proactively demonstrate support for the training with internal and external audiences. That is why Module 1: Introduction recommends an in-person visit or video message from the agency’s chief executive at the very beginning of the program. Beyond just endorsing the training, chief executives and other top leadership can demonstrate their support by either attending the training themselves or spending time getting an overview of the training. In addition, it is important for all instructors to enhance and localize the training using anecdotes and experiences from their community.

**Involve Community Partners:** Agencies should also look to include other community partners in the training, where appropriate. For example, the National Alliance on Mental Illness (NAMI) is closely involved in the Crisis Intervention Team (CIT) training offered in many agencies. The Training Guide recommends that NAMI’s “In Our Own Voice” program could be easily and effectively integrated into Module 3: Crisis Recognition and Response.<sup>19</sup> Other community partners in fields such as mental health, substance abuse, juvenile justice, elder care, and caring for other vulnerable populations could be effectively incorporated into this Training Guide as well. These partners add not only subject matter expertise, but also legitimacy to the training. In the interest of transparency and building community-police relations, agencies should also consider inviting selected community stakeholders, and possibly the news media, to observe the training in action.

## **Assessment and Testing Protocols**

Each agency and academy will need to determine how to present this training within the context of its own assessment and testing protocols. This Training Guide does not include recommended or sample examinations or other assessments. These types of protocols are important in demonstrating that officers have understood and can implement the key ideas presented in the Training Guide. Developing these instruments will be up to the individual agencies, based on their own experiences and preferences.

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19. For information on NAMI “In Our Own Voice,” visit <https://www.nami.org/Find-Support/NAMI-Programs/NAMI-In-Our-Own-Voice>.



# Training Module 1: Introduction

IN THE FIRST MODULE OF INSTRUCTION, STUDENTS ARE INTRODUCED to the purpose of the training: to improve the response of patrol officers to incidents that involve persons in crisis, who are behaving erratically and perhaps dangerously, but are not brandishing a firearm.

**Message from the chief:** It is recommended that the training begin with a message from the police chief, sheriff, or other chief executive of the agency, expressing support for the training. It is important for officers to understand that the training is being conducted because the top leaders of the agency consider it important and beneficial. The message from the chief can be delivered in person or in a video recording.

In their introductory message to officers, police chiefs and sheriffs should note that the training advances officers' interests as well as the community's interests. According to the U.S. Justice Department, approximately 63 million residents of the United States age 16 or older—more than one-fourth of the population—have at least one contact with the police over the course of a year. And police make more than 10 million arrests per year. In the vast majority of these millions of encounters, police use no force of any kind.

But in a small fraction of all these encounters, officers have used force in ways that have proved intensely controversial. These cases can have a dramatic impact on police-community relationships. If community members believe that a use of force by an officer was not necessary, it damages the relationships of trust that police have spent decades trying to build. In cases where a use of force is fatal, the stakes could not be higher, not only to the person who dies, but also to his or her family members, and to the entire community.

Furthermore, from police officers' point of view, using force, particularly lethal force, can be traumatic. They may face disciplinary action or criminal charges. And even if a use of lethal force is eventually found to be legally justified, the officer's life may never be the same. Some leave the profession.

The ICAT Training Guide is designed to give police officers more options, and better options, for responding to difficult, complicated situations, with strategies and tactics that are more likely to end with minimal use of force.

Lives can be saved with this approach. It is in everyone's best interest, including officers', to teach strategies and tactics for resolving these incidents peacefully, whenever possible.

**Mission Statement:** In Module 1, instructors also should review the mission statement of the training program (see previous section, page 13).

**Start with a video case study:** To start the training in an interesting manner, instructors may begin by showing the students a video case study that demonstrates the type of incident that the training is about.

One option is to show a video that illustrates the dynamic nature of many of these incidents and the challenges that first responding officers face. (There are many options for such videos, obtained from police body-worn cameras or dash cams, community members' cell phone cameras, or security camera footage. The online version of this Training Guide provides examples.)

Rather than playing the video all the way through, instructors can stop the video at certain points to discuss the issues the officer or officers were facing in tactical areas of threat assessment, critical decision-making, crisis intervention, communications, and tactics. This approach can provide a real-world, visually compelling introduction to the training.

**What the training is NOT about:** Next, instructors can clarify the focus of the training by explaining what it is *not* about:

- The training does *not* instruct officers to walk away from danger.
- The training does *not* tell officers that they cannot use their firearms when necessary.
- The training is *not* about limiting options for officers. Rather, it is about *increasing* officers' options in the types of situations covered in the training.

**4 Key Areas of Focus:** Finally, instructors should explain that the training will focus on four key areas:

1. **Patrol officer response:** The training is about *patrol officers'* response to the types of incidents at issue. Patrol officers almost always are the first officers to respond to a call or happen to be at the scene of such an incident. And the training generally instructs officers to "slow the situation down" whenever possible, in order to buy time to bring additional resources to the scene, such as a supervisor, specially trained Crisis Intervention Teams, and/or other specialized units. However, in the first critical minutes, it is often up to patrol officers to manage the situation safely and effectively.
2. **No firearms:** The major subject matter of the training is incidents in which a person is behaving oddly or dangerously but *does not have a firearm*. One-third of the fatal officer-involved shootings in 2015—approximately 300 incidents—involved subjects who were unarmed or were armed with a weapon other than a firearm. Many of these incidents are dangerous, but at the same time, many of them can be resolved without lethal force.

3. **Integration of different training elements:** The key to the training is the *integration* of several elements, namely Crisis Intervention training, communications, and tactics. In the aftermath of an officer-involved shooting of a person who was not armed with a gun, police agencies often point out that the officer(s) had in fact received Crisis Intervention training, which is about training officers to respond to persons with mental illness. However, CI training is largely about communications, i.e., teaching officers how to speak to people, gather useful information, and convey information to them. But many officers, even those who have received CI training, have not received training in the *tactics* for protecting themselves and the public when they encounter persons with mental illness. The goal is to integrate communications and tactics in order to obtain *voluntary compliance*.
4. **Officer safety and wellness are key:** Officer safety and wellness are at the center of this training. Under the U.S. Supreme Court’s landmark ruling in 1985 in *Tennessee v. Garner*, a police officer can justifiably use deadly force if the officer believes that a suspect poses “a significant threat of death or serious physical injury to the officer or others.” The training outlined in this document is designed to help officers, whenever possible, to avoid ever reaching that point where there is a significant threat of death or serious injury to themselves or others. By slowing situations down, bringing additional resources to the scene, and using communications skills and tactical skills such as keeping a safe distance from a threat and using cover, officers in many cases can de-escalate the situation peacefully, rather than rushing toward the point of significant danger that would justify lethal force.

And by reducing incidents in which deadly force may be the only option available to officers, this training can help reduce officers’ exposure to the emotional upheaval, and the legal and news media scrutiny, that accompany officer-involved shootings. This training emphasizes both the physical safety and emotional wellness of officers.



Concepts of the ICAT Training Guide were pilot-tested in training sessions in the Prince William County, VA Police Department.

# Training Module 2: Critical Decision-Making Model

**What is the Critical Decision-Making Model?** PERF's Critical Decision-Making Model (CDM) is at the heart of this Training Guide, because it provides officers with an organized way of making decisions about how they will act in any situation, including situations that may involve potential uses of force.

For decades, specialized police tactical units such as SWAT have employed the critical thinking and decision-making processes contained in the CDM to guide their complex, often dangerous work. Prior to taking action, SWAT teams typically take time to collect and analyze information about the situation they are facing, assess risks and threats, consider contingencies, and then act and review the outcome of their actions. Most experienced SWAT members would consider it reckless to approach an assignment without first taking these steps.

ICAT is based on the idea that if a critical thinking process works well for specialized tactical units, it can also help patrol officers do the same thing.

PERF's CDM is based largely on a similar National Decision Model that has been used for a number of years in the United Kingdom. Like the UK model, the CDM is a logical, straightforward, ethically-based thought process that will help American police officers manage a wide range of incidents effectively and safely. While the CDM can be employed in many types of situations, PERF believes it will be especially valuable in managing the types of critical incidents that are the focus of this training: situations involving persons who are behaving erratically or dangerously, often because of a mental illness or other condition, and who either are unarmed or have an edged weapon, rock, or other weapon, but not a firearm.

## Critical Decision-Making Model



The Training Guide covers the key elements of the CDM, describes the process of using it, and explains its benefits.

**CDM core:** At the center of the CDM is an ethical core that provides grounding and guidance for the entire process of using the CDM. In PERF's CDM, there are four elements that guide decision-making:

- Police ethics
- The values of the police agency
- Proportionality<sup>20</sup>
- The sanctity of human life.<sup>21</sup>

However, officials should feel free to adjust the core of the CDM to best match the philosophy and values of their agency. The Nassau County, NY Police Department did that in creating its own decision-making model. While the Nassau County model is quite similar to PERF's CDM, the elements of the core are unique to Nassau County.

**The CDM is a circular process, not a linear one:**

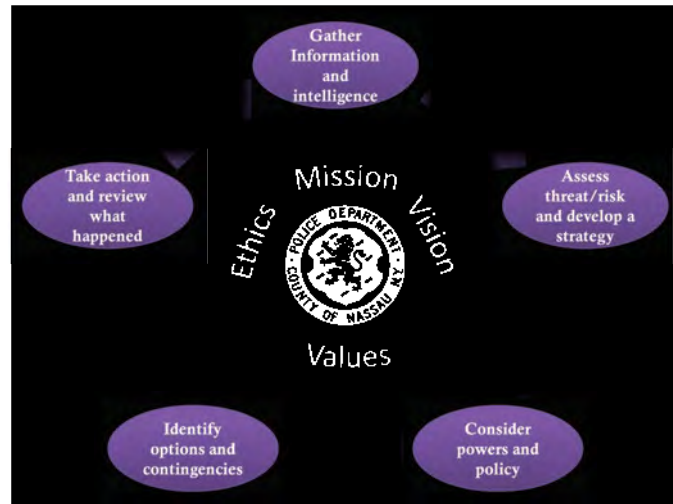
The CDM has 5 steps. It is a circular process, not a linear one. It is important to note that Step 5 is “Act, review, and re-assess.” In other words, if the officer takes action but finds that the action does not resolve the situation, the officer restarts the process.

Furthermore, officers may move to any step as needed, as the situation changes. This is sometimes called “spinning the wheel.”

For example, in a situation involving a man in a mental health crisis on the street brandishing a knife, an officer may be in Step 4, “Identify options and determine best course of action,” and on the verge of deciding to use an Electronic Control Weapon. But if the man's wife arrives at the scene and says, “Let me talk to him, I can calm him down. He's off his medications. I have them, and he will probably calm down,” the officer might go back to Step 2, “Assess situation, threats, and risks.”

**Instructors should explain the 5 steps, and allow time for answering questions at the end of each step.**

**Step 1: Collect information** – This step is the starting point, but collecting information and intelligence is an ongoing process, from the time an officer receives a call all the way through completing the call, report-writing, and debriefing to identify any lessons that can be applied to future situations.



20. See Guiding Principle #3 in *Guiding Principles on Use of Force*, pp. 38-40. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

21. See Guiding Principle #1 in *Guiding Principles on Use of Force*, pp. 34-35. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

Gathering information includes:

- **Asking yourself key questions**, such as: “What do I know about this situation so far? What additional information do I need? What is the best way to get that information? What do my training and experience tell me about this type of incident?”
- **Seeking information from others**, including dispatchers, supervisors, other officers, and agency computer networks. This process often begins as the officer travels to the scene. Questions include: Who called the police, and what prompted the call? Who is on the scene? What do we know about the subject? What is the physical environment? Are there weapons at the scene? Are there issues of mental illness or substance abuse involved?

Officers also should ask about **previous incidents** involving the location or the person(s) who are the subject of the call, such as past arrests, past assaults on officers, and uses of force.

The training on Step 1 may include a video case study, such as the body-worn camera video<sup>22</sup> of a 2014 incident in which a Coeur d’Alene police officer encounters a man brandishing two knives after the man’s friend said she was “worried about him cutting himself.”

**Step 2: Assess situation, threats, and risks** – In this step, the officer begins to evaluate the information he or she has gathered, particularly with respect to any threats or risks to the public and/or the officer:

- A key question is: “**Do I need to take immediate action?**” Nothing in the CDM prevents an officer from taking immediate action if circumstances dictate.
- Risk assessment includes assessing the subject’s **means, ability, opportunity, and intent**. These factors may change as the situation develops.
- Officers should **look beyond the presence of a weapon** such as a knife or rocks, and consider what the subject is doing with the weapon, which can speak to the subject’s intent. The subject’s intent may be to do harm to someone else, to do harm to himself, or to protect himself. Mental illness may cause a person to perceive threats that do not exist.
- Another factor in threat assessment is “**transfer of malice.**” For example, a person may initially be upset with his boss or his spouse. Is he showing signs of transferring those emotions to the police or others? Offices should avoid saying or doing things that could cause the subject to transfer malice to others.
- In Step 2, officers also consider the need for **additional resources** by asking questions such as: “Should I summon my supervisor to this scene? Would specialized resources be helpful, such as a Crisis Intervention Team? Are there other government or private agencies that could offer assistance in understanding or managing the subject?”

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22. <https://www.youtube.com/watch?v=HnOBfCmled8>

- Step 2 is also the stage when the officer begins to develop a **working strategy** for minimizing risks to the public, the officer, and the subject, while providing for the safe detention of the subject.

**Step 3: Consider police powers and agency policy** – This is a relatively simple, but critically important, step in the process. Officers should ask themselves:

- Under what **legal authority** am I responding here? Is this a matter for the police?
- What **legal powers** do I have to take action, under federal laws, state laws, and local ordinances?
- What **agency policies** control my response, particularly use-of-force policies and de-escalation policies?
- Are there other issues to consider, such as **jurisdictional issues** or mutual aid agreements with other law enforcement agencies?

**Step 4: Identify options and determine best course of action** – In this step, officers narrow their options and select the most appropriate one:

- Officers should ask themselves: “**What exactly am I trying to achieve?** What are my options? What are the contingencies for each option? Should I act now or wait? Do I have all the information I need to act now?”
- In some circumstances, **waiting and collecting more information** may be the best option. “Slowing the situation down” is a key strategy for handling incidents involving persons who do not have a firearm but who are behaving erratically because of mental illness or other conditions.
- **Communicating with the subject** is almost always an option and a key part of the response.
- **Tactical repositioning** (e.g., moving to keep a safe distance from any threat posed by the subject or to obtain a better vantage point for responding) and containment are options in many cases.
- Taking **decisive action** may be required. Nothing in the CDM prevents officers from taking swift and forceful action, if circumstances warrant it. But if time is on your side, the CDM helps officers to use time to everyone’s advantage.
- After considering options, the officer selects the best course of action. The goal of **proportionality** is important in this step.<sup>23</sup>

**Step 5: Act, review, and re-assess** – In this step, the officer takes an action and then assesses whether the action had the desired effect.

- If the action did have the desired effect, the officer should ask, “Is there anything more I need to do or consider? What lessons did I learn that will help me the next time I face a similar situation?”

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23. See Guiding Principle #3 in *Guiding Principles on Use of Force*, pp. 38–40. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

- If the situation is not resolved, the officer “spins the model” and goes back to an earlier step of gathering additional information; re-assessing the situation, threats, and risks; or considering other options.

**The Critical Decision-Making Model may sound complicated, but with practice, it becomes second-nature to officers.**

When the CDM is first presented to officers, many officers ask, “You expect me to remember all this and apply it in a tense, potentially dangerous situation?”

However, officers in the United Kingdom who have been using a similar model told PERF that they apply it in many different types of situations they face, not only in situations where use of force may be at issue. And by doing so, they become familiar with the model, and it becomes second-nature to them.

Many officers compare learning the CDM to learning to drive a car. At first, a new driver must think about how hard to step on the accelerator and brake pedal for smooth driving, how quickly to turn the steering wheel to make an even turn, how to scan the field of vision to watch for potential hazards, how closely to follow other cars, how to position the car correctly in a lane, how to check the side mirrors and rear-view mirror often enough, and so on. But within a few weeks or months, the process becomes so automatic that many motorists can drive for miles without actively thinking about what they are doing.

In a similar way, police officers should use the CDM every day as they consider their goals, their options, and their strategies for handling many situations. Not every situation will have the same level of risk as a mentally ill person brandishing a knife, but there are many types of calls and police actions in which it benefits officers to ask most of the questions contained in the CDM, such as: “What exactly is happening here? What do I know so far? What additional information do I need? What prompted the call? What do I know about the subject? Is there a history of past incidents involving this person or this location? What exactly am I trying to achieve? Do I need to take immediate action? Is ‘transfer of malice’ a potential issue? What is my legal authority in this situation? What are my options? Which option seems to offer the greatest likelihood of success and the least risk of doing harm?”

Officers who use the CDM on a daily basis will find it second-nature to use it when they face a high-risk critical situation.

**Benefits of the CDM:** By providing a structure for critical thinking, the CDM helps officers to organize their decision-making process and reach better decisions. Officers sometimes say, “I didn’t have time to think” in a critical situation, but in many situations, that is not the case. Rather, the problem was that the officers had not received guidance on the key questions to ask themselves in a critical situation.

The CDM not only helps officers to make better decisions; it also helps officers to explain their actions after the fact. An officer who is accustomed to using the CDM will be able to recall and explain his thought processes: “First, I collected the following information about the situation.....Next, I assessed the following threats and risks, and developed a working strategy.... Then, I



#### **Nassau County Officers Discuss The Decision-Making Model**

One suggested training element is a video produced by the Nassau County, NY Police Department in which six officers discuss their reactions when they were trained in the Nassau Decision-Making Model. Some of the officers state that they were skeptical at first, but realized that the Decision-Making Model fits well with their own most effective strategies, and that it enlarges their “tool box” of options and “puts a flow chart” on what they already do, in order to help them consider their options, recognize what is happening in a situation, and in some cases get past an obstacle that was blocking a resolution to an incident.



considered the applicable laws and my agency’s policies, and then, I decided that the best option was the following...”

This type of structured, rational explanation increases the officer’s credibility with supervisors, investigators, and attorneys, judges, and juries in court.

**Instructional exercises to explore the lessons of the CDM:** The final portion of Module #2 is one or more video case studies, in which instructors and students watch a video of an actual incident, as seen through an officer’s body-worn camera and/or other footage, and analyze how the officer’s actions fit with the CDM. The PERF online Training Guide will include such videos and will be updated as new videos become available.

This type of case study can be made more instructive by dividing the class into several groups, each of which conducts its own analysis separately. Then, a spokesman for each group presents the group’s findings to the entire class, in order to explore any differences in how class members interpret the finer points of the CDM process.

# Training Module 3:

## Crisis Recognition and Response

INCIDENTS INVOLVING PERSONS IN CRISIS REPRESENT A RELATIVELY small percentage of all calls for service to police agencies. How these cases are handled, however, can have significant consequences for these persons and their loved ones, for the responding officers, and for the police agency and the entire community.

Many police agencies nationwide have recognized the importance of these situations and have provided crisis intervention training to officers and/or created Crisis Intervention Teams (CIT), made up of specially trained officers working with mental health workers.

Module 3 is not intended to be a replacement for CIT or other programs. Rather, it is designed to help the first patrol officers arriving at a scene involving a person in crisis to better evaluate the situation, slow the situation down and de-escalate it, whenever possible, with the goal of laying the groundwork for a safe and successful conclusion, often with the assistance of specialized personnel.

Following are the key elements of the Training Guide covered in Module 3.

**Recognizing a person in crisis:** When someone is in crisis, often there was a precipitating event that made the person unable to resolve the problem using normal coping methods. Emotions and irrational reasoning control the person's actions, and he or she is likely to experience high levels of frustration and aggravation. This crisis may be a result of mental disorders, physical or developmental disabilities, a major incident in one's life, or a combination of factors.

Patrol officers are not expected to be able to clinically diagnose a person in crisis. However, officers are more effective and safer during critical incidents when they can recognize the common signs that a person they encounter may be in crisis.

**Definition of "crisis":** In this context, a crisis is an episode of mental and/or emotional upheaval or distress that creates instability or danger, and causes

behavior that is considered disruptive by the community, by friends or family members of the person, and/or by the person himself.<sup>24</sup>

The three key factors are:

- It's episodic.
- It creates instability or danger.
- Other people consider it disruptive or in some cases, dangerous.

**The elements of disruption and danger are why people call the police in these situations, rather than Emergency Medical Services or mental health agencies.**

**How does a crisis typically occur?** Often there is a precipitating event, such as the death of a loved one, an act of violence, divorce, job loss, or a reaction to medication or a reaction cause by a failure to take medication. The person's perception of the event may be accurate, erroneous, or somewhere in between. Normal methods of coping and solving problems fail, resulting in a breakdown in control, an inability to respond appropriately, and generally feeling "overwhelmed."

A person in crisis, known in some police agencies as an Emotionally Distressed Person (EDP), can be influenced by a number of factors, including the following:

- **Mental illness:** Mental illnesses can cause perception disorders (such as hallucinations); thought disorders (such as delusions), and mood disorders (such as violent swings or extremes in mood).

It is important for officers to understand that mental illness is a biological illness, like heart disease, cancer, or diabetes. Nobody chooses to develop a mental illness, and one in four families is affected. There is no cure, but many people stabilize to live full, productive lives. Medications often help, but they are not perfect, and there can be side effects or episodes even when people are taking their medications.

- **Substance abuse:** This may include alcohol abuse or abuse of prescription drugs, abuse of illegal drugs, abuse of "synthetic" drugs, or a combination of substances.
- **Medical condition:** This may include a failure to take medication, side effects from medication, or a traumatic brain injury.
- **Situational stress:** A job loss, financial problems, troubled personal relationships, or other situations may contribute to a personal crisis.

Other factors that officers should consider include the following:

- **Developmental disabilities:** There are many types of developmental disabilities—lifelong disabilities that occur before adulthood and require support. Developmental disabilities can result in difficulties in life areas, such as communication, learning, adaptive living skills, self-direction, self-help, and/or

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24. Seattle Police Department Crisis Intervention Training (2015).

mobility. In some cases, developmental disabilities are complicated by an intellectual disability. Common examples include autism, cerebral palsy, and epilepsy.

- **Physical disabilities:** There are many types of physical disabilities that also can make it difficult for a person to understand and follow directions and interact with the police, such as deafness or partial loss of hearing, blindness or low vision, muscular dystrophy, multiple sclerosis, stroke, Alzheimer’s Disease and other types of dementia, and traumatic neurological disorders. People with physical and/or developmental disabilities may exhibit some of the same unusual or erratic behaviors as Emotionally Distressed Persons.

Persons in crisis may be influenced by a combination of these factors, which can be especially challenging for the police to handle.

**What callers say when they call the police about a person in crisis:**

Often, when police are called to respond to a person in crisis, there is no crime involved. Typically, callers report that the person is “acting weird,” is walking into traffic, entering people’s homes or looking into windows, wandering, rearranging store displays, following customers around a store, etc. The person may be attracted to shiny objects, or overly sensitive to light, sound or touch. The person may run from the police or display erratic behavior because they fear the police, not necessarily because they committed a crime.

**The role of the patrol officer:** The training emphasizes that it is not the job of a police officer to diagnose the factors that may be causing a person’s behavior, but rather to simply recognize that behavior may be the result of one or more of these factors, and that these types of erratic behavior are usually not intentional or criminal in nature.

Therefore, officers should focus on the subject’s *behavior*. Is the person responding to your questions or directions? Is the person coherent? Is the person able to make eye contact? Agitated? Talking to himself?

These behaviors can help an officer to discern whether the person is in crisis or merely has a developmental or physical disability.

For the first responding officer on the scene, the mission is not to diagnose the person, counsel him, or achieve an immediate resolution of the incident. Rather, the mission is to assess the situation and make it safe, de-escalate the situation if possible, “buy time” for specialized resources to arrive, and help the person get to a state where he can make rational decisions that will eventually result in a safe resolution.

**A video that shows the point of view of a bipolar person:** At this point, instructors may play a 3-minute video<sup>25</sup> in which Paton Blough, a man who has a bipolar disorder and who has been arrested six times while in a delusional state of mind because of his illness, offers his story.



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25. PBS News Hour. “This is what it’s like to be arrested while suffering mental illness.” May 23, 2016. <https://www.youtube.com/watch?v=36l5-4k6H-A>

“Three of my six arrests went relatively well, with police getting me into custody safely,” Mr. Blough explains. “The other three were extremely violent, because in my head, I was fighting for my life.”

Blough’s recovery has gone well in recent years, and today he participates in Crisis Intervention training for officers. “In my experience, most officers want to help, but often simply lack the training to know what to do in these tough situations,” he says on the video. “One time, I was arrested by an officer who I believe naturally possessed many of the things we train. He slowed down and didn’t force the issue when I accused him of being an undercover agent. He waited for my brother to come across town to bring my meds. When I accused him of giving me a poisoned bottle of water so I could take my pills, he immediately offered to take a sip to prove it was fine.”

Blough said he asks officers to “imagine that the person you’re dealing with is your brother, mother, or good friend.”

**Tips for responding effectively and safely in the first minutes, before additional personnel arrive:** Modules 4 and 5 of this Training Guide provide detailed guidance on tactical communications and operational safety tactics for officers. But Module 3 provides general advice and tips for the initial response, including the following:

- Most persons with a mental illness are no more likely to be violent than the general population. In fact, persons with mental illness are much more likely to be victims of crime than perpetrators.
- Jail is usually not a good place for an Emotionally Distressed Person (EDP) to be stabilized. So officers should not approach an encounter with an EDP thinking that it will be “resolved” by taking the person into custody as quickly as possible.
- Crisis intervention is a process to help individuals in crisis find a solution. First responding police officers are part of that process.
- **The subject’s first interaction with police is critical. That officer sets the tone and helps chart the course.**
- **But the first responding officer’s role is not to diagnose the subject or treat the underlying issues. Officers should not assume they can correctly diagnose a person. Rather, their role is to verbally de-escalate the situation as much as possible, aiming to get the person to a state where he or she can function and reason more clearly.**
- De-escalation does *not* take away or restrict officers’ discretion to make an arrest if that is necessary, or to use force against an imminent threat. But arrests and force should generally be considered last resorts in dealing with Emotionally Distressed Persons.
- Request backup and specialized help, such as officers or teams of officers and mental health workers who have received crisis intervention training.
- Don’t rush into situations unless immediate action is required. Move slowly, calm the situation, and strive to reduce the stress level.

- **Communicate, communicate, communicate. Shouting commands is often counterproductive. Ask questions. Do not make threats. Make one request or ask one question at a time.** Ask open-ended questions to initiate dialogue and gather information about the subject’s state of mind. Use “active listening” techniques. Verify that the person understands what you are saying. Don’t take it personally if the person does not respond to you; he may not hear or understand you.
- Be careful with your body language. People in crisis may not understand your words, but they can “read” your tone and body language, and can sense whether you care about them. Be sincere and compassionate.
- Be aware of “hot buttons”—topics that agitate the subject. Avoid them.
- Be aware of “hooks”—topics that engage or help to calm the subject. Use these topics to establish rapport.
- Always be respectful. Never be dismissive. Do not say things like, “Just take your meds.” Do not diminish the subject by whispering or laughing. Do not lie or deceive. If you are caught in a lie, you may never recover your level of trust with the subject.
- Do not automatically view non-compliance as a threat. There are many reasons why a subject may not hear or comprehend your directions.
- Manage your own reactions. When faced with a person in crisis, officers may experience some of the same physiological changes the subject is experiencing, such as rapid breathing and a rapid heart rate. It is important for officers to consciously stay as calm as possible, breathe slowly, and move slowly and smoothly.

**Americans with Disabilities Act:** Finally, the training includes material regarding the American with Disabilities Act (ADA), a comprehensive federal law that prohibits discrimination against individuals with mental or physical disabilities. The ADA covers many police activities, including enforcing laws; interrogating witnesses; arresting, booking, and holding suspects; operating 911 systems; and receiving citizen complaints.

The ADA does not prohibit officers from taking enforcement actions against persons with disabilities, but it does envision that officers will be trained in the behaviors of individuals that may be mistaken for a sign of criminal activity but actually are a result of a disability.

**“In Our Own Voice” presentation:** Following discussion of the topics listed above, the Training Guide recommends a “group engagement exercise” in which a person with mental health issues makes a presentation to the students and then has a Q-and-A discussion with them. The National Alliance on Mental Illness (NAMI) offers a free program called “In Our Own Voice,” in which local NAMI affiliates arrange for persons with mental health conditions to share their stories. Local mental health departments or service providers also may help arrange such a presentation.

Another option is for police agencies to involve local mental health professionals in co-teaching the entire module with police or academy instructors.

These community partners can provide valuable experience and insights into police encounters with persons in crisis, and they, in turn, can learn about police protocols and polices.

# Training Module 4:

## Tactical Communications

**Why tactical communications can increase safety for everyone, including officers:** Through classroom instruction, exercises, and scenario-based training, students will learn the basic principles and concepts of tactical communications in this module. Students will develop skills for safely and effectively communicating with people in a variety of difficult situations. They will learn “active listening” skills, as well as verbal and non-verbal “micro skills,” that help to de-escalate tense situations and gain voluntary compliance from subjects.

Today’s police officers have better equipment and technology than ever before, but the fact remains that nearly every encounter between a police officer and a member of the public starts and ends with words. Officers are more effective—and safer—when they can use communication skills to their tactical advantage. The goal is to obtain voluntary compliance and resolve a situation without use of force, which makes the encounter safer for everyone, including the officer. These tactical communication skills are especially important in dealing with persons who are in crisis due to mental illness or other conditions.

**Warm-up activity:** Instructors can launch Module 4 with a brief exercise in which they divide the class into small groups. Each group will brainstorm for approximately 10 minutes and list the attributes of a police officer they know who is an effective communicator. Each group then chooses a spokesperson who will present the group’s findings to the entire class. Then, during the rest of Module 4, the attributes of good communicators that were cited by each group will likely be reinforced and placed in a larger context.

### Active listening skills

Many people don’t actually listen very well; during a conversation, when they are silent, they are simply waiting for their turn to talk. “Active listening” is the opposite of this. Active listening means paying close attention to what others are saying as well as what they may be communicating non-verbally, through gestures or body language. Active listening takes effort, and it is vitally important



that police officers know how to be active listeners when they are trying to communicate with a person in crisis.

The concepts of active listening covered in this module include the following:

**80-20 rule:** A simple way of thinking about active listening covered in this module is that you are on the right track if 80 percent of your time is spent listening, and only 20 percent talking.

**Listen to understand and learn, not to respond:** In listening, your goal is to understand and gather information about what the person is thinking and feeling. As the subject speaks, he may give you important information about his intentions, his capabilities, his mental health history and any medications he is taking or should be taking, any history he may have with the criminal justice system, any history of violence he may have, any “hot button” topics he may have that you should avoid talking about because they may escalate tensions, and any “hooks” he may have that may provide you with an opportunity to make a connection and establish rapport (e.g., maybe he will mention having attended a school that you are familiar with). The more the subject talks to you, the more you may learn and the more likely it will be that you may develop understanding and empathy. Furthermore, the longer you can keep the person talking, the more time you have to bring additional resources to the scene, if necessary.

**Avoid distractions:** In situations where there are multiple officers on the scene, one officer takes the role of talking to the subject (contact officer) while others focus on ensuring safety (cover officers), establishing perimeters, and other roles. The contact officer should stay focused on the person he or she is communicating with. Try to avoid being distracted by additional officers arriving, by persons who may be video-recording you, and other environmental factors.

**Show the subject that you are listening carefully:** There are many ways to demonstrate to the subject that you are listening, that you are empathetic, and



NYPD officers conduct a scenario-based demonstration of the police response to a potentially suicidal woman holding a knife to her neck.

that you care. Make eye contact. Nod your head to show you understand. Say things like “Yes, I see,” etc. Use your body language to convey calmness. When you speak, summarize the last few words the subject said, in order to show you are listening (“So you are upset with your boss...”) And acknowledge that the subject’s problems are important to him or her; never belittle or dismiss their concerns. Be respectful, fair, and non-opinionated.

**Use silence to your advantage:** Don’t interrupt, or feel the need to respond immediately to everything the subject says. If there is no immediate threat and the subject seems comfortable with silence, don’t be in a hurry to speed up the conversation. Silence may prompt the subject to talk more.

## Non-Verbal Communication Skills

Much of “spoken” communication is actually non-verbal in nature. Facial expressions and gestures, and vocal elements such as “tone of voice” can be equally important to the words that are said. In many situations, the listener trusts and believes the non-verbal cues more than the actual words. Understanding these non-verbal elements can make police officers more effective in communicating, which can help to de-escalate volatile situations.

Following are some of the concepts covered in this module:

**Project the right body language:** Do not cross your arms; that can suggest you are not interested in what the subject has to say.

**Make eye contact and use open-handed gestures.** These techniques present you in a strong, stable manner, and also project concern and understanding. At the same time, they support a quick tactical response if needed.

**Modulate your tone of voice:** Your tone of voice can entirely change how your words are perceived; for example, words can mean the opposite of their literal meaning if they are delivered with a sarcastic tone. Avoid any tone that suggests you are annoyed or exasperated with the subject. Speak calmly and in a moderate volume whenever possible. Don’t respond to a raised voice by raising your own voice. Try to bring the subject down to your tone, rather than vice-versa. Yelling sends a signal that you are not in control. However, understand that persons with hearing impairments may need you to speak more loudly. And when appropriate, you can speak assertively, in a strong “command voice,” without being aggressive.

## Verbal Communication Skills

Precise and professional verbal communications have always been important in policing, especially with respect to de-escalating tense encounters and obtaining voluntary compliance with persons who have a mental illness or other condition that can cause erratic behavior. Careful use of language is important for another reason today: Many police interactions are recorded by members of the public and posted online. Ill-considered remarks by a police officer can

quickly “go viral” and damage police-community relationships not only in the police agency for which the officer works, but in all agencies.

This module covers a number of verbal communications techniques and skills.

**Use the team concept — One officer should do the talking:** If multiple officers and other responders are present, one officer should take the role of being the contact officer, and that officer should do all the talking, in order to avoid confusing the subject or sending mixed messages. Other officers should take other roles, such as providing cover, managing bystanders, and responding if the subject begins to behave threateningly. However, *all* officers should be actively listening, so they will be ready to respond appropriately if necessary. If the contact officer is not able to engage the subject, officers may switch roles, and another officer should be the contact officer and try to establish a connection with the subject.

**Establish rapport:** Introduce yourself. Ask the subject for his or her name, and then use the name as you converse. Use the vernacular of the subject; speak in terms they understand, and avoid police jargon. Be patient and tolerant. Let people work through their range of emotions. Always be truthful. If you are caught in a lie, you may not be able to recover credibility.

**Ask questions or make requests clearly, and one at a time:** If you give multiple commands, the subject may only be able to process the last one. For example, do not say, “Take your hands out of your pockets and move away



Scenario-based training by the Burlington, VT Police Department.

PHOTO CREDIT: BURLINGTON, VT POLICE DEPARTMENT



from the vehicle.” The subject may only do the latter, creating a safety risk. Say one thing at a time. Expect that you may have to repeat questions or commands, because mental illness or other conditions often interfere with the ability to understand or process information. Whenever possible, communicate your actions in advance. (“I am going to handcuff you now because....”)

**Ask open-ended questions, especially “what” and “how” questions:**

These types of questions generate discussion and provide you with more information. (“What is your name? What happened? How are you feeling? How can I help you? Why are you holding a knife? I can see that you are upset. Tell me about it....”) Avoid “yes or no” questions, unless you are trying to elicit a specific piece of information, such as, “Are you supposed to be taking medication? Are you currently taking your medication?”

**Encourage conversation, but do not dominate it:** Remember the 80-20 rule. Encourage conversation, but try not to steer it or dominate it. You are trying to obtain information, not win an argument. After the subject answers a question, follow up with acknowledgments, “encouraging” remarks, clarifications, and empathetic responses. If you don’t understand the subject’s response, ask more questions to clarify (“I hear you saying \_\_\_\_\_. Is that correct?”)

**Provide options:** Don’t talk yourself into a corner or give ultimatums, such as “Drop the knife or I will shoot you.” The person may not understand or be able to comprehend what you are saying, so ultimatums are counter-productive. Offer reassurance (“No one is going to hurt you.”) and allow the subject to save face. Give the subject options (“If you sit down on that bench, we can talk about what’s bothering you.”).

**Emotional contagion:** A person with a mental illness or other condition may not understand all of the words you say, but he or she probably will be able to sense your tone and attitude, and may respond accordingly. So ask yourself which direction you wish to take the encounter—toward tension and chaos, or toward voluntary compliance and a peaceful resolution? Remember that you are the person in control, so exercise that control, with your words, actions, and attitude, in order to take the situation to the resolution you want.

## **Large Group Exercise— Discovering Productive Ways of Speaking**

At this point, instructors can work with the entire class to think of alternatives to hostile-sounding phrases for situations that often occur in policing.

Using a large pad of paper on an easel and markers, the instructor should write a phrase at the top of the page, ask the class what’s wrong with the phrase, and write down good alternatives proposed by class members. This exercise can be done fairly quickly, spending only a few minutes on each phrase.<sup>26</sup>

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26. This exercise is modeled on the concept of “anti-peace phrases” that should be avoided, developed by Dr. George Thompson and the Verbal Judo Institute. Examples of anti-peace phrases are “I’m not going to tell you again” and “You people.”

For example:

**Adversarial phrase:** “What’s your problem?”

**Alternatives:** “What can I do to help you?”

**Adversarial phrase:** “Calm down!”

**Alternatives:** “I see that you are upset. Please tell me about it.”

**Adversarial phrase:** “Drop the knife! Drop the knife! Drop the knife!”

**Alternatives:** “Why are you holding a knife? I’m concerned that you might hurt someone. What can I do for you? I want to help you.”

## Learning Activity: Scenario-Based Exercise

The online Training Guide provides plans for a scenario-based exercise in which police respond to a 911 call about a woman who is pacing in front of an apartment building and holding a knife. Two students play responding officers. The woman appears to be crying and talking to herself, threatening to commit suicide, and occasionally holding the knife to her throat. One student is expected to take the role of contact officer, and the other student takes the role of cover officer. The students are encouraged to use active listening and communication skills with the objective of stabilizing the situation until a CIT team and other resources can be brought to the scene, and/or getting the woman to put down the knife and agree to be taken to a medical or mental health facility for an evaluation.

## Learning Activity: Video Case Study

In this activity, the instructor would play a 2009 video from an Appleton, WI officer’s body-worn camera<sup>27</sup>, which shows the officer’s response to a woman who called police because her son was behaving strangely, removing his clothes and yelling that he was dying. The dispatcher relayed detailed information to the responding officer. Upon arriving at the scene, the officer spoke calmly and quietly to the man and worked with medics to strap him to a stretcher so he could be taken to a hospital.

The instructor would facilitate a discussion of the officer’s skills in crisis recognition, tactical communications, and tactical response, as well as any ways in which the officer could have improved his response.

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27. YouTube video. “Excited Delirium.” May 23, 2012. <https://www.youtube.com/watch?v=HfEepVOQrpE>

# Training Module 5: Operational Safety Tactics

RESOLVING CRITICAL INCIDENTS REQUIRES STRONG SKILLS IN (1) recognizing the nature of the incident and knowing about effective responses for different types of incidents, (2) communicating well with the subject of the incident and with other officers and persons who are involved in the response, and (3) sound tactics. All three elements must work in unison. Good crisis intervention and communications skills coupled with flawed tactics, or sound tactics paired with poor crisis intervention and communications, are unlikely to produce the desired result of a safe resolution through voluntary compliance.

Particularly in situations involving persons in crisis, police tactics must support, complement, and enable the crisis intervention and communications approaches to take hold and succeed. This combination of skills promotes the safety of everyone involved: the public, the officers, and the subject.

Because no two critical incidents are exactly the same, it is not possible to teach officers a standard set of tactics that can be applied in every situation. There is no one-size-fits-all approach. But key concepts can be learned through discussion and scenario-based exercises. This module focuses on a number of sound tactical considerations that can be applied to most non-fire-arms incidents.

## **Learning Activity: Assess Officers' Expectations**

Module 5 can begin with a brief exercise to explore officers' current thinking on the topics that will be addressed in the training. The class should break into small groups and brainstorm how officers would manage a sample scenario, such as a person with a mental illness on a city street, holding a knife and talking to himself, but not making verbal threats or taking notice of passersby. Each group should appoint a spokesperson who will take notes about what officers say they would do as they travel to the scene, during the response, and after the incident is resolved. The spokespersons would then present the findings to the class.

## Pre-Response Considerations

Information is at the core of any tactical response. As detailed in Step 1 of the Critical Decision-Making Model (see Module 2), it is essential that responding officers collect as much information as possible, from Dispatch and other sources, while en route to a critical incident. It is also important for responding officers and supervisors to share information with each other and begin developing a plan for responding, if possible.

As always, circumstances dictate tactics, and officers must be prepared to act as soon as they arrive at the scene, if necessary. But if there is no immediate threat and officers have time to “slow the situation down,” they should use that time to their tactical advantage.

**Video Case Study:** This section of training can be based on a comparison of two video clips: (1) the fatal police shooting of Tamir Rice in Cleveland in November 2014<sup>28</sup>, and (2) the response by police in Parma, Ohio to a similar incident in February 2016<sup>29</sup>. Both incidents involved boys in a park with Air-soft or BB guns that resembled firearms. In Cleveland, the 911 caller said that the gun was “probably fake” and that the suspect was “probably a juvenile,” but that information was not given to the responding officers. In Parma, the officers were told that the gun might not be a real firearm. In Cleveland, officers pulled right up to Rice and shot him almost immediately. In Parma, officers kept their distance, initiated communications, slowed the situation down, and took the youths into custody after they voluntarily complied with the officers’ orders.

**Collect information:** Step 1 of the Critical Decision-Making Model calls on officers to “collect information.” In the pre-response time frame, officers may collect information from dispatchers, fellow officers or supervisors, police department databases, online sources, or other sources. The goal is to know as much as possible about the subject of the call, about the location, about whether there have been previous calls to the police about the subject or from the same location, about the reason for the call, about whether the subject is known to be brandishing any weapons or to possess weapons, about other persons at the scene, etc.

As the responding officers gather information, they should also consider the importance of the information in the context of their own experience and training. For example, if a 911 caller says that the call is about a domestic violence disturbance and that police have been called before to the same address, that is critically important information for the officers to know, because they may already be familiar with the subject of the call.

When officers think about the nature of the call as they travel to the scene, it reinforces their readiness and guards against complacency or being caught off-guard. This increases officer safety.

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28. [http://www.cleveland.com/metro/index.ssf/2016/02/the\\_tamir\\_rice\\_effect\\_parma\\_po.html#8](http://www.cleveland.com/metro/index.ssf/2016/02/the_tamir_rice_effect_parma_po.html#8)

29. [http://www.cleveland.com/metro/index.ssf/2016/02/the\\_tamir\\_rice\\_effect\\_parma\\_po.html#9](http://www.cleveland.com/metro/index.ssf/2016/02/the_tamir_rice_effect_parma_po.html#9)

**“Tactical pause”:** Some incidents, including those in which a subject is posing an imminent threat of harm to officers or the public, require an immediate response by the police. However, in many other situations, responding officers have time to take a “tactical pause,” in which they “huddle up” (in person or over the radio), share information, and begin developing a strategy. Taking time to create a “team” mindset and to think more methodically results in a better response. The goal is to obtain voluntary compliance whenever possible, which reduces risks to everyone, including the officers.

In a 2016 study of the Palm Beach County, FL Sheriff’s Office (PBSO), PERF commended the agency for implementing a “tactical pause” concept in its training in 2014. “While tactical pause is largely a training and operational tool, it appears to be sparking a larger cultural change within the PBSO,” PERF said. “Personnel are approaching situations with a different mindset that focuses on up-front information gathering, planning, teamwork, and sound tactics.... Early figures suggest this new approach may be having a positive impact on the overall number of deputy-involved shootings, which declined from nine per year in 2012-2014 to three in 2015.”

**Preparing yourself:** Officers should be taught to understand how their bodies will react to a stressful situation, and how managing their reactions can help them maintain control over the situation and resolve it effectively. An emotional or angry response by an officer can cause the incident to escalate, which makes it more difficult to resolve. Officers should be taught to separate their own reactions from those of others. For example, if the subject of the call or bystanders are yelling loudly, that does not mean that the officer should do the same. The goal for the officer is to control the situation, not to let the situation or other persons be in control.

## Effective Response

The circumstances of an incident always dictate police tactics. That’s why it’s important for officers to accurately analyze and understand the circumstances they face.

For example, if officers respond to a call and find a person with a knife attacking a victim, they will use tactics designed to immediately neutralize the threat. However, if police respond to a call and find a person with a knife pacing up and down the sidewalk, talking to himself, taking little notice of anyone else, holding the knife defensively, and not actively threatening anyone, that presents a different set of circumstances that will require a different tactical response. In the latter scenario, the officers may be able to take some time to assess the situation, try to communicate with the person, bring additional resources to the scene, and otherwise formulate a response designed to obtain voluntary compliance.

This module emphasizes how information gathering, teamwork, and flexibility in considering different options are key to identifying and executing the most appropriate and safest tactical response.



**Continue gathering information:** When officers respond to an incident that does *not* require the immediate neutralization of an active threat, the first step is to continue gathering information—from their own observations, from witnesses, and from the subject, who is often the best source of information about what is going on and why he is behaving in a certain way.

Collecting information is an ongoing process that helps the officer to refine his or her threat assessment. Assessing a threat requires officers to analyze the subject's means, ability, opportunity, and intent to cause harm. By negating one or more of those elements, the officer can reduce or neutralize the threat.

**Respond as a team:** Many situations, particularly those involving persons with mental illness or other conditions that cause them to behave erratically, can be handled more effectively if responding officers call for additional personnel—such as a supervisor, officers who have received a higher level of crisis intervention training, special teams of officers and mental health workers who may have had previous contacts with the person, or SWAT officers.

In any situation with multiple officers responding, it is important that everyone should have a defined role, and everyone should know what their role is.

If there are only two officers at the scene, one officer should be the contact officer and the other should be the cover officer. The contact officer should communicate with the subject, while the cover officer focuses on protecting the safety of both officers and any bystanders. It is preferable that only one officer communicate with the subject, in order to ensure that messages are consistent. Persons with mental illness or other conditions may have trouble comprehending what people are saying, a situation that is made worse if multiple officers are speaking.

However, if the contact officer does not seem to be establishing any connection with the subject, the two officers can switch roles. In some cases, it just happens that one officer can reach a subject and establish rapport, while another officer cannot.

As additional officers arrive, they can take on additional roles in providing cover, using less-lethal weapons, establishing perimeters and managing/containing the scene, and internal communications and coordination.

Having a supervisor at the scene often has the effect of slowing the incident down, which can be very helpful. If there is no supervisor at the scene, a senior officer should step up and take the role of managing the overall response.

**Video case study:** A case study of the importance of assigning particular roles to officers is the fatal shooting by San Francisco police of Mario Woods in December 2015. The incident was captured from several angles on cell phone videos.<sup>30</sup>

**Distance + Cover = Time:** Police officers, especially those in busy urban departments, often respond to one call after another. This can result in a feeling



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30. New York Daily News. "Multiple videos capture fatal San Francisco shooting by cops." Dec. 4, 2015. <https://www.youtube.com/watch?v=BolqWQ4iIY4>

of pressure to resolve calls quickly, so they can move on to the next one. Police agency leaders in some departments may need to issue new guidance in order to assure officers that there are some incidents that call for a more deliberate response, and that officers are not expected to resolve all calls quickly. **Rather, agencies should establish clear expectations that officers will *take as much time as they need, perhaps many hours in some cases, to handle certain calls.***

The types of calls that require a slower, more careful response are those that have the potential to turn into incidents in which police will be required to use force, particularly lethal force. Often, these calls involve persons with a mental illness, developmental disability, drug addiction, or other condition that causes them to behave erratically. And if the call involves a weapon such as a knife, or a person who is throwing rocks or other objects, the chances increase that the officer may use lethal force if the police response is not carefully considered.

Slowing down the response is not only a question of providing a greater likelihood of safety for the subject of the call; it is a matter of officer safety as well. It is better for everyone at the scene if police can de-escalate the incident and *avoid ever reaching a point* where the use of lethal force is necessary.

Here is what the expression “Distance + Cover = Time” means to an officer responding to a situation of a person on a street in a mental health crisis, holding a knife and speaking somewhat incoherently: If the responding officer immediately moves in close to the person, he may create a situation in which he must use deadly force to protect himself. But depending on whether there are bystanders nearby and other circumstances, officers may be able to keep their distance from the person, and use cars, fences, or other objects as cover, in order to protect themselves. If officers can use these tactics to protect themselves and if there is no threat to bystanders, the officers can buy time. And they can use this time to communicate with the person, establish rapport and trust, strategize, and get additional resources to the scene—all of which increases the chances that the police will be able to convince the person to set down the knife and comply with officers’ instructions voluntarily.

In other words, when officers are in close quarters with a potential threat and they feel pressed for time, options quickly dwindle. But when officers have distance, cover, and time, their options multiply.

Officers sometimes ask, “How long are we supposed to let this situation go on?” The answer from trainers and police agency leadership should be “as long as it takes.”

**Tactical positioning and repositioning:** In the aftermath of a controversial use of force by police, an officer or police spokesman is sometimes quoted as saying, “We had to draw a line in the sand.” That is an unhelpful concept in many of the types of situations that ICAT focuses on. “Drawing a line in the sand” is arbitrary and meaningless if the person you are dealing with cannot comprehend what you are saying, has no understanding of where you drew your line, and is unaware of the consequences for crossing the line.

Instead of drawing a line, officers should be taught to *maintain a position of advantage* and a safety zone. Maintaining a zone may require an officer to move sideways or backwards at times. The size of the zone is not an arbitrary

distance such as the so-called “21-foot rule.” Rather, it is the amount of space needed to ensure that the officer cannot be caught off-guard if the person suddenly moves to attack.

**Video case study:** The concepts of “Distance + Cover = Time” and tactical positioning and repositioning are illustrated in a video of an incident in November 2015 in Camden, NJ, in which police responded to a man on the street with a knife.<sup>31</sup> Body-worn camera footage as well as security camera videos show more than a dozen officers following the man down a street. While it may be possible to find fault with particular aspects of almost any video of a police response to a difficult encounter, Camden County Police Chief J. Scott Thomson described what went well during this incident:



*Our Camden officers didn't rush toward this man or rigidly put themselves in a position where they had to use deadly force. Instead, they maintained flexibility to reposition themselves throughout the entire incident, until they were eventually able to safely arrest him when he dropped the knife. No shots were fired, and no one was injured. We enveloped him with officers, we protected the public, and we were willing to walk with him as far as he wanted to walk that night.<sup>32</sup>*

**Put yourself in a winnable situation:** Some of the operational safety tactics described in Module 5 can be summarized as follows:

1. Isolate, contain, hold, assess.
2. Call out for additional resources.
3. Use tactical communications.
4. Identify options and develop a plan.
5. Intervene only if there is an immediate threat to life/safety
6. Remember that you don't have to succeed on your first try. Trying again or trying a new tactic is not only allowed; it may be the best approach. There may be multiple routes to success.
7. Do not put yourself in an unwinnable situation through your actions, such as closing the distance unnecessarily or rushing to action if you don't need to act.

## Post-Response Considerations

Critical incidents can involve a number of possible outcomes, including voluntary compliance, arrest, referral to mental health treatment, and/or use of some level of force. Everyone involved in a critical incident should participate in an After-Action Review (AAR) process. This debriefing should cover the actions taken, the agency policies and procedures governing the situation,

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31. “Broadway & Mickle man with a knife incident.” Camden County Police You Tube channel. <https://www.youtube.com/watch?v=YtVUMT9P8iw>

32. Police Executive Research Forum. *Guiding Principles on Use of Force*. 2016. Page 31. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

and the decision-making behind the actions. By fully capturing the strengths and shortcomings during the incident, agencies can continuously improve the response to future incidents. This module demonstrates how the Critical Decision-Making Model provides a useful structure for the AAR process.

**Basics of After-Action Reviews:** Whenever possible, AARs are conducted immediately after a critical incident. They are conducted to uncover and document strengths and weaknesses of the response to an incident. AARs are not “Monday-morning quarterbacking.” Rather, they are part of a continuous learning and improvement process. No one, regardless of rank, position or strength of personality has all the answers; AARs incorporate the ideas and experiences of a wide range of people. The sole purpose of AARs is to improve future performance, not to grade an incident as a “success” or “failure.”

**AAR ground rules:** The AAR process must be inclusive; anyone who has an insight or question should be encouraged to provide input. Any information that can identify and correct deficiencies or sustain strengths should be solicited. Facilitators are central to the process; the facilitator should ask open-ended questions to bring out relevant information. Participants should be asked to “leave their egos at the door.” Participants must feel free to express honest opinions, but views should be articulated in a professional and respectful manner. Professional disagreements during the AAR process should be encouraged.

**Critical Decision-Making Model:** The CDM, which officers use to guide their thinking during a critical incident, also serves as a useful tool for examining the decision-making after the fact. AARs are designed to answer the questions contained in the CDM: What information did officers request and receive? How did they assess the situation? Did the assessment change as new information came in? Did the officers consider their police powers and agency policies in formulating a response? How did they identify and narrow their options? Did they select the best course of action? After acting, did the officers review the outcome and re-assess? Did they “spin the model” if appropriate?

## Learning Activity: Scenario-Based Exercise

The online Training Guide provides for a scenario-based exercise in which police respond to a call from a parent reporting a son with mental health issues who is off his medications and is swinging a baseball bat wildly in the home. The scenario focuses on how officers responding to the scene should gather important information from the parent outside the home, and then develop a safe, tactically sound response based on their analysis of the information collected.

# Training Module 6:

## Integration and Practice

IN THE FINAL MODULE OF TRAINING, INSTRUCTORS USE VIDEO CASE studies and scenario-based training to help officers integrate their understanding of several concepts covered in earlier modules: how to recognize a critical incident and respond effectively, how to use crisis communication skills, and how to use operational safety tactics that are designed for the types of situations that are the focus of this training. The entire process is presented in the context of the Critical Decision-Making Model.

The course is designed to be flexible, depending on the amount of time and resources available in a given department or training academy. The Training Guide provides three videos to be used as case studies, taken from incidents in Appleton, WI,<sup>33</sup> Shenandoah County, VA,<sup>34</sup> and Camden County, NJ.<sup>35</sup> And the Guide provides two additional scenarios beyond those included in Modules 4 and 5: “man with a knife” and “attempted suicide by cop.”

The video case studies included in ICAT are designed to promote discussion and learning. They are not intended to judge the officers’ actions or render a “pass” or “fail” grade. In every video, there are examples of how the officers exemplified ICAT concepts and approaches, as well as examples of how the officers might have done things differently.

**Video case studies:** The video case studies will offer students an opportunity to demonstrate their understanding of the key concepts in Modules 2 through 5. For example, the Shenandoah County video consists of five minutes of body-worn camera footage from a 2015 incident in which deputies responded to a call about a man with a knife in a rural back yard.

The video demonstrates the deputies’ crisis communications skills. One deputy takes the role of contact officer and does all of the talking. He constantly

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33. YouTube. “Excited Delirium.” Published May 23, 2012. <https://www.youtube.com/watch?v=HfEepVOQrpE&feature=youtu.be>

34. YouTube. “Bodycam Shows Police Subdue Man With Knife.” Published December 14, 2015. <https://www.youtube.com/watch?v=NrrJj2D8TL0>

35. Ibid.

calls the subject by his name, generally speaks in a normal tone of voice, and repeatedly says things like, “Just tell us what’s going on. Talk to us a little bit, buddy. What’s wrong today?” When the man says, “Shoot me,” the deputy says, “No, we don’t want to shoot you!”

The video also demonstrates deputies’ tactical skills and communications with each other. For example, they speak to each other about their positioning to avoid potential cross-fire, and they constantly used an “ebb and flow” approach to positioning to maintain a reaction gap.

Other discussion points include: issuing clear, simple commands; establishing rapport; demonstrating empathy; threat assessment; not rushing the situation; and tactics, including the use of an Electronic Control Weapon (ECW). The video shows that the deployment of the ECW angered the subject. The contact deputy quickly directed the subject’s attention away from the deputy who had used the ECW, saying, “Talk to *me*, man, talk to *me*.” But moments later, the subject dropped his knife as he removed an ECW prong, which provided an opportunity for deputies to rush in and subdue him.

On some points, there is room for discussion about whether the deputies’ actions were the best option. For example, students may have different views about whether the use of an ECW was appropriate. The ECW angered the subject, which could have escalated the tensions, but as it happened, the subject dropped his knife while removing the ECW prong, which ended the encounter.

**Scenario-based training:** In the video case studies, students review and discuss other officers’ actions, but in the scenario-based training exercises, officers are given an opportunity to demonstrate how they would put the concepts of the training into practice, in realistic scenarios of the type they are likely to encounter on the job.

For example, in one of the scenarios laid out in the online Training Guide, students are told that they are responding to a call about an agitated man walking in a residential street, yelling and slashing at the air with a knife. The 911 caller reported that the man had just had another argument with his wife, who is threatening to leave him. Two officers respond. The subject is pacing excitedly, and he tells the officers to leave him alone.

The officers are expected to establish tactical positions to contain the subject and begin communications. The goal is to get the subject to voluntarily drop the knife and agree to be transported to a medical/mental health facility for an evaluation.

The subject is played by a role-player. Some police agencies seek out local actors from community theater groups or colleges to play these roles; other agencies look for acting talent among their own employees. Role-players are given information in advance about the characters they play. Some or all of this information may come out during the exercise, depending on the skills of the students in asking questions and gathering information.

In the scenario described here, the subject is a 42-year-old Marine Corps veteran who has been treated for PTSD for years, but who recently stopped taking medication because it made him feel bad. He is suspicious of one of the officers, thinking that the officer beat him the last time police were called to

his address. He has been drinking heavily for several days. He has several “hot buttons”—issues that make him angry, including any comments about his wife, positive or negative, and anything he perceives as a challenge to his military service or patriotism. (If the officers happen to touch on one of the “hot buttons,” they should change the subject.) The subject also has several “hooks”—things that he likes—including jazz music and military history. (If the officers are able to find out about these “hooks,” it may provide an opportunity to make a connection and establish rapport.)

The exercise does not have any fixed ending. The role-players are given limited instructions to “stay in character” and to react to what the officers say and do. But because mental illness and other conditions are key elements of many of these scenarios, the scenario may take unexpected turns.

At the conclusion of each exercise, the instructors debrief with officers, reviewing their decision-making, communications, and tactical approaches.

Trainers may also use an optional element of making a video recording of the exercise, so that instructors and students can replay some or all of the exercise for purposes of the discussion.

# Summary and Next Steps for Implementing ICAT

PERF'S ICAT TRAINING GUIDE IS DESIGNED TO HELP POLICE AGENCIES challenge conventional ways of responding to certain situations that in the past have ended with a police use of force. ICAT is a model that integrates officer safety tactics, communication skills, critical thinking and assessment tools, and other elements in an effort to resolve situations with minimal use of force, whenever possible. Building polices and training centered on the sanctity of human life can increase officer safety as well as public safety.

Many of the incidents cited in the ICAT Training Guide involve persons with mental illness or other conditions who are not brandishing a firearm. However, in certain situations, the concepts and techniques presented in the ICAT Training Guide can be applied even when firearms may be present. For example, if a mentally ill or suicidal person is barricaded in a room and has a firearm but is not pointing it at anyone, and if officers can maintain protective cover and ensure that the subject is not a threat to the public, the officers may be able to “slow the situation down” in order to give themselves more time to talk to the person, assess his mental state, utilize negotiators, and develop a plan to resolve the incident. Officers should be taught to understand that they need not feel pressure to resolve all situations quickly; in many cases, slowing it down and bringing in additional resources, as necessary, can result in a better and safer outcome for everyone.

In many police departments, this Training Guide should not simply be dropped into an existing recruit training or in-service training program, because ICAT involves communications, assessment, tactics, critical thinking, decision-making skills, crisis intervention, operational safety considerations, and other elements, many of which may already be covered to varying degrees in existing training curricula.

Therefore, top agency officials should read this summary of the ICAT Training Guide (as well as the more detailed online version of the guide), absorb its content, and decide where it fits best in their training program, and whether adjustments to existing training need to be made, so that the final result is integrated and internally consistent.



ICAT also should be considered a companion to PERF's March 2016 report, *Guiding Principles on Use of Force*. The ICAT training is based in large part on the 30 Guiding Principles in that earlier report.

This ICAT Training Guide is available online at PERF's website because it will be a "living document." Over time, as new materials become available, such as body-worn camera footage of actual incidents that demonstrate key concepts and lessons learned, these materials will be continually added to the online Training Guide.

PERF invites police officials to submit materials that are instructive and can be added to the ICAT Training Guide resources. For details, please contact PERF Director of Program Management Kevin Morison at [kmorison@police-forum.org](mailto:kmorison@police-forum.org).

As stated in the Acknowledgments section of this report, PERF is grateful to the hundreds of police officials at all ranks, from departments across the country, who have contributed to this work. We believe strongly that ICAT will help save lives and will save officers' careers as well.

# About the Police Executive Research Forum

THE POLICE EXECUTIVE RESEARCH FORUM (PERF) IS AN INDEPENDENT research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and developing and assessing crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership; public debate of police and criminal justice issues; and research and policy development.

The nature of PERF's work can be seen in the titles of a sample of PERF's reports over the last decade. Most PERF reports are available without charge online at <http://www.policeforum.org/free-online-documents>.

To learn more about PERF, visit [www.policeforum.org](http://www.policeforum.org).

- *Guiding Principles on Use of Force* (2016)
- *Advice from Police Chiefs and Community Leaders on Building Trust: "Ask for Help, Work Together, and Show Respect"* (2016)
- *U.S. Attorney General's Summit on Violent Crime: Summary of Key Factors, Promising Strategies, and Additional Steps* (2016)
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- *Future Trends in Policing* (2014)
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- *Social Media and Tactical Considerations for Law Enforcement* (2013)

- *Compstat: Its Origins, Evolution, and Future in Law Enforcement Agencies* (2013)
- *Civil Rights Investigations of Local Police: Lessons Learned* (2013)
- *A National Survey of Eyewitness Identification Procedures in Law Enforcement Agencies* (2013)
- *An Integrated Approach to De-Escalation and Minimizing Use of Force* (2012)
- *Improving the Police Response to Sexual Assault* (2012)
- *How Are Innovations in Technology Transforming Policing?* (2012)
- *Voices from Across the Country: Local Law Enforcement Officials Discuss the Challenges of Immigration Enforcement* (2012)
- *2011 Electronic Control Weapon Guidelines* (2011)
- *Managing Major Events: Best Practices from the Field* (2011)
- *It's More Complex than You Think: A Chief's Guide to DNA* (2010)
- *Guns and Crime: Breaking New Ground By Focusing on the Local Impact* (2010)
- *Gang Violence: The Police Role in Developing Community-Wide Solutions* (2010)
- *The Stop Snitching Phenomenon: Breaking the Code of Silence* (2009)
- *Violent Crime in America: What We Know About Hot Spots Enforcement* (2008)
- *Promoting Effective Homicide Investigations* (2007)
- *"Good to Great" Policing: Application of Business Management Principles in the Public Sector* (2007)
- *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches* (2006)
- *Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors* (2006)
- *Managing a Multi-Jurisdiction Case: Identifying Lessons Learned from the Sniper Investigation* (2004)
- *Community Policing: The Past, Present and Future* (2004)
- *Racially Biased Policing: A Principled Response* (2001)

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies; educates hundreds of police officials each year in the Senior Management Institute for Police, a three-week executive development program; and provides executive search services to governments that wish to conduct national searches for their next police chief.

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# APPENDIX

## Participants at the ICAT Working Group Meeting on Lesson Plan Development

April 11–15, 2016

New York City Police Academy, Flushing, NY

Major Darin Schierbaum  
ATLANTA POLICE DEPARTMENT

Deputy Commissioner  
Darryl DeSousa  
BALTIMORE POLICE DEPARTMENT

Sergeant Wade Labrecque  
BURLINGTON, VT POLICE DEPARTMENT

Sergeant James Trieb  
BURLINGTON, VT POLICE DEPARTMENT

Lieutenant Kevin Lutz  
CAMDEN COUNTY, NJ POLICE DEPARTMENT

Ret. Deputy Chief  
Howard Lodding  
FORMERLY WITH CHICAGO POLICE  
DEPARTMENT

Noble Wray  
COPS OFFICE, U.S. DEPT. OF JUSTICE  
POLICING PRACTICES AND  
ACCOUNTABILITY INITIATIVE

Assistant Deputy Commissioner  
Paul Baker  
CUSTOMS AND BORDER PROTECTION  
U.S. DEPARTMENT OF HOMELAND SECURITY

Director Mike Brown  
CUSTOMS AND BORDER PROTECTION  
U.S. DEPARTMENT OF HOMELAND SECURITY

Deputy Chief Jeff Cotner  
DALLAS POLICE DEPARTMENT

Major Paul Junger  
DALLAS POLICE DEPARTMENT

Sergeant Todd McBride  
DAYTONA BEACH POLICE DEPARTMENT

Commander Patrick Phelan  
DENVER POLICE DEPARTMENT

Captain Paul Norton  
FAIRFAX COUNTY, VA POLICE DEPARTMENT

Master Police Officer Pete Davila  
FAIRFAX COUNTY, VA POLICE DEPARTMENT

Deputy Assistant Director  
Ariana Roddini  
FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

Deputy Assistant Director  
Carl Milazzo  
FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

Lieutenant Joey Alvarez  
FRESNO, CA POLICE DEPARTMENT

Assistant Chief Charles Vazquez  
HOUSTON POLICE DEPARTMENT

Lieutenant Colonel Sean Cormier  
ILLINOIS STATE POLICE

Captain Charles Huth  
KANSAS CITY, MO POLICE DEPARTMENT

Lieutenant Ted Glaude  
LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT

Captain Keith Stephens  
METROPOLITAN NASHVILLE  
POLICE DEPARTMENT

Commander Daniel Hickson  
METROPOLITAN POLICE DEPARTMENT  
(WASHINGTON, DC)

Assistant Chief Kimberly  
Chisley-Missouri  
METROPOLITAN POLICE DEPARTMENT  
(WASHINGTON, DC)

Major Rick Clements  
MIAMI BEACH POLICE DEPARTMENT

Lieutenant Dan Morgalo  
MIAMI BEACH POLICE DEPARTMENT

Sergeant Allen Groszcyk  
MILWAUKEE POLICE DEPARTMENT

Commander Troy Schoenberger  
MINNEAPOLIS POLICE DEPARTMENT

Captain Mark Plazinski  
MONTGOMERY COUNTY, MD  
POLICE DEPARTMENT

CIT Program Manager  
Laura Usher  
NATIONAL ALLIANCE ON MENTAL ILLNESS  
(NAMI)

---

Note: Participants' titles and affiliations are those at the time of the January 29 meeting.

Lieutenant Adam Scheiner  
NASSAU COUNTY, NY POLICE DEPARTMENT

Sergeant George Larosa  
NASSAU COUNTY, NY POLICE DEPARTMENT

Sergeant Mike Savino  
NASSAU COUNTY, NY POLICE DEPARTMENT

Detective Jeff Thompson  
NEW YORK CITY POLICE DEPARTMENT

Detective Jim Shanahan  
NEW YORK CITY POLICE DEPARTMENT

Lieutenant Jack Cambria (Ret.)  
NEW YORK CITY POLICE DEPARTMENT

Deputy Inspector Matt Galvin  
NEW YORK CITY POLICE DEPARTMENT

Sergeant John Flynn  
NEW YORK CITY POLICE DEPARTMENT

Lieutenant Sean Patterson  
NEW YORK CITY POLICE DEPARTMENT

Officer Robert Zajac  
NEW YORK CITY POLICE DEPARTMENT

Officer Steve Stefanakos  
NEW YORK CITY POLICE DEPARTMENT

Deputy Chief Theresa Tobin  
NEW YORK CITY POLICE DEPARTMENT

Assistant Chief Terry Shortell  
NEW YORK CITY POLICE DEPARTMENT

Deputy Chief Vincent Giordano  
NEW YORK CITY POLICE DEPARTMENT

Lieutenant Mark Turner  
NEW YORK CITY POLICE DEPARTMENT

Detective Jose Otero  
NEW YORK CITY POLICE DEPARTMENT

Detective Jim Shields  
NEW YORK CITY POLICE DEPARTMENT

Detective Mike O'Brien  
NEW YORK CITY POLICE DEPARTMENT

Detective Patrick DeCanio  
NEW YORK CITY POLICE DEPARTMENT

Sergeant Bryan Hubbard  
OAKLAND, CA POLICE DEPARTMENT

Captain John Prieschl  
PALM BEACH COUNTY, FL SHERIFF'S OFFICE

Major William Brannin  
PALM BEACH COUNTY, FL SHERIFF'S OFFICE

Chief Inspector  
Christopher Werner  
PHILADELPHIA POLICE DEPARTMENT

Sergeant Jim Young  
POLICE SCOTLAND

Superintendent Alan Gibson  
POLICE SCOTLAND

Superintendent Kirk Kinnell  
POLICE SCOTLAND

Director Mike Schlosser  
POLICE TRAINING INSTITUTE  
UNIVERSITY OF ILLINOIS

Sergeant William Gleason  
PRINCE GEORGE'S COUNTY, MD  
POLICE DEPARTMENT

Captain Philip Cecere  
PRINCE WILLIAM COUNTY, VA  
POLICE DEPARTMENT

Director Julie Maidment  
SAINT PAUL POLICE DEPARTMENT

Sergeant Larry Hall  
SAN DIEGO POLICE DEPARTMENT

Officer Kevin Moylan  
SAN FRANCISCO POLICE DEPARTMENT

Sergeant John Brooks  
SEATTLE POLICE DEPARTMENT

Sergeant Dan Nelson  
SEATTLE POLICE DEPARTMENT

Captain Angela Coonce  
ST. LOUIS METROPOLITAN POLICE DEPARTMENT

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A Heroin Epidemic and  
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Police Executive Research Forum  
1120 Connecticut Avenue, NW, Suite 930  
Washington, DC 20036  
202-466-7820  
[www.PoliceForum.org](http://www.PoliceForum.org)

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## **Examining the Impact of *Integrating Communications, Assessment, and Tactics* (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings**



**September 16, 2020**  
**Updated: October 30, 2020**

Robin S. Engel, Ph.D.  
Nicholas Corsaro, Ph.D.  
Gabrielle T. Isaza, M.S.  
Hannah D. McManus, M.S.

University of Cincinnati

Research conducted by the *International Association of Chief of Police (IACP) / University of Cincinnati (UC) Center for Police Research and Policy* is supported by Arnold Ventures (formerly the Laura and John Arnold Foundation). The findings and recommendations presented within this report are from the authors and do not necessarily reflect the official positions or opinions of Arnold Ventures (AV), the IACP, or the Louisville Metro Police Department (LMPD). The authors wish to thank LMPD Interim Chief Robert Schroeder, Chief Steven Conrad (retired), Major Paul Humphrey, Sergeant Justin Witt, Sergeant Chris Keith, Officer Pete Pastin, Travis Eicher, and all the LMPD Officers and staff for their assistance in conducting this research. Executives and staff members from the Police Executive Research Forum (PERF) also provided valuable assistance to both the LMPD and the UC research team. We are also grateful for the editorial assistance and graphics created by Ashley Sandburg from the IACP /UC Center. Please direct all correspondence regarding this report to Dr. Robin Engel, Director, IACP/UC Center for Police Research and Policy, University of Cincinnati, 600 Teachers-Dyer Complex, 2610 McMicken Circle, Cincinnati, OH 45221-0632; 513.556.5850; [robin.engel@uc.edu](mailto:robin.engel@uc.edu).



## ABOUT THE AUTHORS

**Robin S. Engel, Ph.D.** is Professor of Criminal Justice at the University of Cincinnati (UC) and Director of the *International Association of Chiefs of Police / UC Center for Police Research and Policy*. She previously served as UC's Vice President for Safety and Reform, where her administrative duties included oversight of the operations and reform efforts of the University of Cincinnati Police Division. Dr. Engel engages in police research and evaluation, with expertise in empirical assessments of police behavior, police-community relations, and crime reduction strategies. She promotes evidence-based practices in policing by establishing academic-practitioner partnerships with the goal to reduce harm in communities. She has served as Principal Investigator for over 80 research grants and is ranked among top academics in the field of criminal justice/criminology based on publications in prestigious peer-reviewed journals. In 2017, Dr. Engel was awarded the *Distinguished Alumni Award* from the School of Criminal Justice at the University at Albany and serves as a governor appointee for the *Ohio Collaborative Community-Police Advisory Board*. She also currently serves as the co-chair of IACP's *Research Advisory Committee*.

**Nicholas Corsaro, Ph.D.** is Associate Professor of Criminal Justice at School of Criminal Justice at the University of Cincinnati. He has served as a Director of Research in a number of different agencies and organizations. His evaluations of strategic policing have focused on open-air drug markets, gang violence, gun homicide, and police-staffing needs. He has also examined the role of police contracting on crime rates. His research appears in a large number of criminal justice, evaluation research, and public health peer-reviewed journals.

**Gabrielle T. Isaza** is a Research Associate for the IACP/UC Center for Police Research and Policy and a doctoral candidate in the School of Criminal Justice at the University of Cincinnati. Her areas of research include police effectiveness; survey design; and evaluations of police training programs, including de-escalation and implicit bias. More generally, Gabrielle is interested in fostering the practice of police-academic partnerships.

**Hannah D. McManus** is a Research Associate for the IACP/UC Center for Police Research and Policy as well as a doctoral candidate in the School of Criminal Justice at the University of Cincinnati. Hannah participates in research and evaluation in the criminal justice field, with a specific focus on police practice. Her recent work includes research examining police-community relations and the implementation and evaluation of training for police officers, including de-escalation, crisis response, and officer wellness curricula.

## NOTE FROM THE AUTHORS

As researchers, we strive to produce meaningful evidence to reduce harm in communities and make police-citizen encounters safer for all. As we issue this report, we recognize the challenging circumstances facing residents and police officers in the City of Louisville. When we implemented this study with the LMPD in the fall of 2018, we could not have imagined the circumstances facing our country when our research was completed two years later. Although our work examining LMPD's use of force is anonymized and conducted at the aggregate level, we recognize the value of every life that is included in the numbers we analyze and report. For a variety of complicated reasons, situations involving crime, violence, and police use of force disproportionately impact communities of color, and our collective work is specifically designed to better understand and address these problems. While heartbreaking, encounters that result in injuries and fatalities of citizens and officers motivate those of us who work in partnership with police agencies to work even harder, generating evidence designed to make policing practices safer, and more effective and equitable for all communities.

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## EXECUTIVE SUMMARY

In recent months, law enforcement officers have been faced with an unprecedented set of circumstances, navigating major social unrest in communities amid a pandemic and economic crisis. Acknowledging the dangers to both the community and officers, efforts have intensified to identify “solutions” to reduce the frequency and severity of violent encounters between police and the public. Calls for the adoption of “de-escalation” policies and training – widely endorsed by policy makers, policing experts, and the public – have been especially strong, and recent statistics on law enforcement practices suggest the field has responded (Engel et al., 2020b). For example, in a 2019 national survey of 155 large police departments in the United States, nearly all responding agencies indicated they offered some form of de-escalation training to officers in their agency (CBS, 2019).

Although the implementation of de-escalation training is often encouraged, the effects of this training on police officers and their interactions with the public has not been systematically evaluated (Engel et al., 2020a). For this reason, the impact of de-escalation training on the frequency and severity of officers’ use of force and the subsequent injuries to citizens and officers is not well understood. It was within this context that the Louisville (KY) Metro Police Department (LMPD) stepped forward to both deliver and participate in the evaluation of a de-escalation training. Specifically, the LMPD introduced the Police Executive Research Forum’s (PERF) *Integrating Communications, Assessment, and Tactics* (ICAT) training program to instruct officers in de-escalation tactics and critical thinking skills for the management of potentially volatile police-citizen encounters. Seeking to understand the effectiveness of this training, the LMPD partnered with the *International Association of Chiefs of Police/University of Cincinnati Center for Police Research and Policy* (IACP/UC Center) to conduct an independent, external evaluation of the effects of the ICAT training on their agency.

This report documents the methodology and findings of the evaluation of ICAT training implemented within the LMPD. This study represents one of the first large-scale, methodologically rigorous evaluations of a well-known de-escalation training for police. Specifically, this study uses a multi-method approach, relying upon two distinct survey designs (i.e., repeated measure survey design, cross-sectional survey design) to assess the impact of training on the perceptions and self-reported experiences of officers and first-line supervisors, and a stepped-wedge randomized control trial design to examine training effects on officers’ behaviors and changes in the outcomes of police-citizen encounters. This seminal study is the first randomized control trial to demonstrate a significant reduction in officer use of force following de-escalation training implementation.

### **A. LMPD’s Implementation of the ICAT Training**

The *Integrating Communications, Assessment, and Tactics* (ICAT) training instructs police officers in de-escalation tactics and critical thinking skills for the management of potentially volatile police-citizen encounters, encouraging the integration of crisis recognition and intervention, communication skills, and operational tactics in police responses. This training is designed for patrol officers responding to circumstances involving persons in crisis – that is, individuals that may be behaving erratically due to mental health concerns, substance use,

situational stress, and/or intellectual/developmental disabilities. ICAT training is meant to apply to situations where individuals are either unarmed or armed with anything less than a firearm (PERF, 2016). A full summary of the ICAT training can be accessed here:

<https://www.policeforum.org/icat-training-guide>.

The ICAT curriculum is comprised of six modules. These modules include content related to: (1) Introduction; (2) Critical Decision-Making Model; (3) Crisis Recognition and Response; (4) Tactical Communications; (5) Operational Safety Tactics; and (6) Integration and Practice (PERF, 2016b). However, PERF emphasizes that ICAT training is flexible and adaptable, encouraging that agencies be creative in how they incorporate the training modules into new or existing programs on de-escalation, tactical communication, or crisis intervention. Notably, the LMPD followed this advice, tailoring the ICAT curriculum to fit within the local context and experiences of LMPD officers.

Brought to the department by then-Assistant Chief Robert Schroeder, the implementation of ICAT training in the LMPD was led by the LMPD Training Division officers and staff. Two LMPD instructors, Sergeant Justin Witt and Sergeant Christopher Keith, initially participated in a train-the-trainer course provided by PERF staff and have subsequently become PERF national instructors. These two instructors provided train-the-trainer instruction for three additional officers – Travis Hayden, Anthony Stallard, and Rich Wilson – within the LMPD Training Division. The LMPD asked PERF to observe and provide feedback on its ICAT training, and PERF Director of Applied Research and Management, Tom Wilson, went to Louisville to observe the initial sessions and offer guidance. Thereafter, these five LMPD instructors provided the ICAT training to the remaining LMPD sworn personnel. The ICAT training program was delivered during two consecutive eight-hour training days (Wednesday and Thursday) within a 40-hour week in-service training block required for all sworn officers. Approximately 40 to 50 officers were present in each training session. From February 2019 through November 2019, LMPD trained 1,049 officers of all ranks and assignments following a randomized training schedule developed by the research team. The officers who attended ICAT training were largely male (83.6%), White (80.2%) and served as patrol officers (57.7%). Officers were fairly evenly distributed in terms of age, law enforcement tenure, and LMPD tenure. A majority (53%) had a Bachelor's degree or higher, and slightly less than one-third had military experience (30.9%).

## **B. Methodology**

The evaluation was designed to assess the effects of the training across the following outcomes:

- (1) Officers' knowledge of and attitudes toward persons in crisis
- (2) Officers' confidence in handling critical incidents
- (3) First-line supervisors' perceptions and self-reported activities related to their use and supervision of de-escalation skills
- (4) The frequency of officer use of force and the types/severity of force used during encounters with resistant suspects
- (5) The frequency of injuries to citizens and officers during use of force encounters
- (6) Changes in training impact over time

Three research designs were used to examine these outcomes, including: (1) a repeated measure survey design to assess officers' knowledge and attitudes; (2) a cross-sectional survey design to identify first-line supervisors' perceptions and self-reported activities; and (3) a stepped-wedge randomized control trial to coordinate the LMPD's training schedule and assess behavioral outcomes.

#### *Repeated Measures Survey Design*

To examine the impact of de-escalation training on LMPD officers' knowledge and attitudes, three training surveys (pre-training, post-training, and follow-up) designed by the research team were administered by the LMPD Training Division staff to officers immediately before, immediately after, and approximately four to six months following officers' participation in the training. These surveys allow for comparisons of officers' knowledge and attitudes over time. Specifically, statistical comparisons of pre-training to post-training survey responses assess changes in responses following officers' participation in the ICAT training program. Additionally, comparisons of the post-training and follow-up survey responses provide insight on training effects over time. Finally, comparisons of the pre-training and follow-up survey responses consider the overall impact of the ICAT training program on LMPD officers' knowledge and attitudes.

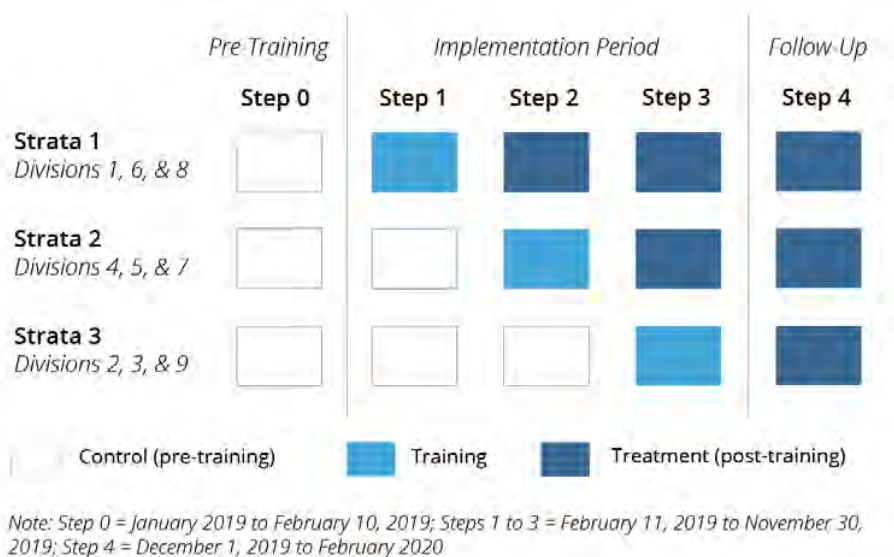
#### *Cross-Sectional Survey Design*

To supplement the evaluation of the training program, LMPD supervising officers (i.e., sergeants and lieutenants) were administered a survey in March of 2020, designed by the research team to assess their general perceptions of the role of supervisors, and more specifically, their views regarding how and when they supervise and/or reinforce the ICAT training. This cross-sectional design collected information from supervisors at a single point in time after the implementation of the ICAT training. Descriptive analyses are conducted to provide an examination of the role of supervision in ICAT training.

#### *Stepped-Wedge Randomized Control Trial Design*

To examine the impact of ICAT training on LMPD officers' behavior, the research team developed a stepped-wedge randomized control trial (RCT) design that was implemented by the LMPD Training Division. The stepped-wedge cluster RCT is a crossover design in which clusters of subjects begin as no-intervention controls, crossing over permanently from the control group to the intervention group in sequence at randomized, pre-specified points in time (Hussey & Hughes, 2007). In the present study, a stepped-wedge cluster RCT crossover design allowed for clusters of LMPD officers to begin as non-intervention controls (i.e., untrained in ICAT). Individual clusters of officers were then randomly selected in a sequence at pre-planned time points to cross over from the control group to the intervention group (i.e., trained in ICAT). At the end of the experiment, all officer clusters had crossed over to the intervention group. To implement the stepped-wedge RCT design, the nine LMPD Patrol Divisions, including eight geographic-based divisions and one mobile unit operating across the city of Louisville, were grouped into three strata, which were then randomly selected for training. This implementation of the stepped-wedge RCT design is displayed in Figure 1.

Figure 1: The Stepped-Wedge Design



The research team’s examination of the LMPD training regimen was consistent with the randomly arranged stepped-wedge training plan, suggesting high fidelity between the treatment as delivered and treatment as intended. Additionally, sensitivity testing examining the potential movement of LMPD officers from one Patrol Division to another during the research period – creating a potential contamination effect of the treatment condition – demonstrated little concern for possible contamination during the evaluation period.

### Data Sources

Using the research designs described above, the research team gathered quantitative data from three sources: (1) officer surveys, (2) field supervisor surveys, and (3) official reports of officer behavior.<sup>1</sup> All data collection and related research activities were reviewed and approved by the University of Cincinnati’s Institutional Review Board (IRB) in February 2019 (IRB# 2019-0118). The research questions for this study were assessed using a variety of analytic techniques to provide descriptive statistics, two-wave survey comparisons, and three-wave survey comparisons to assess officer attitudes and perceptions. Changes in frequency and severity of LMPD uses of force, citizen injuries, and officer injuries are assessed using a series of univariate statistics, including monthly and annual changes in uses of force over time, followed by a series

<sup>1</sup> The original research plan included a qualitative component that was not implemented. Four focus groups were scheduled with approximately 40-45 LMPD officers to be convened on March 20 and 27, 2020, but were canceled due to Ohio and Kentucky travel restrictions associated with COVID-19. Unfortunately, these focus groups were unable to be rescheduled during the study period due to the continued restrictions of group meetings. The intent of these focus groups was to gather additional context regarding the strengths and limitations of implementing de-escalation tactics in the field, comments regarding the ICAT training, and reactions to the study results specifically. If deemed appropriate and still of value, these sessions may be rescheduled sometime in 2021.

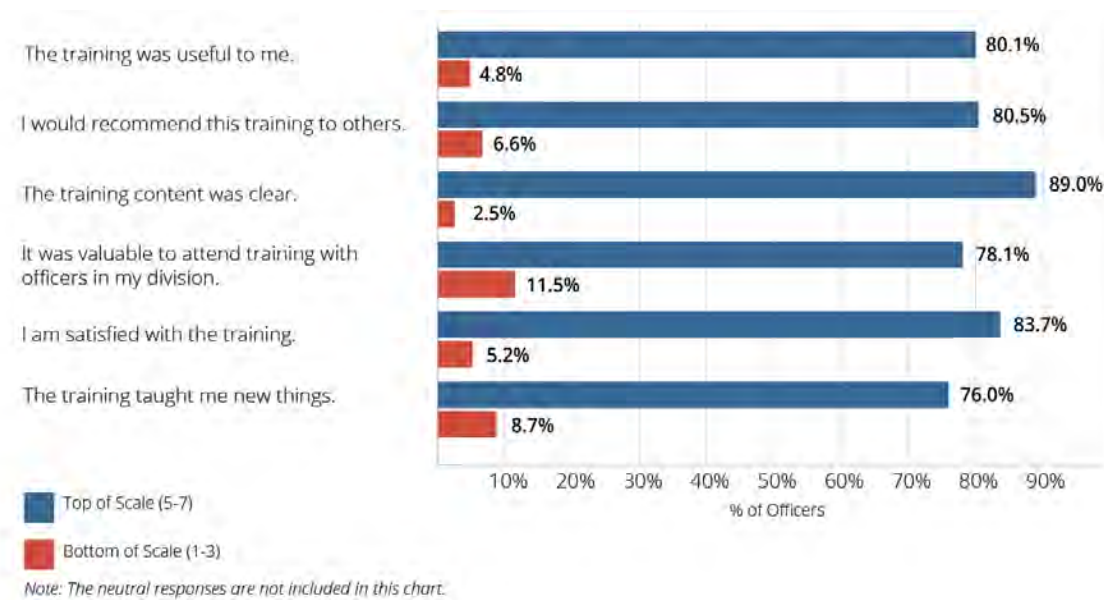
of panel regression analyses that corresponded to the stepped-wedge RCT design to assess the changes in uses of force that corresponded with the randomized timing of the training.

### C. Officer Surveys

Officer training surveys (pre-training, post-training, and follow-up) were administered to LMPD officers immediately before, immediately after, and approximately four to six months following their participation in the ICAT training, all with high response rates (87, 100, and 74 percent, respectively). Prior to the training, LMPD officers reported high levels of agreement that their roles involved activities consistent with community-oriented policing principles, however slightly more than half of the officers viewed law enforcement as their most important responsibility. Also of interest in the baseline measures, a majority (75%) of officers agreed or strongly agreed that the jurisdiction they work in is dangerous, and 85% agreed or strongly agreed that there is a good chance they would be assaulted while on the job, which presents a potential challenge for trainers when encouraging officers to think differently about use of force and the promotion of de-escalation tactics. In addition, only slightly over a quarter of officers agreed/strongly agreed that overall the LMPD is a good agency to work for, suggesting potential issues with officer morale that may impact receptivity to training.

Despite these possible challenges, as reported in Figure 2, the ICAT training was well received, with over three-quarters of the officers reporting positive reactions immediately following the training. A vast majority of surveyed LMPD officers found the training useful and would recommend to others, both immediately following training, as well as four to six months later.

*Figure 2: LMPD Officer Post-Training Perceptions of ICAT Training*



However, these positive impressions of the training appear to be stronger immediately after training, declining somewhat in the months after their initial training. When asked during the follow-up period four to six months after the initial training, 63% of officers reported that the



training strategies were useful, and 57% reported they would recommend ICAT training to other officers. This highlights the need for continual reinforcement of ICAT training for officers, whether this is through roll call or other forms of refresher trainings. Over 40% of officers agreed they would benefit from a refresher course.

Officers were also asked a series of questions designed to measure their attitudes regarding *Views on Interactions with the Public*, *Attitudes towards Persons in Crisis*, and *Attitudes Toward Use of Force*. Examination of these various items and scales demonstrated statistically significant changes in officer attitudes the expected direction following the training. For example, after the training, officers were more likely to strongly support the notion that force should be used as a last resort compared to scores before the training.

The summed *Attitudes Toward Use of Force Scale* also demonstrated a statistically significant change in the pre-training to post-training scores, and in the pre-training to follow-up scores, in line with the expected changes from the training. This indicates that officers may have sustained attitudinal changes regarding the use of force after participation in the ICAT training that do not appear to decay over time. In contrast, officers reported *Attitudes towards Persons in Crisis*, demonstrated immediate positive changes that were consistent with the tenants of ICAT training, however, these positive attitudinal changes decayed significantly over time.

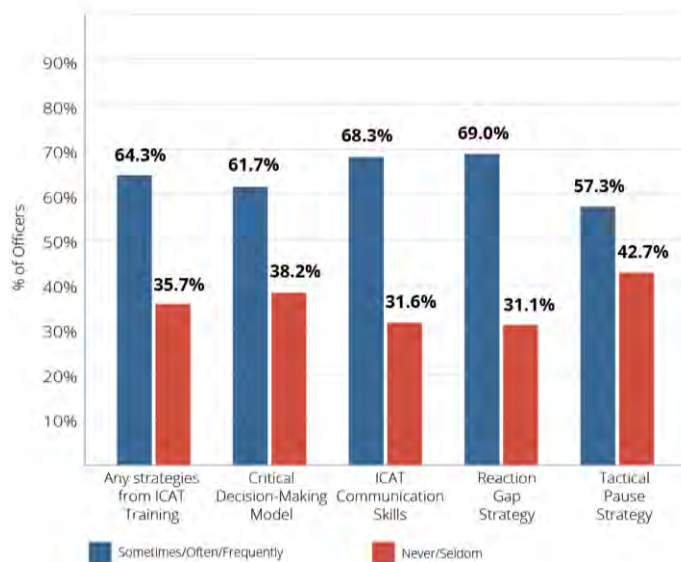
The officer survey findings illuminated some avenues for improvement on training curricula. The findings indicate there remains a small minority of respondents who are not convinced that ICAT training is useful nor beneficial to their police work. Additionally, the large percentages of “neutral” respondents also present an opportunity for trainers to enhance the perceived utility of ICAT training. Reinforcement of the benefits of the training may be an important step for LMPD ICAT trainers for these groups of officers.

One aspect of ICAT training in particular, the Critical Decision-Making Model (CDM), was not perceived as positively by officers. The CDM represents an important aspect of the ICAT training program, therefore officers’ reactions to this thinking framework are especially relevant to the training evaluation. Analyses of post-training scores compared to follow-up scores revealed that ten of the eleven items demonstrate statistically significant changes in the *opposite direction* than would be expected, indicating that officers reported finding the CDM less useful over time. This is an area for reconsideration regarding how the training curricula is created and delivered by the LMPD Training Division.

Finally, officers were asked to self-report their confidence in handling interactions with persons in crisis. The findings demonstrate that officers’ confidence did not significantly improve immediate after or in the months following the ICAT training. This lack of reported change is likely because officers started with high levels of reported confidence in handling these types of situations pre-training.

Nevertheless, when considering self-reported use of ICAT skills in the field, the majority of surveyed officers (over 60%) self-reported using ICAT skills during their previous 60 days of work. Use of the *Reaction Gap Strategy* was reported most frequently of all four skills assessed (CDM, ICAT Communication Skills, Reaction Gap Strategy, and the Tactical Pause Strategy), demonstrated in Figure 3.

Figure 3: LMPD Officer Self-Reported Use of Trained Skills, Follow-Up Survey



#### D. Supervisor Surveys

Recognizing the key position of first-line supervisors in the reinforcement of de-escalation training, the research team sought to examine the activities of sergeants and lieutenants within the LMPD as they relate to their own use of ICAT de-escalation skills and the supervision and support of those de-escalation skills among their subordinates. To assess these outcomes, LMPD supervising officers (N = 157) were administered a single survey in March 2020 by LMPD Training Division staff. Of these, 131 surveys were completed (83.4% response rate). Descriptive analyses are used to present the average responses of LMPD supervisors across five key areas, including their (1) use of ICAT de-escalation skills, (2) ability to supervise officers' use of ICAT de-escalation skills, (3) observations of officers' use of ICAT de-escalation skills, (4) frequency of participation in supervisory activities related to ICAT de-escalation skills, and (5) frequency of participation in general supervisory activities.

The survey analyses revealed several important findings. The LMPD supervisors appear to hold positive attitudes regarding their own use of the ICAT de-escalation skills. On average, supervisors expressed confidence in their ability to use the skills during both interactions with the public and their subordinate officers. Additionally, supervisors indicated they can effectively supervise and coach subordinate officers in the use of these de-escalation skills, with nearly 90% indicating they did not require additional training or support from leadership to complete these tasks.

Importantly, however, while most survey respondents (57%) suggest it is not difficult to supervise the use of ICAT de-escalation skills by their subordinate officers, the average frequency of participation in supervisory activities that may serve to support or reinforce officers' use of de-escalation were fairly low. The average responses of supervisors suggest they seldom (i.e., once per month) or only sometimes (i.e., two to three times per month) communicate with their subordinate officers about the use of ICAT de-escalation skills in a

general or incident-specific manner. Additionally, survey responses suggest the documentation of officers' use of de-escalation skills – by means of use of force reports, letters of commendation, or other formal recognition – is uncommon. In turn, supervisors reported limited observations of the use of de-escalation by officers in the field or through video review.

These low self-reports of supervisory activities associated with reinforcing de-escalation training content were echoed in the findings from the officer surveys. When officers were asked how frequently immediate supervisors reinforce ICAT training, over 40% indicated this happened seldom (once per month) or never. Collectively, the rarity of these types of supervisor-officer interactions suggests LMPD first-line supervisors may be missing important opportunities to support and reinforce the skills learned in the de-escalation training sessions among their subordinate officers.

### **E. Impact of ICAT Training on Officer Behavior**

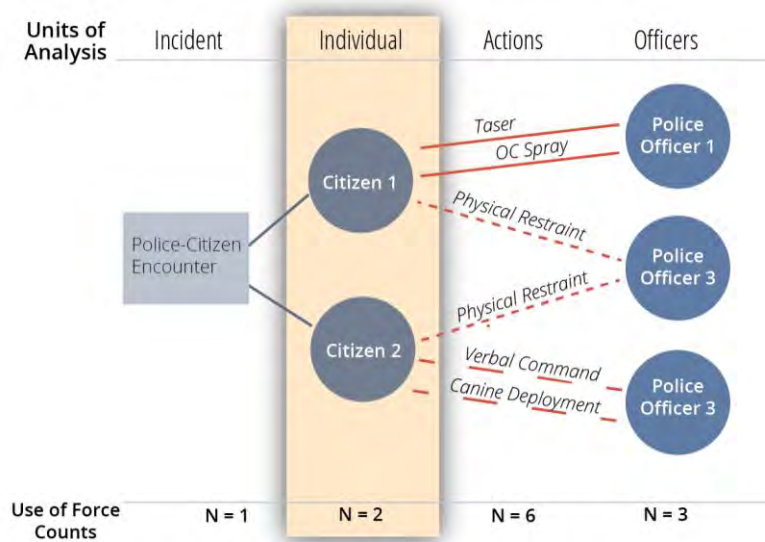
The most important consideration for this evaluation is the impact of ICAT de-escalation training on changes in officer behavior during interactions with the public. Use of force is governed by LMPD Standard Operating Procedure (SOP) 9.1 (Use of Force Policy), which delineates when and how force can be used by LMPD officers. This evaluation of the ICAT de-escalation training relies on LMPD's official use of force data. The LMPD's reportable uses of force include *all use of force incidents resulting in any injury, or the complaint of any injury, to either the officer or subject, or when physical force other than a control hold (a technique with a low probability of injury to the officer or subject, utilized to maintain physical control of a subject) is used.*

For all of the analyses that follow, *we measure the use of force as the number of individuals that had force used against them during a single encounter* (see Figure 4, "individual" unit of analysis). If an individual had force used against him/her in more than one encounter with police during the study time period, those multiple uses of force are included in the data analyses. Measured in this way, our individual use of force count (# of individuals having force used against them) includes multiple police actions, given the escalating nature of force (i.e., an officer may initiate with a low level of force and increase in severity if resistance increases), and multiple officers that could use force against a single individual. In addition, *we measure injuries as those reported by individuals or officers, regardless of whether medical attention was received.*<sup>2</sup>

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<sup>2</sup> Measuring the count of injuries in the manner will necessarily include injuries that, while reported by officers and citizens, were likely minor in severity. Of the 758 citizen injuries reported during the study time period (Jan 1, 2018 – April 30, 2020), over half (50.5%) did not require medical attention. Likewise, of the 681 officer injuries reported, 59.7% did not require medical attention.

Figure 4: Hypothetical Example of Use of Force Measures, by Unit of Analysis



Note: The individual level is the unit of analysis used in this study.

The research team first considered the historical context of use of force incidents in Louisville between 2010 and 2020. Using time series analyses, three changes in the pattern of use of force counts over time were identified. Specifically, as shown in Figure 5, the univariate moving average graph demonstrates consistent trends in the data, indicated by patterns of long-term stability in event counts and clear structural breaks in the time series. First, from January 2010 through December 2014, the average number of uses of force was roughly 51 per month for this stage in the time series. Second, from January 2015 through December 2018, the average number of uses of force was roughly 40 per month. Finally, during the period of the randomized experiment (beginning in February 2020) through April 2020, the average number of uses of force was roughly 30 per month. Thus, the use of force events in Louisville were consistently stable for a six-year period (2010-2015) as well as three-year period (2016-2018) prior to the implementation of the ICAT training.

Figure 5: Time Series Analysis January 2010 to April 2020

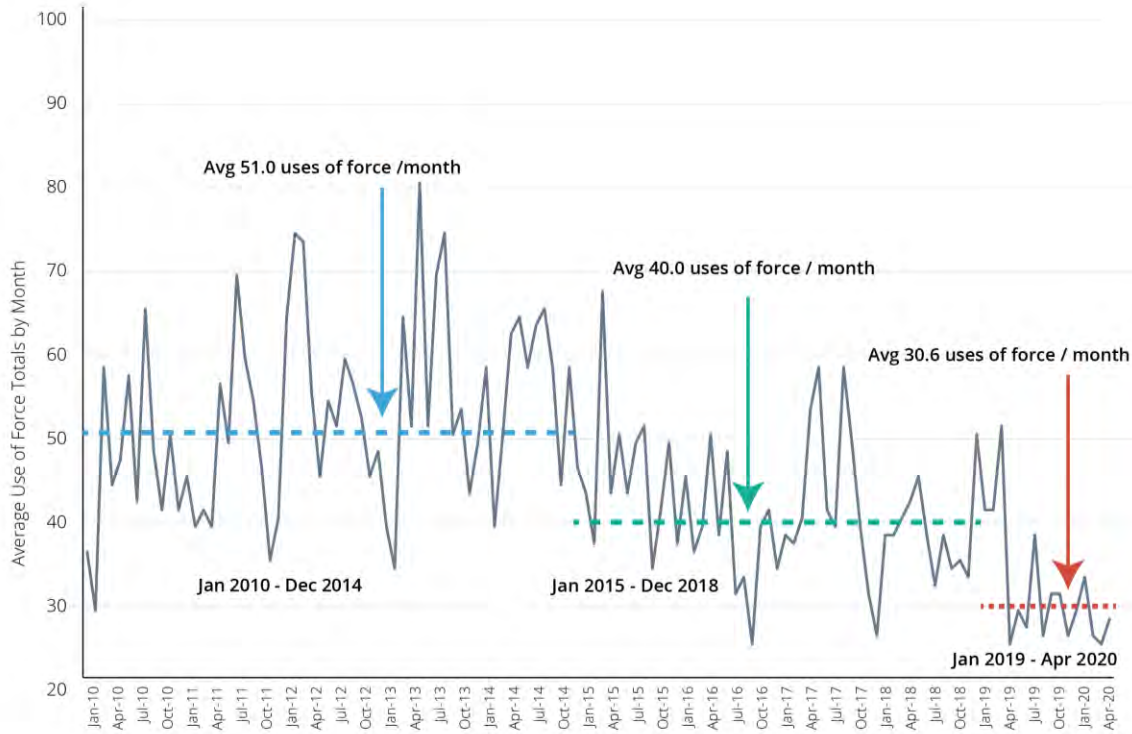
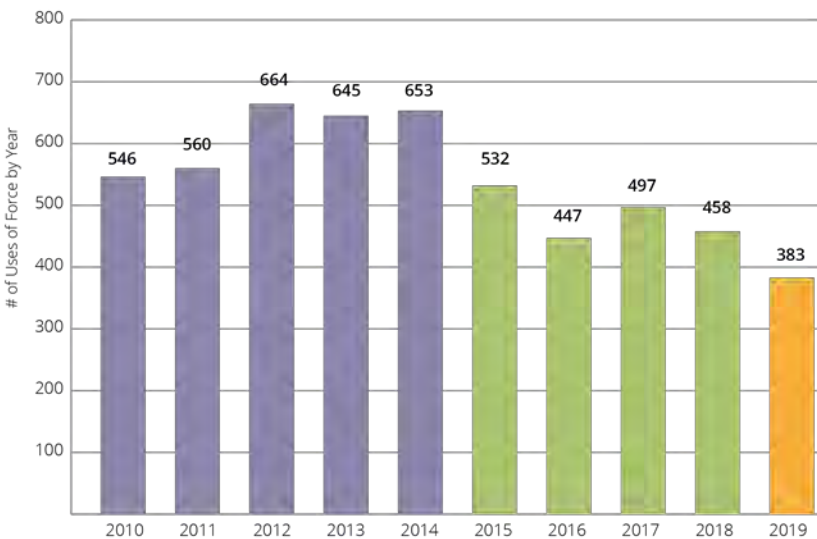


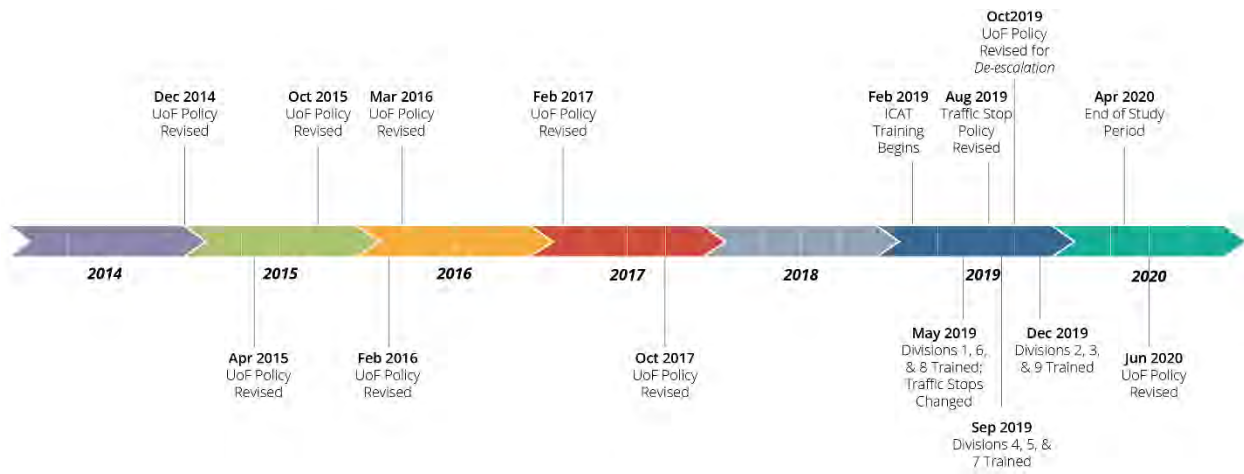
Figure 6 reports the number of reported uses of force each year, across the ten-year period. The three identified breaks in the data from the interrupted time series analyses are represented by different colors.

Figure 6: Use of Force Totals by Year (2010 – 2019)



These changes in the pattern of use of force counts are roughly correlated with LMPD policy changes. For a five-year period (from 2010 – 2014), use of force counts were consistently stable. After a series of changes to the LMPD Use of Force Policy (SOP 9.1) in 2015 and early 2016, the following four years (2015 – 2018) demonstrated a stable reduction compared to the previous time period (see Figure 7). This established stable four-year time period (2015 – 2018) serves as the baseline prior to the implementation of the training and additional policy changes. From January 2019 – April 2020 (the current study time period, inclusive of the ICAT training implementation), the monthly average number of uses of force again significantly declined.

Figure 7: LMPD Use of Force Policy Changes 2014-2020



To study the impact of ICAT training specifically using the stepped-wedge RCT design, uses of force were examined for a 28-month period, from January 1, 2018 – April 30, 2020. As shown in Figure 8, these analyses include a pre-training period (January 2018 – February 2019), training intervention period (February 2019 – November 2019), and follow-up period (December 2019 – April 2020).

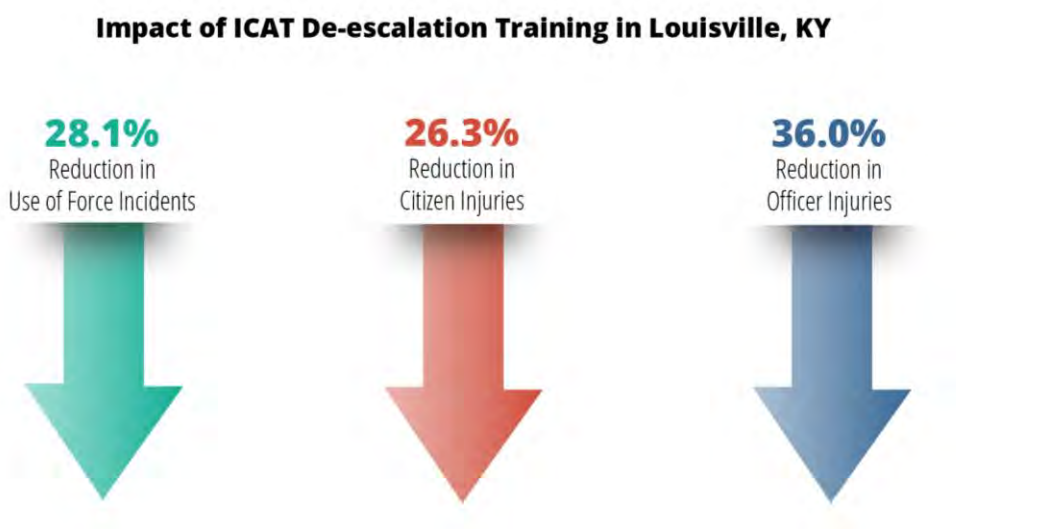
Figure 8: LMPD ICAT Training Implementation Timeline 2019-2020



Analyses of patrol officers' behaviors (i.e., frequency of use of force, and likelihood of officer/citizen injuries) relied on fixed effects panel regression models. The count regression results indicate that the ICAT training may lead to changes in officer behaviors associated with use of force and related issues surrounding use of force (i.e., injuries). Between January 2018 and April 2020, *the monthly average use of force counts declined in six of the eight patrol divisions*, ranging from a decrease of -16% to -52% among the vast majority of divisions that experienced sizable and notable declines in use of force.

The difference-in-difference estimates via the stepped-wedge panel regression models show three primary, consistent, and robust findings, net of controls and net of prior trends in the data. Of the utmost importance, *the randomly assigned timing of de-escalation training in Louisville was associated with a statistically significant decline in use of force (-28%), citizen injuries (-26%), and officer injuries (-36%),* shown in Figure 9.

Figure 9. Summary Impact of ICAT Training on LMPD Officer Behavior in Stepped-Wedge RCT



Notably, these results were beyond chance. Further, these significant reductions in force and injuries occurred above and beyond observed changes in arrest patterns. The research team is confident that the changes in uses of force – and the subsequent reductions in citizen and officer injuries – corresponded with the timing of the training across the various police divisions.

## F. Recommendations

While we continue to conduct more detailed analyses of these data, the initial findings are clear: ICAT de-escalation training delivered within the LMPD had its intended effect, improving officers' attitudes and reducing the frequency of use of force and resulting injuries to both officers and members of the public. The results also demonstrate the importance of developing a coordinated and comprehensive effort, where changes in de-escalation training are reinforced in policies, emphasized through direct field supervision, and supported through an established

managerial accountability system for using these tactics – and all of these approaches should be tested to determine effectiveness. As a result of this work, we provide the following recommendations to the LMPD (further detailed in Section VIII):

1. Continue, Refine, and Expand ICAT De-escalation Training within the LMPD

Based on the compelling benefits of LMPD’s ICAT de-escalation training that were revealed in this evaluation, we strongly urge LMPD officials to continue and further expand training in this area. The modifications made by LMPD trainers to the original ICAT training for application in Louisville are associated with successful outcomes. There is always room for improvement in any training curriculum, however, and some changes have already been identified by the LMPD Training staff. This work needs to be supported and expanded.

2. Include Louisville Residents in ICAT Training

In addition to educating officers regarding the importance and use of de-escalation tactics to handle potentially problematic encounters, it is important to educate local policy makers and community leaders. There is substantial misunderstanding around police use of force in general, and the relationship between police and the public in the City of Louisville is fractured, as exemplified by months of protests associated with police use of force. Inclusion of the Louisville community with the LMPD must be both purposeful and meaningful. It is recommended that the LMPD Training Division develop a specialized ICAT training session for community and political leaders. It will be helpful for these and other local residents to see and better understand the purpose and use of de-escalation training, and also for LMPD to hear and incorporate their feedback. LMPD instructors may even consider the inclusion of community members within the ICAT training itself, in the form of actors for role-play scenarios, or speakers to provide additional context and perspectives for officers. Developing meaningful ways to incorporate the community into LMPD training will be an important first step toward rebuilding partnerships.

3. Continue Use of Force Policy Changes and Updates

Although it appears that routine reviews of use of force policies is already occurring within the LMPD, it is important that these policies receive continual review to reduce the risk of officer and citizen injury, and reduce the likelihood of racial/ethnic disparities in the application of force. Additionally, the department should continue to analyze and review its use of force activities, policies, and training to identify patterns and trends that suggest needed changes or revisions. When needed, the LMPD should engage with outside research partners or consultants to assist in this review and make necessary adjustments and updates to both its policy and training.

4. Examine the Availability and Use of Less Lethal Equipment by the LMPD

The survey findings revealed some discrepancies regarding the perceived need and use of additional less-lethal tools for officers. Although the specific context around these issues within the LMPD is unknown to the research team, it is recommended that LMPD



officials consider these findings in combination with recent local and national concerns regarding the use of less-lethal tools, particularly when used as a response to protests.

5. Revisit the Role of Supervisors to Reinforce ICAT Training

LMPD officials should develop a plan to support supervisors in their reinforcement of the ICAT de-escalation training – encouraging sergeants and lieutenants to speak more openly and directly to their subordinate officers regarding the value and application of the de-escalation skills in their day-to-day work. Specifically, the LMPD should identify opportunities when these messages can be communicated (e.g., roll call, post-incident reviews), discussing both successful use of de-escalation skills, as well as areas for improvement. In particular, incorporating the documentation of the use of de-escalation in use of force reports, letters of commendation, and other formal ways of positive recognition within the agency can further integrate the principles and application of ICAT de-escalation training into the agency.

6. Implement Changes to LMPD Use of Force Data Collection

The LMPD should begin systematically documenting the frequency, type, and circumstances surrounding the use of de-escalation tactics. This information will be critical to identify patterns and trends in the use of de-escalation skills that reduce uses of force. Regarding current practices in data collection on use of force incidents, we recommend that when narrative-based incident details are collected, it is done in a manner that will make data culling and analyses more readily available to LMPD officials. Further, the LMPD may consider a change in the reporting system to accommodate all uses of force into a single database that may be more easily analyzed. Specific recommendation regarding these changes are presented in Section VIII.

7. Examine the Impact of Changes to the LMPD Traffic Stop Policy

Revisions to the Traffic Stop Policy (SOP 7.12) were made by LMPD on August 1, 2019 based, in part, on public concerns regarding the frequent use of (and police conduct during) traffic stops. Policy revisions included additional restrictions for conducting traffic stops, new guidelines for handcuffing people who are not under arrest, and emphasis that stops are to be conducted free of bias. It is recommended that the City of Louisville commission an independent assessment to determine the impact of these changes to the LMPD Traffic Stop Policy on the frequency, patterns, and racial/ethnic disparities associated with traffic stops.

8. Continue and Expand External Review of Reported Use of Force Incidents and Training

Mandating the collection and reporting of police use of force data is insufficient to significantly change police practice; these data, once collected, must be properly analyzed. It is recommended that the LMPD continue to prioritize its willingness to have independent assessments conducted, to use the findings from these assessments to change

policy, practice, and training, and to widely disseminate findings to other law enforcement agencies in an effort to continually to build the evidence base.

Finally, note that this report is the first of two reports that will be issued to the LMPD based on our research. The findings documented throughout this first report demonstrate patterns of change in various survey constructs that corresponded with de-escalation training and the CDM model of officer decision-making. Our second report (scheduled for delivery in January 2021) will unpack these patterns of attitudinal and behavioral changes in a more precise and detailed manner, and provide a more robust examination of individual officer and citizen characteristics that lead to use of force incidents. For example, we plan to identify the types of officers and supervisors – including consideration of demographics, experience, attitudes, and ICAT training – who are more likely to report using de-escalation skills and supervise these skills in the field. These analyses will be designed to help the LMPD Training Division modify and refine their training curricula for optimal impact. We will further examine all arrest situations and statistically model the types of police-citizen encounters that are more likely to result in use of force, and provide additional clarity around the racial/ethnic disparities in police response.

Moving forward, it is essential to better understand and systematically assess the impact of changes in police policies and trainings, and in particular, use of force de-escalation training – including assessments of which de-escalation skills are most often used in the field, during what types of encounters, by what types of officers, and their resulting impact on officer/citizen injury. We must continue to generate evidence to identify and support what works in policing. The safety of our police officers, and the community they serve, hinges on this collective work to advance the evidence base in the policing profession. This work is especially imperative for the City of Louisville, where trust between the police and the communities they serve has been fractured. The challenging work that lies before the Louisville community – to repair frayed police-community relations – will not be easy. It must start with a foundation of transparency regarding LMPD’s policies and practices, and an understanding of the role and impact of de-escalation training designed to make police-citizen encounters safer for everyone.

## I. INTRODUCTION

In recent months, law enforcement agencies in the United States have been faced with an unprecedented set of circumstances requiring the navigation of major social unrest in communities amid a pandemic and economic crisis. Acknowledging the dangers to both the community and officers embedded within this crisis of police-community relations, efforts have intensified to identify “solutions” to reduce the frequency and severity of violent encounters between police and the public. Calls for the adoption of use of force “de-escalation” policies and training have been especially strong – widely endorsed by policymakers, policing experts, and the public – and the law enforcement field has responded (Engel et al., 2020b). In a U.S. national survey of 155 large police departments conducted in 2019, nearly all responding agencies indicated they offered some form of de-escalation training to at least some officers in their agency (CBS, 2019).

Although the implementation of use of force de-escalation training has been emphasized across the field of law enforcement, the effects of de-escalation training have not been systematically evaluated (Engel et al., 2020a). As such, the law enforcement agencies implementing de-escalation training, as well as the field more generally, do not fully understand the impact of this type of training on the frequency and severity of officers’ use of force or on subsequent injuries to citizens and officers. To address this gap in knowledge, researchers at the *IACP/UC Center for Police Research and Policy* partnered with the Louisville Metro Police Department (LMPD) in 2019 to conduct a randomized control trial evaluation of de-escalation training for police. Specifically, from February through November 2019, the LMPD delivered in-service de-escalation training to approximately 85% of its sworn personnel, including all officers assigned to the Patrol Division. This training – *Integrating Communications, Assessment, and Tactics* (ICAT) – was developed by the Police Executive Research Forum (PERF) to instruct officers in de-escalation tactics and critical thinking skills for the management of potentially volatile police-citizen encounters.

### **Louisville Metro Police Department**

Louisville is the largest city in Kentucky, with roughly 620,000 residents, representing over 15% of the state population. Based on 2010 Census figures, the City of Louisville’s residential population is 69.9% White; 23.5% Black; 2.7% Asian; 5.4% Hispanic; and 3.0% other. The percentage of women is 51.6%, foreign-born citizens is 7.4%, and the median age is 37.2 years (U.S. Census, 2020). In January of 2003, the Jefferson County Police Department and the Louisville Division of Police merged to form the Louisville Metro Police Department (LMPD), which has been led by Interim Chief Robert Schroeder since June 1, 2020. Based on personnel records from January 2019, the LMPD is comprised of 1,245 sworn officers and 325 civilian personnel. The agency is organized into three bureaus (administration, support, and patrol), which encompass the LMPD’s eight patrol divisions, along with other specialized, and support

units.<sup>3</sup> There are approximately 800 officers assigned to patrol and the LMPD is responsible for roughly 400 square miles of territory.

In the winter of 2018, LMPD executives expressed interest in partnering with the IACP/UC Center's research team to evaluate the ICAT training scheduled for delivery to all sworn officers within the LMPD. After receiving and agreeing to an evaluation proposal developed by the research team, a Memorandum of Understanding was signed by the LMPD and the University of Cincinnati (UC) research team that described the work and commitments from both parties. In addition, a Data Use Agreement was signed by both parties to guide the exchange, storage, and use of official LMPD use of force, officer, and supervisor survey data. The LMPD agreed to: (1) participate in the proposed research design, including altering their training schedule for randomization, (2) provide access to LMPD personnel and data as required for the study, (3) allow the research team to observe ICAT training sessions, and (4) allow the findings of the study to be publicly disseminated. This independent evaluation was completed using existing resources within the *IACP/UC Center for Police Research and Policy*, primarily supported by Arnold Ventures (previously the Laura and John Arnold Foundation). No costs associated with this evaluation were assigned to the LMPD or the City of Louisville.

The evaluation was designed to address the impact of ICAT training across several outcomes, including: (1) officers' knowledge of and attitudes toward persons in crisis; (2) officers' confidence in handling critical incidents; (3) supervisors' perceptions and self-reported activities related to de-escalation; (4) the frequency of officer use of force and the types of force used during encounters with resistant suspects, (5) the frequency of injuries to citizens and officers during use of force encounters; and (6) changes in training impact over time, including training decay. A stepped-wedge randomized control trial (RCT) design was employed for the training schedule, along with three officer surveys (pre-training, immediately post-training, and four to six-months follow-up), and one supervisor survey (during the follow-up period).

This report documents the methodology and findings of the evaluation of ICAT training implemented within the LMPD. Building upon a pilot-test conducted with the University of Cincinnati Police Division (UCPD) that facilitated the development and assessment of officer training survey instruments (see Isaza et al., 2020),<sup>4</sup> the LMPD study represents one of the first large-scale, methodologically rigorous evaluations of a well-known de-escalation training for police. This seminal study is the first randomized control trial to demonstrate a significant reduction in officer use of force following training implementation.

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<sup>3</sup> In addition to eight Patrol Divisions, the Patrol Bureau also includes the 9<sup>th</sup> Mobile Division, which provides additional patrol services throughout LMPD's jurisdiction.

<sup>4</sup> Similar to the LMPD, UCPD instructors also attended a train-the-trainer session with PERF staff, and then internally delivered ICAT training over a two-day period. A total of 62 UCPD officers were trained over a five-month period, and these officers were the subjects of the pilot evaluation study. This evaluation focused on the impact of de-escalation training on officers' attitudes, but was unable to consider the impacts on officer behavior due to the infrequency in the use of force.

## Report Outline

This report begins in **Section II** with a review of available research examining the implementation and impact of de-escalation training for police. **Section III** describes the delivery of the ICAT training to 1,049 LMPD sworn officers over an approximate 10-month period (February 2019 – November 2019). **Section IV** outlines the methodology used in this study, including a description of the research questions, design, and data sources. **Section V** presents the findings from three waves of officer surveys (i.e., pre-training, post-training, follow-up), that were designed to assess changes in officers' perceptions of the role of police and the ICAT training, as well as changes in officers' attitudes regarding use of force and their reported confidence in using de-escalation tactics based on the ICAT training program. **Section VI** reports the findings from a single supervisory survey, administered to assess the perceptions of sergeants and lieutenants regarding their roles and activities in reinforcing ICAT training in the field. **Section VII** reviews the LMPD use of force data and the frequency and severity of force over a 10-year period. The report concludes with **Section VIII**, where the study findings are summarized, and a series of conclusions and recommendations for policy, research, and practice are presented. A description of future analyses to be conducted by the *IACP/UC Center for Police Research and Policy* using these data to further build our understanding of the impact of ICAT training is also provided.

## II. LITERATURE REVIEW

Decades of research examining the function of law enforcement in society have highlighted the ability of officers to use force as a defining role of the police (e.g., Bittner, 1974; Fyfe, 1988). This role has been subject to serious scrutiny and debate as researchers, policymakers, practitioners, and the public examine *why* and *how* police use force in their encounters with the public. In recent years, a series of highly publicized incidents involving the killing of unarmed individuals by American police has sparked protests, civil unrest, and demands for police reform to reduce the frequency and severity of use of force encounters between police and the public they serve. Facing this National Police Crisis (Walker, 2018), police executives have been encouraged to make significant changes regarding policies, procedures, training, and equipment related to officer use of force (e.g., see National Consensus Policy on Use of Force, 2017; Police Executive Research Forum, 2016a; President’s Task Force on 21<sup>st</sup> Century Policing, 2015).

Police use of force is generally defined as an action taken by police that threatens, attempts, or employs physical force to compel compliance from an unwilling subject (Garner et al., 1995; Henriquez, 1999). Most studies find that police use of force is a rare occurrence, with approximately 1-5% of all police-citizen encounters resulting in force (Davis et al., 2018; Garner et al., 2018). Studies have also found that when force does occur, it is often at lower levels of severity (Garner et al., 2018; Stroshine & Brandl, 2019; Torres, 2018). The prevalence of police force, however, depends upon how it is measured. Many use of force studies do not clearly define the concept of force, and they also vary in how it is measured. In addition, police agencies themselves vary in how use of force data is collected and counted, making it challenging to compare across agencies (Garner et al. 2002, 2018; Hickman et al., 2008; Terrill et al., 2018).<sup>5</sup> Although some police actions are nearly always conceptualized and documented as force (e.g., weaponless physical force involving injuries, physical restraints, chemical spray, nonlethal tactics and weapons, firearm threat or use), the inclusion of other minor actions as uses of force (e.g., verbal commands, handcuffing, and minor physical force without injuries) varies widely across agencies (Fridell, 2017; Klahm et al., 2014; Klinger, 1995; Terrill, 2003).

While the calls continue for a national database tracking officer use of force (see Jackman, 2020), advocates for police reform have also focused heavily on the need to change police use of force policy and training. De-escalation training, specifically, has been widely implemented by U.S. police agencies in the wake of adverse public reaction to recent controversial police use of force incidents. Despite vast promotion from politicians, academics, expert panels, and the public, however, we know little about the effects of de-escalation training on officers and police-citizen interactions (Engel et al., 2020a, 2020b). Although de-escalation training has become widely accepted as a common-sense approach to reduce unnecessary use of force by the police and to enhance the safety of both officers and the public during their encounters, the empirical

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<sup>5</sup> For a comprehensive review summarizing how police use of force has been conceptualized and measured, as well as the methodological limitations of previous research, see Hollis, 2018. For a review of the strengths and weaknesses of various use of force data sources, see Garner et al., 2002.

evidence to support these claims is nearly non-existent. Although important initial investments have been made in the evaluation of de-escalation training on policing outcomes, the widespread implementation of, and substantial variation in de-escalation training curricula currently precludes strong conclusions regarding its effects on the attitudes and behaviors of police officers and the public (CBS News, 2019; Engel et al., 2020a).

Even the term “de-escalation” lacks an evidence-based definition in the policing field (Engel et al., 2020a; Todak & James, 2018). Broadly speaking, nursing and psychiatry fields refer to de-escalation as a process used to prevent, reduce, or manage aggressive behavior during an interaction between two or more persons (Engel et al., 2020a). The *National Consensus Policy and Discussion Paper on Use of Force*, released in October 2017, was one of the first documents to define de-escalation as it relates to policing. They proposed the following definition:

Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning (p. 2).

Rather than a description of the tactics or process, others have recommended a more succinct definition. For example, based on feedback gathered during focus groups with police officers, Todak and White (2019, p. 842) define de-escalation as “bringing a situation or citizen in crisis back to a calm state, using the least amount of force possible.”

Proponents of de-escalation training within law enforcement agencies argue that this type of training provides officers with enhanced skills to resolve conflicts in highly confrontational situations without the use of force (Oliva et al., 2010). In turn, an officer’s ability to defuse these encounters is viewed to enhance both officer and civilian safety in police-citizen interactions. Critics of de-escalation training, however, suggest these tactics contradict traditional policing operational responses, increasing officers’ risk for injury by encouraging slow responses to potentially volatile situations (Blake, 2017; Jackman, 2016). Unfortunately, available research on the impacts of de-escalation training provides limited insight on arguments pertaining to the efficacy of this training. Like most trainings implemented within law enforcement, de-escalation training has not been the subject of substantial empirical evaluation (Lum et al., 2016; National Research Council, 2004). As a result, little is known regarding the development, delivery, and impact of this type of training.

Illustrating this gap in research, a recent multidisciplinary systematic review of de-escalation training evaluations showed that while a limited number of de-escalation trainings were evaluated across professions (N = 64), most studies appeared in the fields of nursing and psychiatry. *No evaluations* published within the policing or the criminal justice fields were identified (Engel et al., 2020a). Still, the findings produced from studies conducted in other professional fields provide some insight regarding the possible attitudinal (i.e., self-reported) and behavioral impact of de-escalation training. Specifically, studies examining self-reported outcomes suggest that de-escalation training has led to favorable effects on the attitudes, perceptions, and self-reported experiences and behaviors of trained individuals. In contrast, the

understanding of the impact of de-escalation training on behavioral outcomes is less clear. Although the majority of studies report favorable effects associated with de-escalation training (e.g., reduction in number and severity of violent incidents, increased application in use of de-escalation techniques), there are also findings suggesting de-escalation training has no, or in some cases, unfavorable effects on behavioral outcomes (Engel et al., 2020a).

Notably, confidence in the validity and generalizability of this available research is threatened by several considerations, including: (1) the variation across de-escalation training programs under examination; (2) the reliance on non-experimental research designs lacking a comparable control group; (3) the failure to assess behavioral outcomes; (4) the prioritization of short-term outcomes; and (5) the lack of examination of police officers specifically (Engel et al., 2020a). As a result, recommendations for de-escalation training, as well as larger conversations on the safety and well-being of police officers and the individuals they encounter, continue to rely heavily on anecdotal evidence and untested (or unsupported) propositions about best practice.

In the year since this systematic review was conducted, results from one study examining the impact of de-escalation training for police were published (see Mclean et al., 2020). Using a randomized control trial (RCT) design to assess the impact of the Tact, Tactics, and Trust (T3) training program offered by Polis Solutions in two police departments (Fayetteville, NC and Tucson, AZ), McLean and his colleagues (2020) reported that, although officers' attitudes improved, there were no discernable changes in actual officer behavior in the field. Similarly, researchers are currently in the process of evaluating a de-escalation training program in partnership with the Tempe (AZ) Police Department (White & Pooley, 2018). Using a randomized control trial, this research team plans to measure changes in behavioral outcomes including officers' use of force and de-escalation, and citizen complaints, as well as attitudinal outcomes such as changes in citizen and officer perceptions of police encounters over time. However, the results of this study are not yet available.

In summary, the available research provides a limited understanding of the impact of de-escalation training on police behavior and police-citizen encounters. As a result, police may be implementing trainings that are ineffective, perhaps even with unintended consequences to the safety of officers and the public. However, if de-escalation trainings can be implemented effectively, there is great opportunity to reduce the likelihood of injury for both citizens and officers. Therefore, it is critical to better understand the effects of de-escalation training on law enforcement. The study results documented within this initial report provide several important contributions to the knowledge base regarding the impact of de-escalation training on police attitudes and behaviors, as well as on police-citizen encounters. *Most critical, this current study represents the first large-scale, rigorous empirical evaluation of police de-escalation training that has demonstrated a significant reduction in police use of force.*



### III. LMPD IMPLEMENTATION OF ICAT TRAINING

The *Integrating Communications, Assessment, and Tactics* (ICAT) training for law enforcement officers was implemented within the LMPD over a 10-month period (February 11, 2019 to November 21, 2019). During this time, a total of 1,049 LMPD officers – approximately 85% of 1,245 officers identified by personnel records in January 2019 – participated in the ICAT training.<sup>6</sup>

The ICAT training was originally developed in April 2016 by staff and consultants affiliated with the Police Executive Research Forum (PERF). Designed to enhance both officer safety and the safety of the individuals they encounter, this training relies on tactics and skills to de-escalate potentially volatile officer-citizen interactions. Specifically, this training is designed for police officers responding to circumstances where a person is behaving erratically and is either unarmed, or armed with anything less than a firearm (PERF, 2016b). It is these types of encounters, PERF contends, that have received the most criticism on police training and use of force. Further, the potential lethality of these types of situations is of great concern. This notion is supported by research demonstrating that in over 40% of fatal encounters with police, the suspect was unarmed, or using a weapon other than a firearm (Sherman, 2018; Zimring, 2017). By training officers in a wider array of options to handle and “slow down” these situations, officers may be better equipped to use alternative actions to the use of force.

#### *Integrating Communications, Assessment, and Tactics (ICAT)*

The ICAT curriculum is an integration of critical thinking, crisis recognition and intervention, communication skills, and operational tactics. While Crisis Intervention Team (CIT) training has become a model in dealing with persons in crisis, PERF aptly notes that CIT training is largely focused on communication, yet when situations are evolving, officers may forget or downplay their CIT training and instead resort to defensive tactics such as the use of force. In contrast, ICAT is designed primarily to help officers handling *persons in crisis* – including individuals who may be behaving erratically due to mental health concerns, substance use, situational stress, and/or intellectual/developmental disabilities. An important component of the ICAT curriculum is providing officers with the skills to recognize these types of individuals and behaviors and identify tactics to approach these encounters in a safe, effective manner.

The ICAT curriculum is comprised of six modules. These modules include content related to: (1) Introduction; (2) Critical Decision-Making Model; (3) Crisis Recognition and Response; (4) Tactical Communications; (5) Operational Safety Tactics; and (6) Integration and Practice

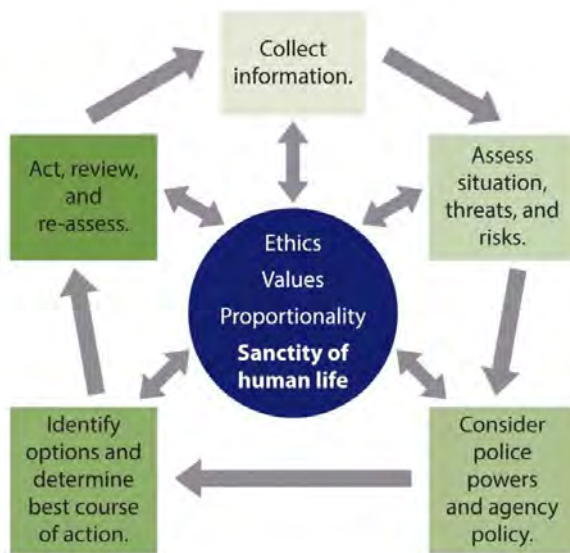
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<sup>6</sup> Although LMPD Training Division’s official roster included 1,042 officers trained, seven more post-training surveys were received compared to the roster, possibly because officers may have been added late to training sessions and did not appear on the training roster. Based on a review of the officer code numbers reported on the surveys, it was determined that these additional seven surveys were not duplicates, and therefore are included in the analyses as trainees.

(PERF, 2016b). However, PERF emphasizes that ICAT training is flexible and adaptable, encouraging that agencies be creative in how they incorporate the training modules into new or existing programs on de-escalation, tactical communication or crisis intervention.<sup>7</sup> ICAT uses both lecture/discussion-based training and practical instruction and emphasizes the importance of scenario-based training for police. A full summary of the ICAT training can be accessed here: <https://www.policeforum.org/icat-training-guide>.

An integral component of the ICAT training program is the use of Critical Decision-Making Model (CDM). Developed in the United Kingdom and historically used by SWAT teams in the United States, the CDM focuses on a different style of thinking than the traditionally taught use-of-force continuum. Specifically, the CDM is based on a circular thought process designed to help officers develop and think through their options in a situation (see Figure 1). This five-step critical thinking process is centered on an agency’s core values, ethics, and sanctity of human life. Every action that an officer takes should reflect a consideration of these central themes and should not go against those ideals. While the CDM is particularly useful in critical situations, its application is meant to be much broader, and can be used in everyday situations as well.

Figure 1: The Critical Decision-Making Model (PERF, 2016b)



The ICAT training program is being implemented in numerous police agencies across the United States (for a list, see <https://www.policeforum.org/icat-agencies>). PERF staff indicate that to date, over 600 individual agencies have participated in some form of ICAT training, including training

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<sup>7</sup> PERF continues to develop the ICAT training. In 2019, PERF added a module that provides guidance to officers about how to recognize and respond effectively to “Suicide by Cop” incidents, in which a person attempts to die at the hands of a police officer. “Suicide by Cop: Protocol and Training Guide.” <https://www.policeforum.org/suicidebycop>

officers by PERF staff, or train-the-trainer sessions (A. Kass, personal communication, January 6, 2020).

### ***LMPD Implementation***

Brought to the department by then-Assistant Chief Robert Schroeder, the implementation of ICAT training in the LMPD was led by the LMPD Training Division officers and staff. Two LMPD instructors, Sergeant Justin Witt and Sergeant Christopher Keith, initially participated in a train-the-trainer course provided by PERF staff and have subsequently become PERF national instructors. These two instructors provided train-the-trainer instruction for three additional officers –Travis Hayden, Anthony Stallard, and Rich Wilson – within the LMPD Training Division. The LMPD asked PERF to observe and provide feedback on its ICAT training, and PERF Director of Applied Research and Management, Tom Wilson, went to Louisville to observe the initial sessions and offer guidance. Thereafter, these five instructors provided the ICAT training to the remaining LMPD sworn personnel.

Prior to training delivery, the LMPD instructors and Training Division Major Paul Humphrey, made several minor adaptations to the curriculum to tailor the training program to local contexts. For example, LMPD instructors specifically modified the training to be more interactive and emphasized the importance of sound decision-making. To do this, they added additional practical components and exercises around communication and the CDM. Additionally, the LMPD modified the training to stress the importance of safety priorities (which was also added to LMPD's Use of Force Policy, SOP 9.1) along with the differences in goals and priorities during these types of situations.

To provide context to the training evaluation, the research team completed a comprehensive review of the ICAT training curricula. Additionally, research team members observed the delivery of the ICAT training within the LMPD across two distinct sessions. Observing training delivery in this manner provided the opportunity for a qualitative assessment of the LMPD instructors' fidelity to the curricula. In the assessment of the research team, both observed sessions demonstrated that the LMPD trainers were adhering to the training curricula, successfully illustrating model fidelity. A general overview of the timeline and delivery of the ICAT training and specific descriptions of training activities can be found below.

The ICAT training program was delivered during two consecutive eight-hour training days (Wednesday and Thursday) within a 40-hour week in-service training block required for all sworn officers. From February 2019 through November 2019, LMPD trained 1,049 officers of all ranks and assignments following a randomized training schedule developed by the research team (for details, see Section IV). Approximately 40 to 50 officers were present in each training session. Officers had assigned seating at group tables with their respective Division officers, often with a Division supervisor. The group seating arrangements were specifically designed to reinforce collaboration among officers who often work in the field with one another.

The structure of the first training day centered on the use of videos (both pop culture and real-life use of force incidents), the use of team building activities, and the use of PowerPoint slides and discussion on ICAT training content. The content covered during the first day of training included the first four modules of ICAT training: (1) Introduction to ICAT, (2) The Critical

Decision-Making Model (CDM), (3) Communication skills, and (4) Crisis recognition. Officers engaged in candid group discussions, guided by the instructors, during each module. The instructors also directed the officers in activities to reinforce the tenets of the curriculum. For example, officers split into two groups in different rooms to engage in an exercise using building blocks and a telephone to reinforce the importance of communication skills amongst officers.

The second day of training covered the final two modules of ICAT: (1) Operational tactics and (2) Integration and practice. The remainder of the curriculum is covered through PowerPoint slides, the review of use of force videos, and group discussion. The ICAT curriculum is also practiced through two live-action scenarios, where training staff act as subjects going through crisis. The first incident included officers responding to a person in a wheelchair and the second scenario involved officers called to an apartment building for reports of a man with a knife. While scenarios began the same, the training staff took different actions based on the officers' decision-making. Therefore, the live scenarios could play out in many ways, ending successfully or unsuccessfully. The officers also engaged in practice with firearm simulators, receiving feedback from the LMPD instructors, which may also end successfully or unsuccessfully.

## IV. METHODOLOGY

This study relies on multiple data sources and analytic techniques embedded within an adaptation of a randomized control trial (RCT) design. The various components of the research methodology are described below, including the research questions, study design, data sources, and analytic techniques employed to complete this research.

### A. Research Questions

This evaluation aims to examine changes in officers' knowledge, attitudes, and behavior following their participation in a two-day de-escalation training program. Additionally, this research seeks to understand supervisors' perceptions and self-reported behaviors as they relate to the reinforcement of the ICAT training. These outcomes are examined using officer training surveys and the combined analysis of officer-level data provided by the LMPD. A series of convergent analytical approaches are used to answer the following research questions:

1. What is the impact of ICAT training on officers' reported knowledge about and attitudes toward persons in crisis?
2. What is the impact of ICAT training on officers' reported confidence in handling critical incidents?
3. How do first-line supervisors reinforce and/or supervise subordinates' use of ICAT de-escalation skills?
4. What is the impact of ICAT training on the frequency of officer use of force and the types of force used during encounters with resistant suspects?
5. What is the impact of ICAT training on the frequency of injuries to citizens and officers during use of force encounters?
6. Do the observed impacts of the ICAT training change over time?

### B. Research Design

To assess the impact of ICAT training on (1) the knowledge and attitudes of officers, (2) the attitudes and self-reported behaviors of supervisors, (3) the behaviors of officers, the research team employed three distinct research designs. Specifically, the evaluation of training effects included (1) a repeated measure survey design, (2) a cross-sectional survey design, and (3) a stepped-wedge randomized control trial design. All data collection and related research activities were reviewed and approved by the University of Cincinnati's Institutional Review Board (IRB) in February 2019 (IRB# 2019-0118). Each of these designs are discussed in greater detail below.

#### *1. Repeated Measure Survey Design*

To examine the impact of ICAT training on LMPD officers' knowledge and attitudes, three training surveys (pre-training, post-training, and follow-up) were administered by the Training Division staff to officers immediately before, immediately after, and approximately four to six

months following officers' participation in the ICAT training. These surveys allow for comparisons of officers' knowledge and attitudes over time. Specifically, statistical comparisons of pre-training to post-training survey responses assess changes in responses following officers' participation in the ICAT training program. Additionally, comparisons of the post-training and follow-up survey responses provide insight on training effects over time. Finally, comparisons of the pre-training and follow-up survey responses consider the overall impact of the ICAT training program on LMPD officers' knowledge and attitudes. Details related to the survey measures, study sample, and analytic strategy are described more fully in Section V of this report.

## ***2. Cross-Sectional Survey Design***

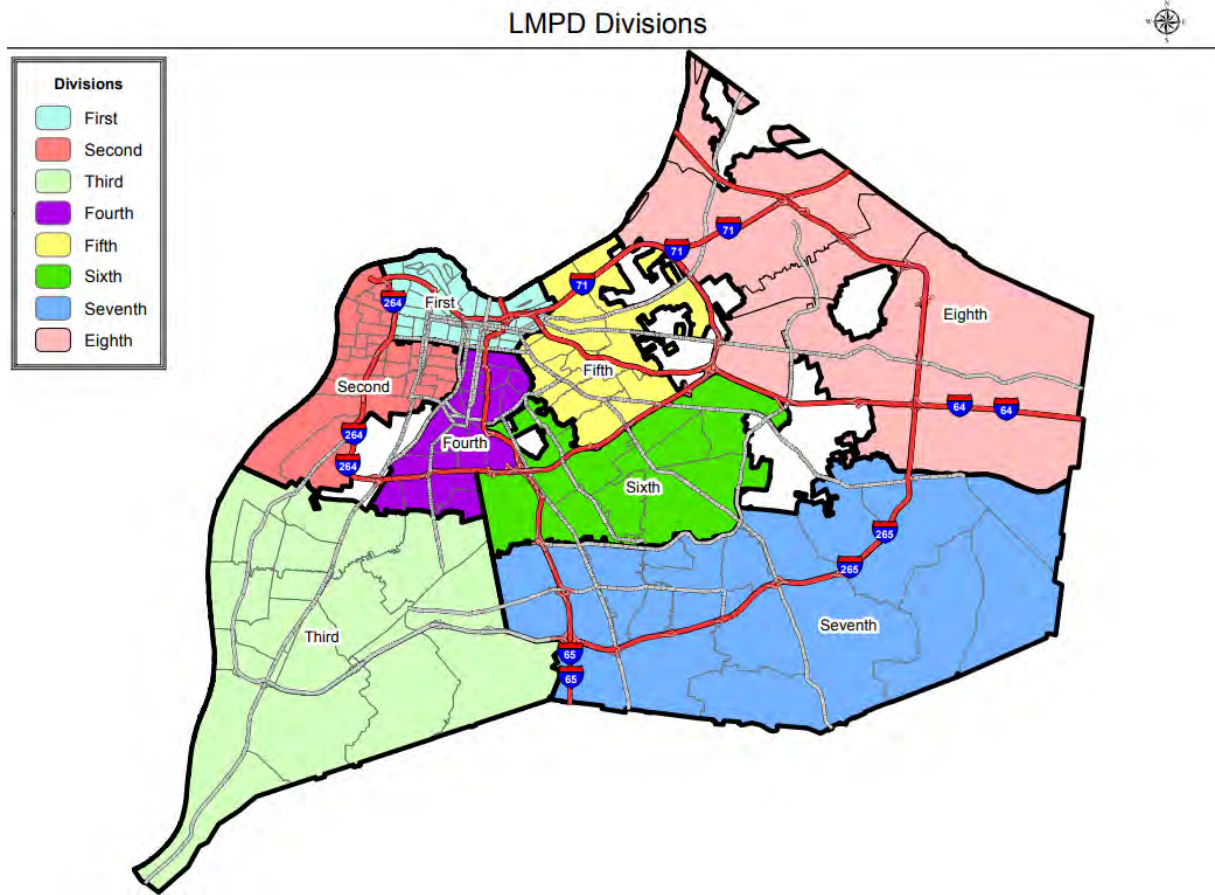
To supplement the evaluation of the ICAT training program, LMPD supervising officers (i.e., sergeants, lieutenants) were administered a survey in March 2020, designed to assess their general perceptions of the role of supervisors, and more specifically, their views regarding how and when they supervise and/or reinforce the ICAT training. This cross-sectional design collected information from supervisors at a single point in time after the implementation of the ICAT training. Descriptive analyses are conducted to provide an examination of the role of supervision in ICAT training. Details related to the survey measures, study sample, and analytic strategy are described more fully in Section VI of this report.

## ***3. Stepped-Wedge Randomized Control Trial Design***

To examine the impact of ICAT training on LMPD officers' behavior, the research team developed a stepped-wedge randomized control trial (RCT) design that was implemented by the LMPD Training Division. The stepped-wedge cluster RCT is a crossover design in which clusters of subjects begin as no-intervention controls, crossing over permanently from the control group to the intervention group in sequence at randomized, pre-specified points in time (Hussey & Hughes, 2007). This design allows for an experimental comparison between participants in clusters receiving the intervention and clusters receiving "conditions as usual" awaiting crossover to the intervention group. There are practical benefits to this approach such as minimizing ethical concerns that control participants in traditional RCTs do not receive a treatment or intervention that may prove to be beneficial.

In the present study, a stepped-wedge cluster RCT crossover design allowed for clusters of LMPD officers to begin as non-intervention controls (i.e., untrained in ICAT). Individual clusters of officers were then randomly selected in a sequence at pre-planned time points to cross over from the control group to the intervention group (i.e., trained in ICAT). At the end of the experiment, all officer clusters had crossed over to the intervention group. To implement the stepped-wedge RCT design, the nine LMPD Patrol Divisions, including eight geographic-based divisions and one mobile unit operating across the city of Louisville (see Figure 2), were grouped into three strata, which were then randomly selected for training.

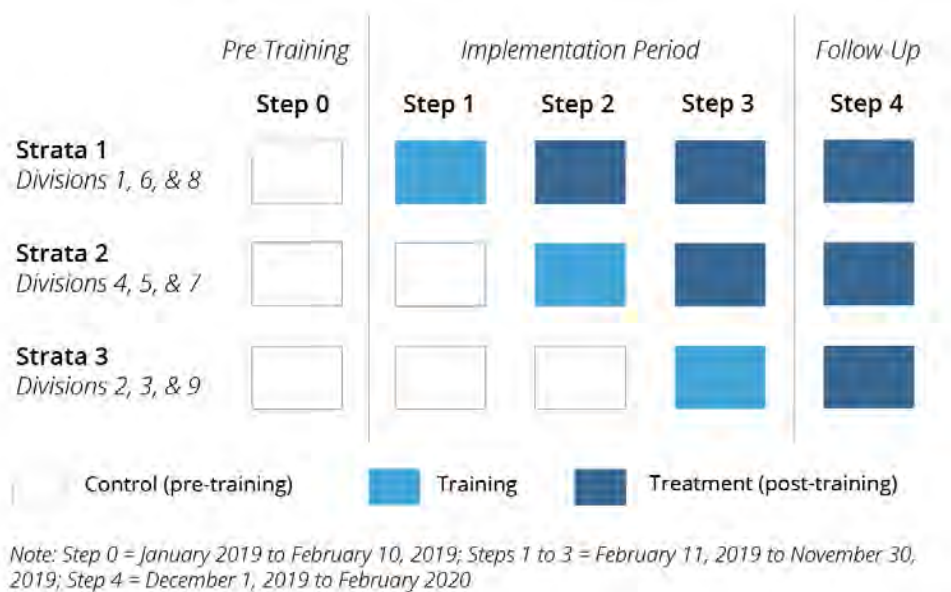
Figure 2: LMPD Patrol Division Map of Louisville/Jefferson County



The Divisions were selected into strata while ensuring relative equivalency of patrol officer counts, as well as comparable pre-intervention crime and arrest rates across the pooled clusters.<sup>8</sup> The next step was to randomly select each strata for the various discrete time points of training. Strata 1 (Divisions 1, 6, and 8) were randomly selected to attend training first from February 11 to May 17, 2019. Thereafter, officers from Strata 2 (Divisions 4, 5, and 7) were trained from May 20 to August 23, 2019, and officers from Strata 3 (Divisions 2, 3, and 9) completed their training from September 9, 2019 to November 21, 2019. By the end of the current experimental trial, all clusters moved to the intervention group, which meant that all Patrol Divisions (1-8), as well as the Mobile 9<sup>th</sup> Division, had received ICAT training. This process is shown in Figure 3.

<sup>8</sup> For example, when comparing monthly event counts of use of force by strata, the mean differences for the entire year of 2018 (the year preceding the experiment) yielded no significant mean difference across any of the strata over the monthly counts ( $F = 1.775$ ,  $p = .175$ ).

Figure 3: The Stepped-Wedge Design



An examination of the LMPD training regimen was consistent with the randomly arranged stepped-wedge training plan, suggesting high fidelity between the treatment as delivered and treatment as intended. Specifically, 92.0% of officers (N = 192) in Divisions 1, 6, and 8 were trained by the end of Step 1; 92.4% of officers (N = 180) in Divisions 4, 5, and 7 were trained by the end of Step 2; and 95.0% of officers (N = 88) from Divisions 2, 3, and 9 were trained by the end of Step 3. In total, 98.0% of patrol officers (N = 528) were trained by the end of their Division’s planned training period, demonstrating LMPD’s adherence to the research design and fidelity to the pre-determined randomization conditions. The timeline for LMPD’s implementation of the stepped-wedge research design is displayed in Figure 4.

Figure 4: LMPD ICAT Training Implementation Timeline 2019-2020





### **C. Officer Mobility (Sensitivity Testing)**

One complication for the stepped-wedge RCT design is the potential movement of officers from one patrol division to another between Steps 1 and 4 of the training delivery period. For example, an officer may be trained with a division assigned to Strata 1, and subsequently be transferred to a division within a different training strata. To examine the frequency of this possible contamination effect of the treatment condition, we randomly sampled 40 officers – noting the division where they were trained as part of the experiment (17 were selected from Strata 1, 15 from Strata 2, and 8 from Strata 3). Of the 40 randomly selected officers, 38 (95%) had observable activity (e.g., tickets and arrests) during the follow-up period within the same division where they were initially trained at the end of the training period.<sup>9</sup> When generalized to the agency, it is likely that majority of patrol officers remained within the division in which they were trained for the follow-up time period, substantially reducing concerns of possible contamination effect.<sup>10</sup>

### **D. Data Sources**

Using the research designs described above, the research team gathered quantitative data from three sources: (1) officer surveys, (2) field supervisor surveys, and (3) official reports of officer behavior.<sup>11</sup> All data collection and related research activities were reviewed and approved by the University of Cincinnati’s Institutional Review Board (IRB) in February 2019 (IRB# 2019-0118). The research questions for this study were assessed using a variety of analytic techniques to provide descriptive statistics, two-wave survey comparisons, and three-wave survey comparisons to assess officer attitudes and perceptions. Advanced statistical modeling was used to assess any LMPD Division-level changes in police-citizen encounters as measured by arrests, use of force, and officer/citizen injury. These three data sources, associated statistical analyses, and study findings are documented within Sections V through VII to follow.

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<sup>9</sup> Note that one of the two officers who transferred to a different Division still remained in the same strata (moving from Division 4 to Division 5, both within Strata 2).

<sup>10</sup> Research contamination occurs when the members of one group (the “control” group) in a trial receive the treatment or are exposed to the treatment that is meant for the treatment group. This would bias the contrast between the control group and the treatment group, reducing the confidence that experimental effects are actually due to the treatment (in this study, ICAT training).

<sup>11</sup> The original research plan included a qualitative component that was not implemented. Four focus groups were scheduled with approximately 40-45 LMPD officers to be convened on March 20 and 27, 2020, but were canceled due to Ohio and Kentucky travel restrictions associated with COVID-19. Unfortunately, these focus groups were unable to be rescheduled during the study period due to the continued restrictions of group meetings. The intent of these focus groups was to gather additional context regarding the strengths and limitations of implementing de-escalation tactics in the field, comments regarding the ICAT training, and reactions to the study results specifically. If deemed appropriate and still of value, these sessions may be rescheduled sometime in 2021.

## V. IMPACT OF TRAINING ON OFFICERS' ATTITUDES

To assess the impact of the ICAT training on officers' knowledge and attitudes, the research team used a repeated measures survey design. Three training surveys were administered to officers by the LMPD Training Division staff immediately before, immediately after, and approximately four to six months following officers' participation in the ICAT training. Both the pre- and post-training surveys were administered in a paper format to all training participants and placed into a collection box that was retrieved by the research team approximately every two to three weeks.<sup>12</sup> The online follow-up survey – provided to patrol officers only – was administered using LMPD software (i.e., PowerDMS).<sup>13</sup> The inclusion of a unique identifier for each officer allowed survey responses to be linked across waves of measurement (i.e., pre, post-, and follow-up), as well as linked to observations of officer behavior (e.g., uses of force, arrests, injuries).

The survey instruments were created by the research team in consultation with LMPD officials. Where possible, the survey items were informed by previous research measuring police officers' self-reported attitudes related to the role of police, interactions with the public, use of force, training, and police agencies. Additionally, the surveys contain survey items designed specifically for the evaluation of the ICAT training, including measures regarding officers' perceptions of persons in crisis and the Critical Decision-Making Model (CDM). The majority of the items presented in the LMPD officer training surveys were pilot tested in the evaluation of ICAT training with the University of Cincinnati Police Division (see Isaza et al., 2020). Aligning with previous survey research, many of these items are measured using variations of a Likert scale, allowing the research team to capture both the nature – for example, agreement or disagreement – and the intensity of officers' attitudes across the outcomes of interest.

The LMPD officer training surveys included questions grouped within 10 different conceptual areas. Although many of these items were designed to measure officer attitudes that might be affected by their participation in a use of force training program, other items serve as “control” measures and, as such, are not expected to change over time. The survey items presented to officers differed across the waves of the training survey. The inclusion of specific items across periods of measurement was determined by the need to collect specific information across multiple points in time, as well as by the desire to shorten the follow-up survey to increase response rates. The 10 sections of the officer training surveys include:

- (1) *Views on Interactions with the Public* – Included in pre- and post-training surveys, officers' general views on citizen interactions – including issues of officer safety and de-escalation – were measured using seven survey items. Officers were asked to indicate

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<sup>12</sup> ICAT training was delivered on Wednesdays and Thursdays of the 40-hour in-service training week; the pre-training survey was administered on Wednesday mornings before ICAT training began and post-training survey was administered on Thursdays after the curriculum was complete, over the course of 24-weeks of training.

<sup>13</sup> PowerDMS, a police management software used for policy and procedure management, was used for administration of the follow-up survey. Officers signed into their individual accounts to fill out the surveys, which were later exported to Excel files by LMPD staff and provided to the research team. The research team entered all excel file responses into an SPSS database for analysis.

their level of agreement to each of the seven survey items on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). After the appropriate reverse coding, higher scores indicate a greater agreement to the tenets taught during ICAT training.

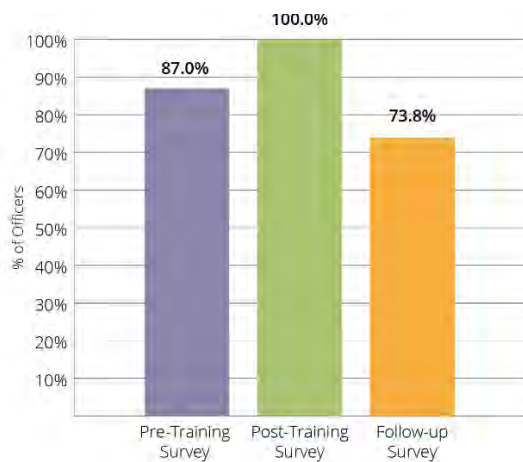
- (2) *Attitudes Towards Persons in Crisis* – Included in pre-, post-, and follow-up training surveys, 14 survey items were used to measure officers' attitudes toward interactions with persons in crisis. Based on the ICAT curriculum, a person in crisis refers to an individual that may be behaving erratically due to factors such as mental health concerns, substance use, situational stress, and/or intellectual/developmental disabilities. For each survey item, officers were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate a greater agreement to the tenets taught during the ICAT training.
- (3) *Views on Policing* – Included in pre- and post-training surveys, 15 survey items were used to assess officers' view of the role of police – including the importance of various job duties – and officers' perspectives regarding their peers and agency. Respondents were asked to indicate their level of agreement to each survey item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree).
- (4) *Attitudes Toward Use of Force* – Included in pre-, post-, and follow-up training surveys, 11 items were asked to garner officers' attitudes toward using force, including their preference for using force and communication skills. Respondents were asked to indicate their level of agreement to each item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate a greater agreement to the tenets taught during the ICAT course.
- (5) *Officer Confidence in Interactions with Persons in Crisis* – Included in pre-, post-, and follow-up training surveys, officers were asked to indicate their level of confidence on a four-point scale (1 = Not Confident at All; 4 = Very Confident) to a series of actions when responding to a hypothetical person in crisis. Thirteen survey items measured respondents' confidence, in managing the described situation. Item values are expected to increase as a result of the ICAT training.
- (6) *Utility of the Critical Decision-Making Model (CDM)* – Included in post- and follow-up training surveys, 11 survey items were measured to determine the perceived utility of the Critical Decision-Making Model (CDM). Respondents were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate officers' greater agreement regarding the utility of the CDM.
- (7) *Receptivity to Training* – Included in pre-training survey, survey respondents were asked to indicate their level of agreement with seven statements related to training in law enforcement using a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). These items were adapted from a study on employees' openness toward change conducted by Miller, Johnson and Grau (1994). These items serve as control measures for the evaluation and were only asked on the pre-training survey.
- (8) *Perceptions of the ICAT Training Program* – Included in the post-training survey, officers' perceptions of the ICAT training program – including the content, delivery, and perceived outcomes – were assessed using eight items where respondents indicated how

applicable they felt each statement was to them (1 = Not At All Applicable to Me to 7 = Very Applicable to Me).

- (9) *Use of ICAT Skills* – Included in the follow-up survey, 10 survey items assessed respondents’ perceptions of ICAT training, based on their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Items also determined how often ICAT specific de-escalation skills were used by officers in the last 60 days, including their difficulty and effectiveness of use. An additional 20 questions were posed to respondents in a variety of formats to gather feedback on the use of ICAT de-escalation skills in the field.
- (10) *Demographics* – Included in pre-, post-, and follow-up training surveys, 14 survey items measured respondents’ demographics, previous experiences with persons in crisis, and participation in specific trainings during the last three years.

Officer training surveys received high response rates at all three waves of measurement. Specifically, 907 of the 1,049 officers trained completed the pre-training survey (87%), while all officers (100%) completed the post-training surveys.<sup>14</sup> Finally, of the 809 trained officers assigned to patrol, 597 (73.8%) completed the follow-up survey. These response rates are presented in Figure 5.

Figure 5. LMPD Training Survey Response Rates



### A. Data Analyses

The officer training survey data were primarily analyzed using SPSS, a social science statistical software program. The statistical approach to assess these data include: (1) descriptive analyses of survey items presented in a single wave of measurement (e.g., reactions to ICAT training measured in the post-training survey only), (2) independent t-test comparisons of survey items

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<sup>14</sup> The lower pre-training response rate was likely due to some officers arriving late to the 8:00 am training, after the pre-training survey had been administered.

presented across two waves of measurement,<sup>15</sup> and (3) repeated measures analysis-of-variance (ANOVA) models for comparisons of those survey items measured at all three waves of the officer training survey.<sup>16</sup> In short, findings from analyses of the officer training survey data are produced from both descriptive analyses and statistical comparisons of officers' average responses on survey items across the pre-training, post-training, and follow-up training surveys. Specifically, statistical comparisons of pre-training to post-training survey responses are intended to examine changes in officers' attitudes affected by the ICAT training program. In turn, comparisons of post-training and follow-up survey responses are intended to assess training impacts on officers' attitudes over time. Finally, comparisons of the pre-training responses to follow-up responses considers the overall impactful change in officers' attitudes produced by the ICAT training program. Tests for statistically meaningful differences in officers' average responses are conducted across these comparisons. In this report, the research team considers tests with p-values lower than the convention 0.05 level to be statistically meaningful, indicating 95% confidence that there is a difference in that item across the two waves that could be attributed to ICAT training. These differences are denoted in all tables with an asterisk (\*).

## **B. Section Outline**

The remainder of this sections is organized into five areas. First, the demographic characteristics and baseline attitudinal measures of officers are presented. Second, officers' reactions to the ICAT curriculum both immediately after and several months following the training are considered. Next, officers' self-reported use of the ICAT de-escalation skills four to six months following their participation in training are reported. Then, changes in officer attitudes over time are presented. Finally, a summary of the findings across these analyses is provided. Appendices A through C contain the descriptive statistics for the three training surveys, including the percentages representing how many respondents selected each response option across the survey items.

## **C. Officer Demographics and Baseline Measures**

This section contains descriptive statistics regarding the demographic characteristics of the officer sample, as well as baseline measures of officers' views of policing prior to their participation in the ICAT training.

Table 1 describes the characteristics of the LMPD officers that completed a post-training survey (N = 1,049; response rate = 100%). As shown, the officers who attended ICAT training were

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<sup>15</sup> Independent t-test comparisons determine whether the mean (average) difference of two sets of observations is zero. If the resulting t-test statistic rejects the null hypotheses of zero mean difference, then there is a statistically meaningful difference between the two observations.

<sup>16</sup> Repeated measures ANOVA derives from the one-way ANOVA statistical family – but for related (rather than independent) groups (Keselman et al., 2001). In short, repeated measures ANOVA allows for the analysis of repeated measures for at least three or more points in time for the same individuals in a panel design. The analysis describes the levels and the change in these measures over time. Additionally, the Bonferroni post-hoc tests allow for multiple comparisons (i.e., pre-training with post-training, post-training with follow-up, and pre-training with follow-up) to demonstrate which comparisons are statistically significant.

largely male (83.6%), White (80.2%) and served as patrol officers (57.7%). Officers were fairly evenly distributed in terms of age, law enforcement tenure, and LMPD tenure. A majority (53%) had a Bachelor's degree or higher, and slightly less than one-third had prior military experience (30.9%).

*Table 1. Post-Training Sample Demographics (N = 1,049)*

	% (n)		% (n)
<b>Gender</b>		<b>LE Tenure</b>	
Male	83.6 (877)	Less than 1 year	3.6 (38)
Female	14.7 (154)	1 – 4 years	21.5 (226)
Other	1.0 (10)	5 – 9 years	22.3 (234)
Unknown	0.8 (8)	10 – 14 years	19.7 (207)
<b>Age</b>		15 – 19 years	18.2 (191)
18 - 20 years old	0.2 (2)	20 or more years	14.0 (147)
21 - 24 years old	5.1 (54)	Unknown	0.6 (6)
25 - 29 years old	16.7 (175)	<b>LMPD Tenure</b>	
30 - 34 years old	20.6 (216)	Less than 1 year	4.2 (44)
35 - 39 years old	17.5 (184)	1 – 4 years	24.3 (255)
40 - 44 years old	16.9 (177)	5 – 9 years	21.7 (228)
45 - 49 years old	13.4 (141)	10 – 14 years	20.4 (214)
50 + years old	9.0 (94)	15 – 19 years	18.0 (189)
Unknown	0.6 (6)	20 or more years	10.7 (112)
<b>Race</b>		Unknown	0.7 (7)
Caucasian/White	80.2 (841)	<b>Education</b>	
African American/Black	11.8 (124)	High School	7.4 (78)
Latino/Hispanic	2.8 (29)	> 2 years college	21.5 (226)
Asian/Pacific Islander	1.9 (20)	Associate's Degree	16.4 (172)
Other	2.5 (26)	Professional Degree	0.8 (8)
Unknown	0.9 (9)	Bachelor's Degree	47.0 (493)
<b>Rank</b>		Graduate Degree	6.2 (65)
Patrol Officer	57.7 (605)	Unknown	0.7 (7)
Detective	20.9 (219)	<b>Military Experience</b>	
Sergeant	14.2 (149)	Yes	30.9 (324)
Lieutenant	4.8 (50)	No	68.7 (721)
Major and Above	0.8 (8)	Unknown	0.4 (4)
Other	1.4 (15)		
Unknown	0.3 (3)		

Table 2 presents the baseline assessment of officers' views on policing. Specifically, officers' perceptions were prompted regarding the role of police, as were their perceptions of working as a police officer in Louisville / Jefferson County. Respondents were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree) to 15 survey items. Table 2 reports the average response ( $\bar{X}$ ), standard deviation (SD), and number of officers responding to each question (N).

*Table 2: LMPD Officer Views on Policing, Pre-Training*

Survey Statements	$\bar{X}$	SD	N
1. Enforcing the law is a patrol officer's most important responsibility.	3.47	0.98	901
2. Law enforcement and community members must work together to solve local problems.	4.15	0.65	901
3. Working with the community to solve problems is an effective means of providing services to this area.	4.07	0.68	899
4. I routinely collaborate with community members in my daily duties.	3.44	1.94	900
5. My primary responsibility as a police officer is to fight crime.	3.54	0.90	901
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents.	4.09	0.66	900
7. A primary responsibility of a police officer is to build trust between the department and community.	3.76	0.83	901
8. As a police officer, it is important that I have non-enforcement contacts with the public.	4.08	0.71	899
9. As a police officer, I see myself primarily as a public servant.	3.87	0.79	900
10. My primary role is to control predatory suspects who threaten members of the public.	3.92	0.77	900
11. The jurisdiction that I work in is dangerous.	3.96	0.89	900
12. As a police officer, there is a good chance you will be assaulted while on the job.	4.17	0.77	901
13. Overall, I am satisfied with my job.	3.68	0.95	901
14. I enjoy working with my colleagues.	4.27	0.71	901
15. Overall, this is a good agency to work for.	2.71	1.14	900

Presented differently, the percentage of officers who indicated that they agree (shown in blue) or disagree (shown in red) with each of these statements is graphically displayed in Figure 6 and Figure 7. Figure 6 demonstrates that prior to the training, LMPD officers reported high levels of agreement that their roles involved activities consistent with community-oriented policing principles, however slightly more than half of the officers viewed law enforcement as their most important responsibility. Also, of interest in the baseline measures, a majority (75%) of officers agreed or strongly agreed that the jurisdiction they work in is dangerous, and 85% agreed that there is a good chance they would be assaulted while on the job, which presents a potential challenge for trainers when encouraging officers to think differently about use of force and the promotion of de-escalation tactics. In addition, only slightly over a quarter of officers agreed / strongly agreed that overall the LMPD is a good agency to work for, suggesting potential issues with officer morale that may impact receptivity to training.

Figure 6. LMPD Officer Views on Policing, Pre-Training

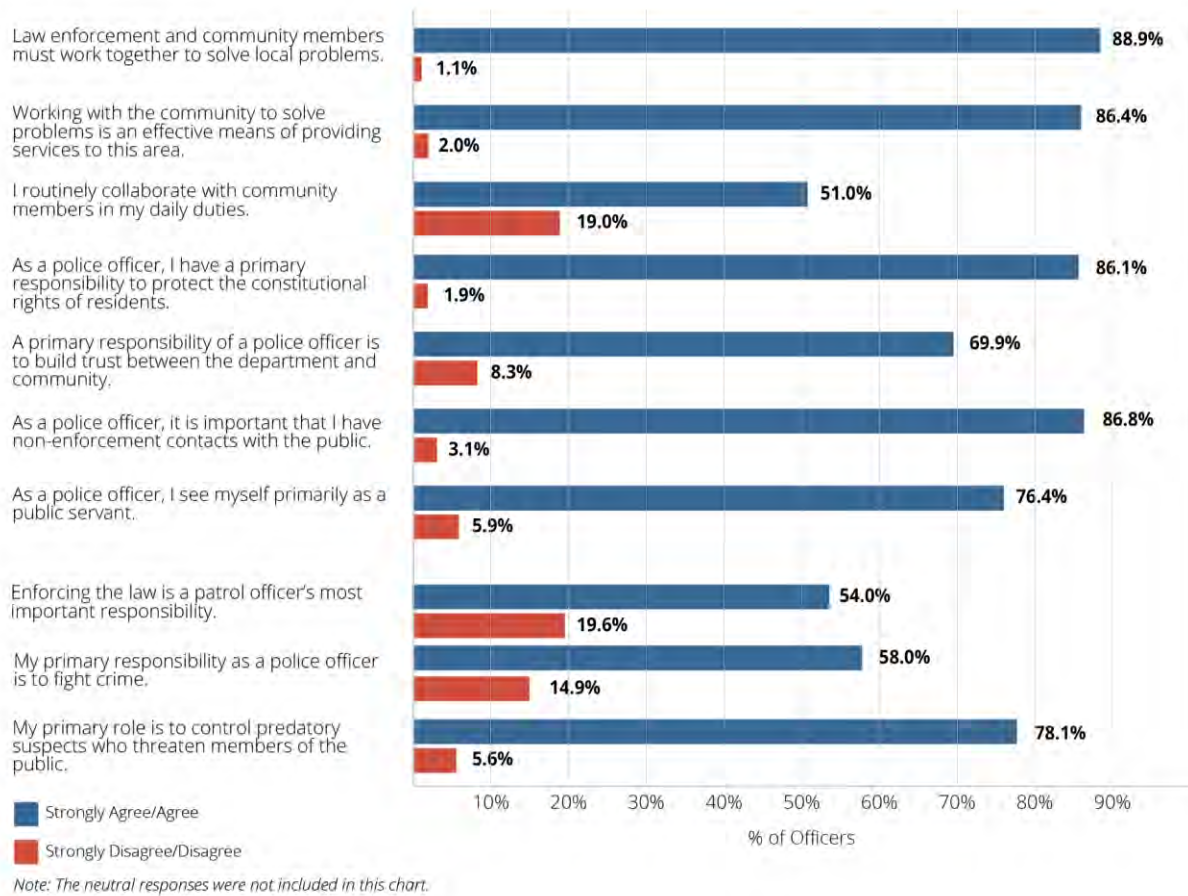
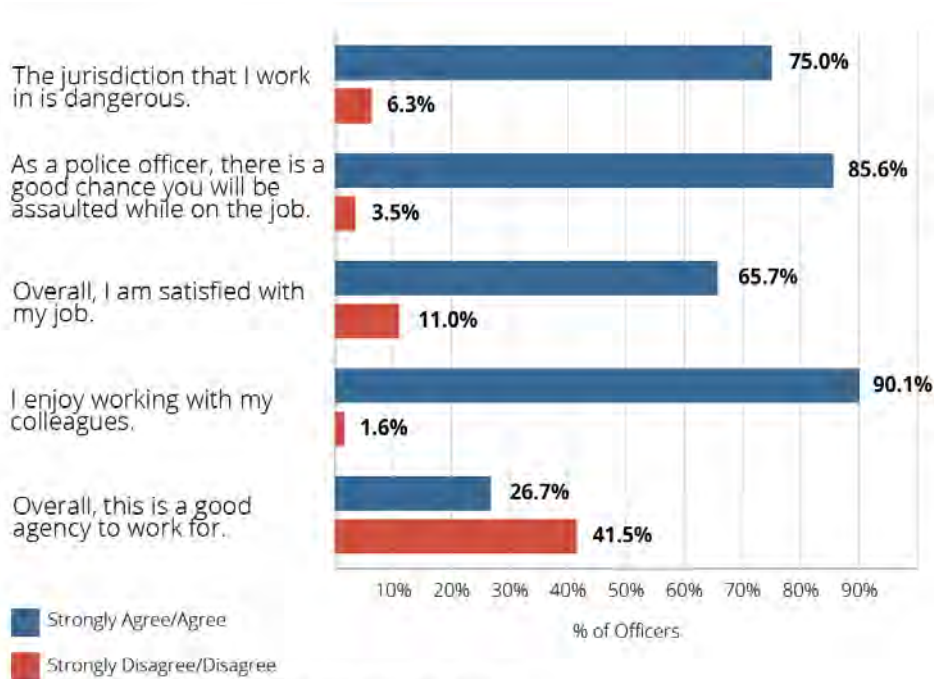


Figure 7 displays officer agreement (shown in blue) or disagreement (shown in red) to several statements related to policing in the Louisville Metro area. A low percentage (26.7%) of LMPD officers agreed that the LMPD was a good agency to work for, with almost 42% disagreeing to this statement. A majority (75%) of surveyed officers agree or strongly agree that the jurisdiction they work in is dangerous. Additionally, most officers suggested that police officers are likely to be assaulted on the job (85.6%). Importantly, this perception of danger could present a potential challenge for LMPD trainers when encouraging officers to think differently about their use of force and de-escalation.



Figure 7: LMPD Officer Perceptions of Policing in Louisville



#### D. Officers’ Reactions to the ICAT Training

Guided by observations of the importance of documenting officers’ assessment of the quality and utility of training (see Kirkpatrick, 1998), this portion of the report details officer reactions to and perceptions of the ICAT curriculum, including: (1) officers’ post-training perceptions of the ICAT curriculum, (2) officers’ perceptions of the Critical Decision-Making Model (CDM) at the post-training and follow-up periods of measurement, and (3) officers’ impressions of the impact of ICAT on their work four to six months after their participation in the training.

##### 1. Post-Training Perceptions of the ICAT Training Program

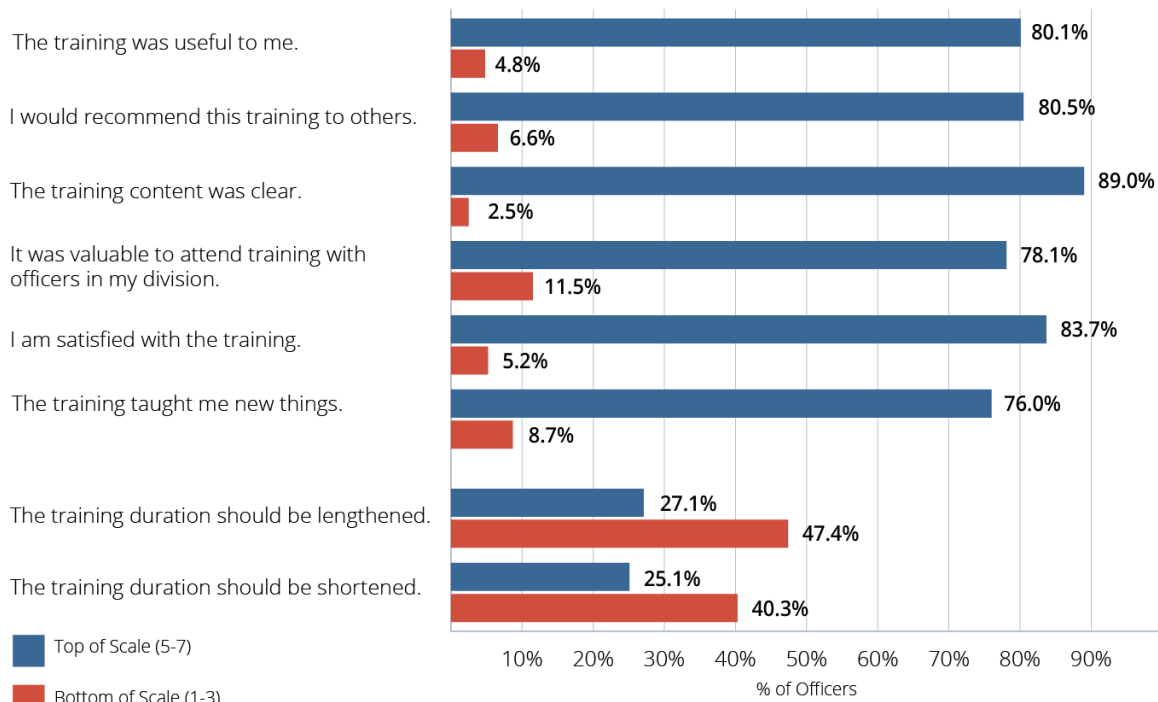
In the post-training survey, eight survey items were designed to assess the delivery and perceived value of the ICAT training curriculum. Officers were asked to provide their perceptions of the ICAT training using a seven-point scale (where 1 = not at all applicable to me, 4 = somewhat applicable to me, and 7 = very applicable to me). The average responses across these survey items are presented in Table 3. As seen in Table 3, officers’ perceptions of the training were consistently positive on items 1 through 5, with an average response of 5.5 or higher. When asked specifically about the duration of the training, officers were generally split on their responses of whether it should be longer or shorter, with the majority indicating a neutral opinion.

*Table 3: LMPD Officer Post-Training Perceptions of the ICAT Training*

Survey Statements	$\bar{X}$	SD	N
1. This training was useful to me	5.53	1.26	1043
2. I would recommend this training to others	5.55	1.30	1042
3. The training content was clear	5.89	1.08	1041
4. It was valuable to attend training with officers in my division	5.54	1.70	1039
5. I am satisfied with the training	5.68	1.26	1042
6. The training taught me new things	5.38	1.42	1042
7. The training duration should be lengthened	3.56	1.79	1038
8. The training duration should be shortened	3.65	1.66	1037

To further illustrate these findings, officers' responses across the seven-point Likert scale are collapsed and displayed in Figure 8. Specifically, scores ranging from 1 to 3 represent the bottom of the response scale (see bars in red), with officers providing these responses suggesting that the statements about the ICAT training *do not align* with their perceptions. Scores ranging from 5 to 7 represent the top of the scale (see bars in blue), with officers providing these responses suggesting the statements about the ICAT training align with their perceptions. A score of 4 is interpreted as a neutral response and is not presented. As shown in Figure 8, 80.1% of officers reported the training was useful to them (reporting a score of 5 or higher). Further 83.7% of officers expressed satisfaction with the training, with 78.1% suggesting it was valuable to attend the training with officers in their division. Frequencies across the remaining survey items demonstrate that the majority of officers viewed the ICAT training program positively.

*Figure 8: LMPD Officer Post-Training Perceptions of ICAT Training*



*Note: The neutral responses are not included in this chart.*

## ***2. Perceptions of the Critical Decision-Making Model***

As stated previously, an integral component of the ICAT training program is the use of Critical Decision-Making Model (CDM). Recognizing the importance of officers’ reactions to the CDM, the research team presented survey respondents with 11 survey items designed to assess their views on the utility of the CDM. The questions were first asked on the post-training survey (after the concepts were introduced to officers), and then again during the four to six-month follow-up survey.

Table 4: LMPD Officer Views on Critical Decision-Making Model (CDM) Utility

The CDM Model...	Post-Training			Follow-up			T-Value
	$\bar{X}$	SD	N	$\bar{X}$	SD	N	
1. ...increases my decision-making skills during everyday situations.	3.92	0.70	1049	3.65	0.81	544	-7.07**
2. ...often takes too much time to use in encounters with a person in crisis.	2.60	0.80	1049	2.77	0.79	545	4.15**
3. ...may make officers hesitate to take action when needed.	2.92	0.88	1049	2.97	0.82	544	1.09
4. ...helps me to assess the risks in a situation.	3.95	0.61	1048	3.57	0.73	542	-10.83**
5. ...helps me identify my options for action in a situation.	3.97	0.61	1049	3.58	0.75	543	-11.02**
6. ...helps me select an option to resolve a situation.	3.92	0.64	1049	3.56	0.73	544	-10.11**
7. ...reminds me to continuously gather information during a situation.	4.01	0.65	1049	3.65	0.77	543	-9.89**
8. ...is too complicated.	2.35	0.81	1049	2.73	0.81	543	8.84**
9. ...helps me review the action I took during a situation.	3.86	0.64	1049	3.52	0.72	543	-9.43**
10. ...helps me to explain my decision-making after I act in a situation.	3.92	0.65	1049	3.54	0.73	542	-10.49**
11. I am confident using the CDM during an encounter with a person in crisis.	3.88	0.70	1049	3.51	0.79	540	-9.66**
<i>CDM Utility Scale</i> <sup>17</sup>	31.42	4.44	1038	28.55	5.28	531	11.35**

\*\*p < 0.01; \*p < 0.05

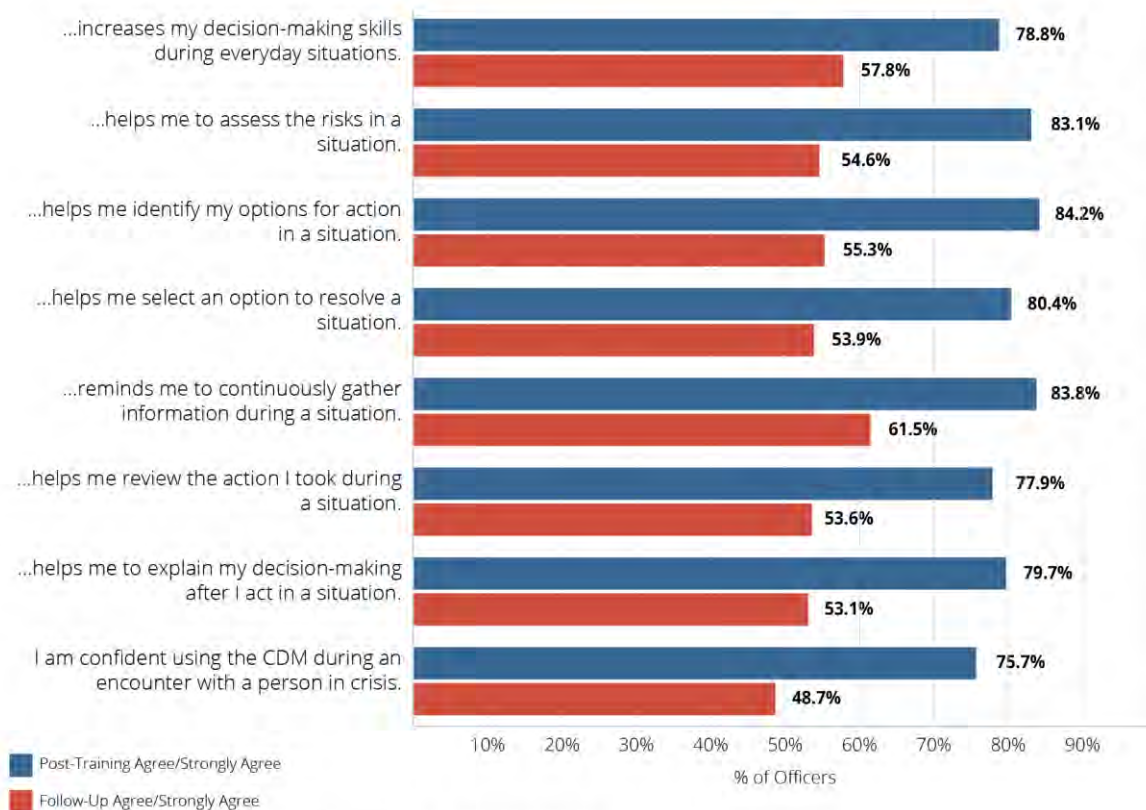
Officers were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree) to 11 items concerning the CDM (see Table 4). Higher scores indicate officers' greater agreement regarding the utility of the CDM (with the exception of items 2, 3, and 8 which are expected to decrease).<sup>18</sup> The t-test results indicate that 10 of the 11 items demonstrate statistically significant changes in the mean score from post-training to follow-up periods of measurement. Notably, however, all changes in officers' perceptions are in the *opposite direction* than would be expected. The additive *CDM Utility Scale*, presented at the bottom of Table 4, which should increase in the follow-up period if the CDM is found to be useful with practice, demonstrates a significant reduction in the score. In other words, these findings indicate that when surveyed four to six months after training, officers reported less utility of the CDM in their work.

<sup>17</sup> Based on an additive scale composed of item 1, items 3-7, and items 9-11. The Cronbach's Alpha score for Post-Training is 0.947 and 0.954 for Follow-up.

<sup>18</sup> These 11 items were summed to create an additive *CDM Utility Scale* for each wave of data; the Cronbach's Alpha score for Post-Training is 0.75 and 0.77 for Follow-up.

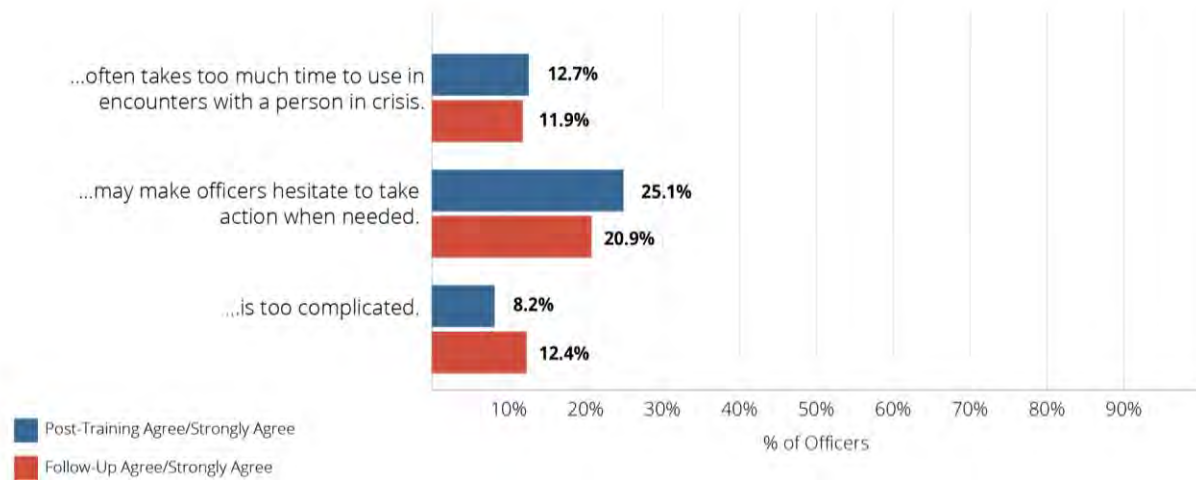
Presented differently, Figures 9 and 10 display the frequencies of officer responses to each of the survey items assessing CDM utility. Figure 9 contains those survey items that are worded positively. It was expected that the frequencies for officers’ follow-up responses (shown in red) would be greater than the frequencies for officers’ post-training responses (shown in blue) – suggesting that officers perceived greater utility of the CDM over time. However, as shown in Figure 9, we find the opposite to be true.

*Figure 9: LMPD Officer Views on Critical Decision-Making Model Utility, Positive Items*



In turn, Figure 10 contains survey items related to the CDM that were negatively worded. It was expected that the frequencies for officers’ follow-up responses (shown in red) would be smaller than the frequencies for officers’ post-training responses (shown in blue) – suggesting that officers perceived fewer challenges to the CDM over time. Although the difference in officers’ responses from post-training to follow-up are less pronounced across these items, the findings do not suggest improvements in officers’ perceptions of the CDM utility over time. Given that these changes are inconsistent with the objectives of the ICAT training, the LMPD Training Division should reconsider how material is presented for this area of the curriculum.

Figure 10: LMPD Officer Views on Critical Decision-Making Model Utility, Negative Items



### 3. Follow-Up Reactions to the ICAT Training

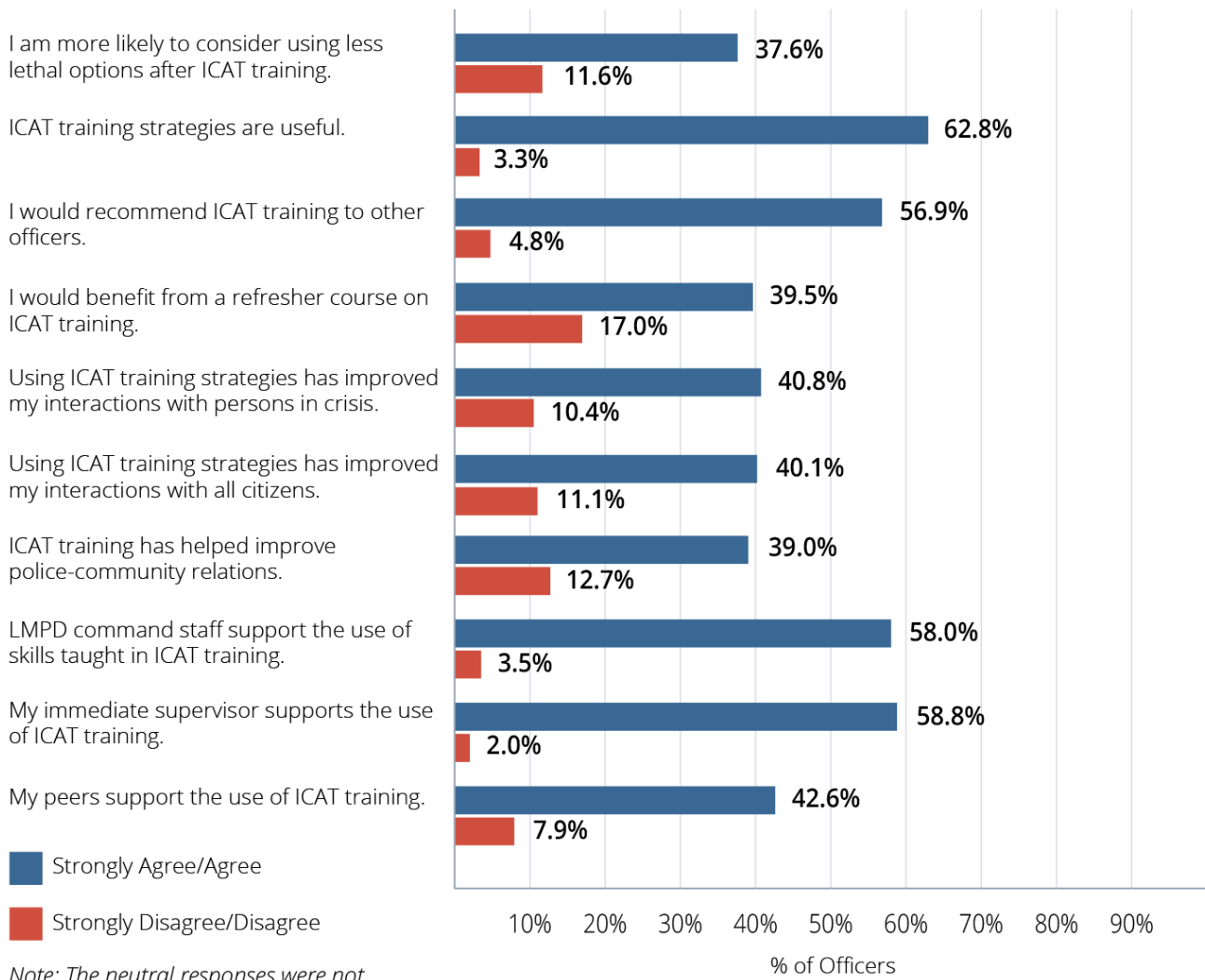
Officers were also asked about their impressions of the impact of ICAT training on their work during the follow-up survey. Table 5 displays the frequencies of responses to the 10 survey items assessing officers' perceptions of the training program. For each item, respondents were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). As shown in Table 5, a majority of officers (62.8%) agreed or strongly agreed that the ICAT training strategies were useful. A majority of officers (56.9%) also agreed or strongly agreed that they would recommend the ICAT training to others. Importantly, 39.5% of respondents indicated they would benefit from an ICAT refresher training. When asked if ICAT training has helped to improve interactions with the public, persons in crisis, and with police-community relations, the majority of surveyed LMPD officers were neutral. Finally, the majority of surveyed LMPD officers agreed or strongly agreed that they felt the support of ICAT skills from command staff (58.0%) and from their immediate supervisor (58.8%), but the majority reported feeling neutral about support from their peers (49.5%).

*Table 5: LMPD Officer Follow-up Reactions to ICAT Training*

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly Agree</b>
1. I am more likely to consider using less lethal options after ICAT training. (n = 543)	2.6%	9.0%	50.8%	30.8%	6.8%
2. ICAT training strategies are useful. (n = 542)	1.8%	1.5%	33.9%	55.2%	7.6%
3. I would recommend ICAT training to other officers. (n = 543)	1.7%	3.1%	38.3%	46.6%	10.3%
4. I would benefit from a refresher course on ICAT training. (n = 542)	5.0%	12.0%	43.5%	33.0%	6.5%
5. Using ICAT training strategies has improved my interactions with persons in crisis. (n = 539)	2.4%	8.0%	48.8%	34.5%	6.3%
6. Using ICAT training strategies has improved my interactions with all citizens. (n = 542)	2.6%	8.5%	48.9%	33.8%	6.3%
7. ICAT training has helped improve police-community relations. (n = 543)	3.5%	9.2%	48.3%	33.7%	5.3%
8. LMPD command staff support the use of skills taught in ICAT training. (n = 540)	1.5%	2.0%	38.5%	45.0%	13.0%
9. My immediate supervisor supports the use of ICAT training. (n = 543)	0.9%	1.1%	39.2%	45.7%	13.1%
10. My peers support the use of ICAT training. 9. (n = 543)	2.0%	5.9%	49.5%	36.3%	6.3%

Figure 11 displays the grouped (agree or disagree) responses to the survey items presented in Table 5. Those who responded “neutral” were excluded from the graphic. This figure illustrates the variation in responses, and also highlights that the greatest agreement was seen for item 2, (ICAT strategies are useful), and the greatest disagreement was seen for item 4 (I would benefit from a refresher course on ICAT training). It is evident that the majority of LMPD officers perceive ICAT training in a positive light, but there is a vocal minority of respondents who are not convinced that ICAT training is useful nor beneficial to their police work. Importantly, however, the large percentages of “neutral” respondents across these survey items (see Table 4) present an opportunity for the Training Division to persuade LMPD officers of the utility of ICAT training. Reinforcement of the benefits of the training may be an important avenue for LMPD ICAT trainers.

*Figure 11: LMPD Officer Follow-Up Reactions to ICAT Training*



*Note: The neutral responses were not included in this chart.*

In summary, these findings demonstrate that the ICAT training was generally received positively by LMPD officers. However, these positive impressions of the training appear to be stronger immediately after training, declining somewhat in the months after. This highlights the need for continual reinforcement of ICAT training for officers, whether this is through roll call or other forms to “refresh” the content in the minds of the officers.

### **E. Officers’ Self-Reported Use of ICAT Skills**

This section of the report contains summary and descriptive statistics surrounding LMPD officers’ self-reported use of ICAT training skills in the field. These findings rely on survey items contained in the follow-up survey, administered to officers four to six months after ICAT training. The average or mean response for each survey item is presented (denoted by “ $\bar{X}$ ”). The standard deviation (“SD”) from this average is also noted. Finally, the number of officers that answered each survey item may vary and is noted within each table (“N”) to provide insight on



the number of responses used to calculate each average score. The frequencies of officer responses are also reported when useful/appropriate.

LMPD officers were asked a series of items related to the reinforcement and application of ICAT training strategies during the previous 60 days. When asked about how frequently immediate supervisors reinforce ICAT training, over 40% indicated this happened seldom (once per month) or never. Officers were asked about the ways that immediate supervisors may reinforce ICAT training (in direct conversations, during roll call, during monthly review, during post-incident reviews, and “other”). These results are shown in Table 6. Of those who indicated their supervisor reinforced ICAT training, the most common response to when it was reinforced was roll call (46.4% of respondents), followed by post-incident reviews (36.5%). Only 29% of responding officers indicated that ICAT was reinforced through direct conversations with immediate supervisors, while 15% reported reinforcement through monthly reviews and 23% reported reinforcement through other ways. Note that officers could select multiple responses for this survey item.

*Table 6: ICAT Training Supervisor Reinforcement*

<b>ICAT training is reinforced by my immediate supervisor...</b>	<b>% (n)</b>
1. ...in conversations with me (n = 405)	29.6 (120)
2. ...during roll call (n = 405)	46.4 (188)
3. ...during my monthly review (n = 404)	15.3 (62)
4. ...during post-incident reviews (n = 405)	36.5 (148)
5. Other (n = 403)	22.8 (92)

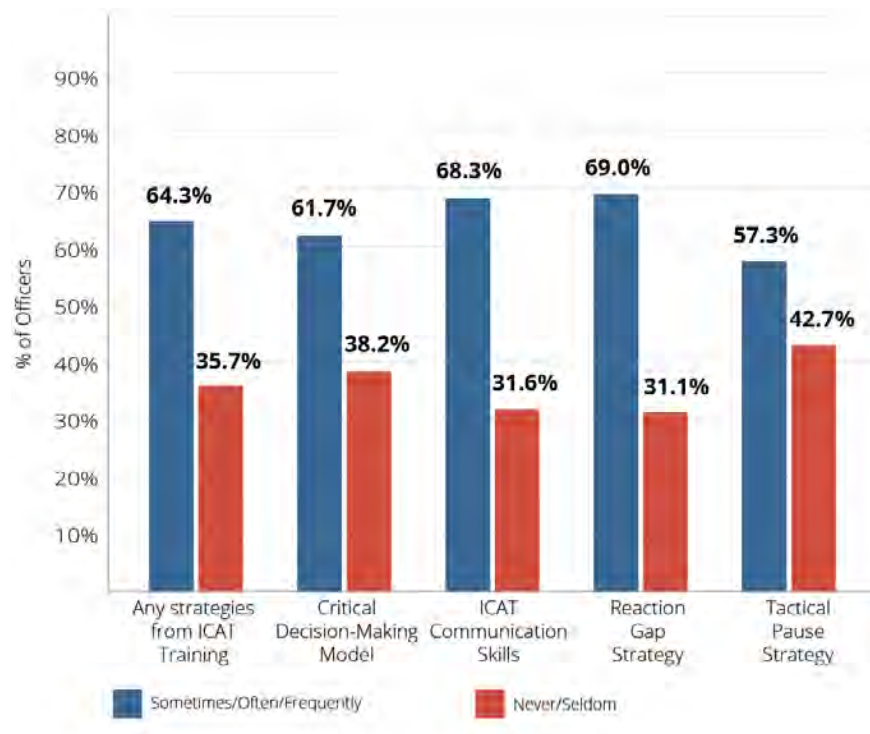
Table 7 documents officers’ self-reported use of specific types of ICAT skills in the previous 60 days. The frequency of these activities was measured on a five-point scale, represented by, 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week). Officers reported using the “Reaction Gap” strategy most frequently of all skills, but a substantial portion (between 17% and 26%) reported never using any ICAT skills in the previous 60 days. Notably, however, non-use could be related to officers’ specific job assignments within the Patrol Division.

Table 7: LMPD Officer Self-Reported Use of ICAT Skills

In the last 60 days, did you apply...	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. ...any strategies from ICAT training? (n = 527)	19.4	16.3	33.2	20.7	10.4
2. ...the Critical Decision-Making Model (n = 538)	23.0	15.2	31.6	18.8	11.3
3. ...ICAT Communication Skills (n = 534)	17.7	13.9	28.8	18.6	20.9
4. ...the Reaction Gap Strategy (n = 532)	17.9	13.2	20.3	20.1	28.6
5. ...the Tactical Pause Strategy (n = 532)	25.8	16.9	25.2	18.8	13.3

Figure 12 displays the grouped frequencies of survey responses contained in Table 7. Those who report that they sometimes, often, or frequently use skills are shown in blue whereas those who report that they never or seldom use skills are shown in red. Figure 12 illustrates that at least 57% of respondents indicate they had used one of the skills during the previous 60 days.

Figure 12: LMPD Officer Self-Reported Use of Trained Skills



In contrast, a small percentage of officers that indicate they did not use one of the ICAT skills in the previous 60 days. For example, only a minority of respondents indicated they did not use each of the skills—less than 15% of all respondents per skill type.

To provide additional context around officers' use of the ICAT skills in the previous 60 days, officers were asked to self-report the perceived difficulty in using specific ICAT skills. Table 8 presents perceptions related to the degree of difficulty in the use of each ICAT skill among the officers who self-reported using the skill in the previous 60 days. In general, very few surveyed officers found any of the four skills difficult to use; rather, nearly 63.3% agreed that the reaction gap strategy was not at all difficult, 51.6% agreed that the tactical pause strategy was not at all difficult, 48.3% agreed that ICAT communication skills were not difficult, and 32.2% found the CDM not difficult at all.

Table 8: LMPD Officer Self-Reported Difficulty in Using ICAT Skills

How difficult is it to use...	Very Difficult (%)	Difficult (%)	Neutral (%)	Somewhat Difficult (%)	Not at all Difficult (%)
the Critical Decision-Making Model (n = 503)	3.0	2.6	53.3	8.9	32.2
ICAT Communication Skills (n = 503)	1.4	0.8	42.3	7.2	48.3
the Reaction Gap Strategy (n = 498)	1.0	0.6	27.3	7.8	63.3
the Tactical Pause Strategy (n = 461)	3.7	1.5	35.1	8.0	51.6

In the instances where officers suggested that they were unable to use ICAT skills in the previous 60 days, they were prompted to identify the obstacle(s) they faced in using those skills. Figures 13 and 14 present officers' responses to these questions. Specifically, Figure 13, which examines the perceived obstacles for officers in their use of the CDM, demonstrates that 24.8% of responding officers indicated they faced an obstacle to implementing the CDM. Of those officers, 28% indicated it was for an "other" reason, followed by 26.5% indicating they could not remember the model. Note that officers were able to select multiple perceived obstacles to CDM use.

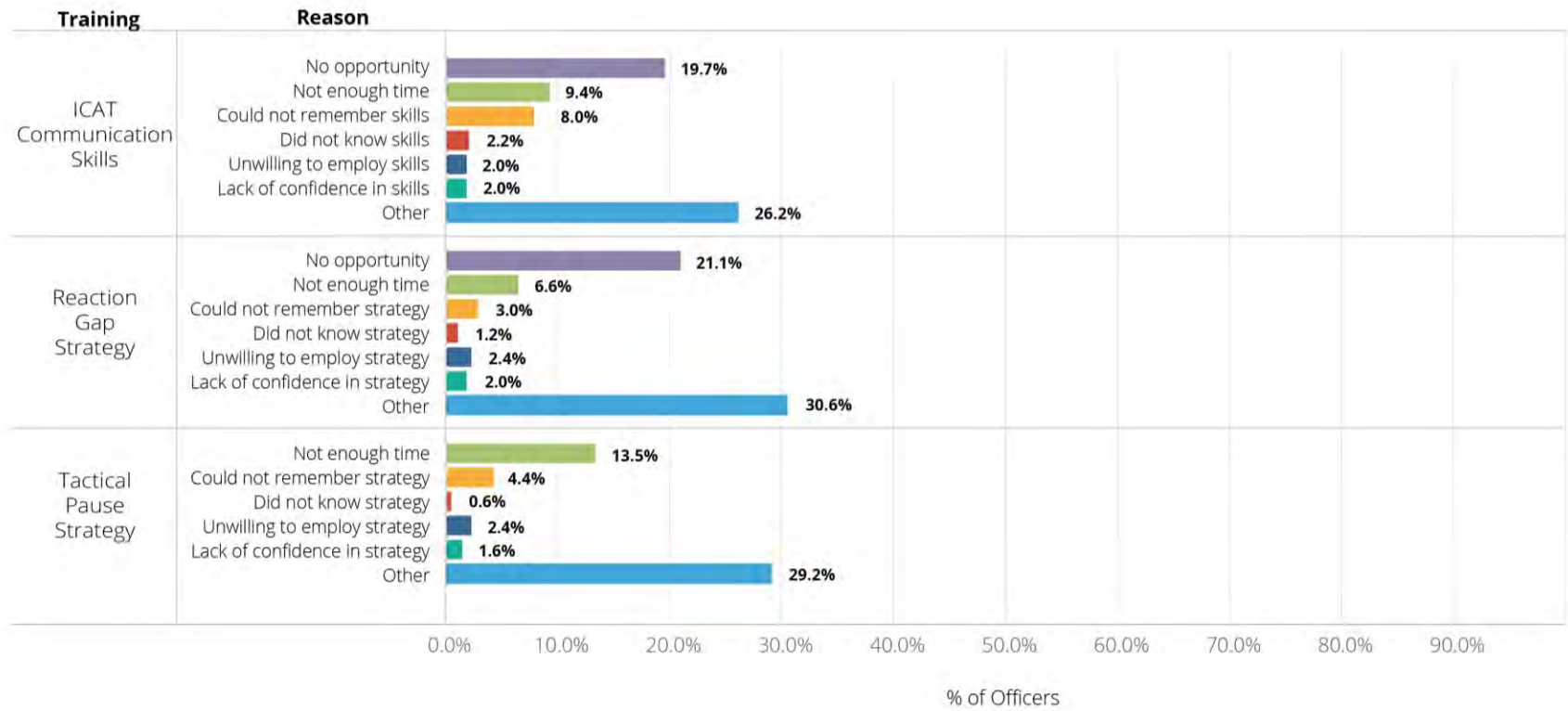
Figure 13: Officer Perceived Obstacles to Using the CDM Model

**Officer Perceived Obstacles to Using the CDM Model**



Figure 14 displays officers' perceived barriers for the other three skill types: ICAT Communication Skills, Reaction Gap Strategy, and the Tactical Pause Strategy. For all three types, officers most commonly selected "other" for their perceived barrier to skill use. Note that multiple reasons could be selected by officers.

Figure 14: LMPD Officer Perceived Obstacles to Using Trained Skills



Finally, officers were asked to report whether they had responded to an incident involving a person in crisis since they were trained in ICAT. A majority, 71.6 % (n = 381), of LMPD officers indicated that they *had responded* to this type of incident, while 28.4% (n = 151) of surveyed officers indicated that they *had not responded* to this type of incident. Nearly 79% (n = 370) of these individuals indicated that these ICAT strategies were not applicable during their most recent encounter. However, Table 9 displays the results from officers who reported that they had used a particular skill during a recent encounter. As shown in Table 9, when ICAT skills were used they were generally perceived as effective.

*Table 9: LMPD Officer Self-Reported Use of ICAT Skills During Most Recent Encounter with a Person in Crisis*

<b>Skill Type and Perceived Effectiveness</b>	<b>Effective % (n)</b>	<b>Partially Effective % (n)</b>	<b>Not Effective % (n)</b>
Critical Decision-Making Model (CDM) (n = 184)	79.3 (146)	18.5 (34)	2.2 (4)
ICAT Communication Skills (n = 254)	84.3 (214)	14.2 (36)	1.6 (4)
Reaction Gap (n = 229)	86.5 (198)	13.5 (31)	0 (0)
Tactical Pause (n = 164)	84.8 (139)	13.4 (22)	1.8 (3)
Less Lethal Tool (n = 26)	76.9 (20)	11.5 (3)	11.5 (3)

In summary, a majority of surveyed LMPD officers found the ICAT training program useful and would recommend this training to others, both in the times immediately after training as well as four to six months later. ICAT training was reportedly reinforced by immediate supervisors only sometimes (2-3 times per month), although nearly a quarter of respondents indicated their immediate supervisor has never reinforced ICAT training. Approximately 80% of surveyed LMPD officers had used some form of ICAT skills during the previous 60 days, with the *Tactical Pause Strategy* applied most frequently. It appeared that most surveyed officers did attempt to apply ICAT skills successfully, but when there were obstacles to their use it was most often due to a lack of opportunity to apply the skill or running out of time. Additionally, when ICAT skills were used they were generally perceived to be effective by the LMPD officer when considering their most recent encounter with a person in crisis.

## **F. Changes in Officers' Attitudes**

This section of the report details the changes in measured officer attitudes as a result of ICAT training. Two analytic approaches are used. First, immediate training impacts are considered by comparing pre-training to post-training scores. This change is measured using T-test comparisons that assess statistical differences in the mean scores of survey items asked across two waves of data are presented below, examining officer changes in *Views on Interactions with the Public*, and *Views on Policing*. For each survey item, the tables below display the average or mean score (“ $\bar{X}$ ”), the standard deviation (“SD”), the number of respondents (“N”), and the T-statistic value, with an asterisk (\*) demonstrating values with a p-value below 0.05 or 0.01. An asterisk indicates a statistically significant change in officers’ responses from Time 1 (pre-training) to Time 2 (post-training).

Second, changes in attitudes across all three survey waves (pre-training, post-training, and follow-up) are assessed for two areas: *Interactions with Persons in Crisis* and (2) *Attitudes Toward Use of Force*. These tables also display mean scores (“ $\bar{X}$ ”), standard deviation scores (“SD”), and number of respondents (“N”) for each particular survey item. These changes are measured using repeated measures ANOVA analyses, which describe the levels and change in repeated survey responses over time. For inclusion in the ANOVA analyses reported below, officers had to respond to each of the three survey waves, reducing the number of respondents to approximately 430 officers or less.

For each survey item that demonstrates a statistically meaningful difference, an asterisk (\*) is shown in the far-left column to demonstrate a Wilks Lambda F Statistic with a p-value below 0.05. In addition, the Partial Eta Square statistic is shown, which demonstrates the magnitude of the differences between average scores, also known as an effect size. Some suggested norms for the effect size interpretation based on partial eta square include estimations of small (around 0.01) to medium (around 0.06) and large (around 0.14). The final column of each table contains the Bonferroni Post Hoc Significant Differences across the three waves, identifying which comparisons are statistically different. There can be one of three meaningful differences: between pre-training and post training scores (“ $\bar{X}1$  &  $\bar{X}2$ ”); between post-training and follow-up scores (“ $\bar{X}2$  &  $\bar{X}3$ ”); and finally, between pre-training and follow-up scores (“ $\bar{X}1$  &  $\bar{X}3$ ”).

### **1. Views on Interactions with the Public**

Table 10 displays the first set of survey items assessing officers’ views on interactions with the public. This table compares pre-training to post-training scores. Seven survey items related to officers’ general views of encounters with the public – including issues of officer safety and de-escalation – were measured using a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree) to assess officers’ level of agreement with each statement. If the ICAT training is effective, it is expected that some items will show an increase in the level of agreement (e.g., I have considerable ability to control the nature of citizen interactions to create positive outcomes), while other items will show a decrease in the level of agreement (e.g., In tense citizen encounters, the most important thing is that I get home safely).

Four of the seven survey items achieved statistically significant differences, and all changes are in the direction expected based on the training curricula. For example, officers reported statistically significant increases in their agreement that they have considerable ability to control the nature of citizen interactions to create positive outcomes, that officers can be trained to increase the likelihood of positive encounters with citizens, and that officers can be trained to improve their ability to de-escalate citizen encounters. They also reported significantly less agreement that during tense citizen encounters, the most important thing is for them to get home safely.

These individual seven items were also included in an additive scale (with reverse coded questions where appropriate). The *Views on Interactions with the Public Scale* demonstrates a

statistically significant difference in officers' reported attitudes pre-training compared to post-training, in the expected direction based on the ICAT training curricula.<sup>19</sup>

*Table 10: Changes in LMPD Officer Views on Interactions with the Public*

	Pre-Training			Post-Training			T-Value
	$\bar{X}$	SD	N	$\bar{X}$	SD	N	
1. I have considerable ability to control the nature of citizen interactions to create positive outcomes.	3.90	0.73	901	4.05	0.68	1048	-4.80**
2. I am good at identifying officer safety risks in citizen encounters.	4.34	0.58	902	4.32	0.58	1049	0.90
3. I am good at de-escalating encounters with citizens.	4.19	0.71	902	4.17	0.58	1047	0.67
4. In tense citizen encounters, the most important thing is that I get home safely.	4.58	.71	900	4.20	0.84	1049	10.52**
5. Officers can be trained to increase the likelihood of positive encounters with citizens.	3.99	0.74	902	4.22	0.65	1045	-7.15**
6. Officers can be trained to improve their ability to identify officer safety risks in citizen encounters.	4.30	0.61	902	4.29	0.61	1046	0.10
7. Officers can be trained to improve their ability to de-escalate citizen encounters.	4.12	0.66	902	4.23	0.64	1048	-4.06**
<i>Views on Interactions with the Public Scale</i> <sup>20</sup>	26.26	2.76	899	27.08	2.95	1040	-6.27**

\*\*p < 0.01; \*p < 0.05

## 2. Views on the Role of Police

As noted previously, officers were also asked about their perceptions regarding the role of police (see Table 2). It is possible that participation in ICAT will impact officers' more global perceptions about their roles. To test for this possibility, officers were asked again to report their perceptions of their roles immediately following the ICAT training in the post-training survey by indicating their level of agreement with each item based on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Table 11 reports the mean, standard deviation, and number of officers responding to each question, along with the T-value comparison and significance of the p-value. As shown, officers reported significant differences in their

<sup>19</sup> The Cronbach's Alpha score for Pre-Training is 0.69 and 0.76 for Post-Training.

<sup>20</sup> Based on an additive scale composed of all survey items, where item 4 is reverse coded. The Cronbach's Alpha score for Pre-Training is 0.694 and 0.761 for Post-Training.



perceptions of the role of police after the ICAT training. Specifically, officers were significantly more likely to agree that: working with the community to solve problems is an effective means of providing service; they routinely collaborate with community members in daily duties; a primary responsibility is to build trust between the department and community; it is important to have non-enforcement contacts with the public, and they see themselves primarily as public servants.

*Table 11: Changes in LMPD Officer Views on Policing*

	Pre-Training			Post-Training			T-Value
	Mean	SD	N	Mean	SD	N	
1. Enforcing the law is a patrol officer's most important responsibility.	3.47	0.98	901	3.40	0.92	1046	1.70
2. Law enforcement and community members must work together to solve local problems.	4.15	0.65	901	4.17	0.60	1045	-0.61
3. Working with the community to solve problems is an effective means of providing services to this area.	4.07	0.68	899	4.13	0.63	1045	-2.06*
4. I routinely collaborate with community members in my daily duties.	3.44	1.94	900	3.62	0.87	1045	-2.70**
5. My primary responsibility as a police officer is to fight crime.	3.54	0.90	901	3.55	1.53	1042	-0.023
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents.	4.09	0.66	900	4.10	0.66	1045	-0.039
7. A primary responsibility of a police officer is to build trust between the department and community.	3.76	0.83	901	3.94	0.73	1044	-4.95**
8. As a police officer, it is important that I have non-enforcement contacts with the public.	4.08	0.71	899	4.17	0.66	1044	-2.70**
9. As a police officer, I see myself primarily as a public servant.	3.87	0.79	900	3.99	0.71	1045	-3.50**
10. My primary role is to control predatory suspects who threaten members of the public.	3.92	0.77	900	3.91	0.78	1046	0.48

\*\*p < 0.01; \*p < 0.05

### **3. Attitudes Towards Persons in Crisis**

Results for the ANOVA, or three-way mean score comparisons, for the LMPD officer *Attitudes Towards Persons in Crisis* survey items are shown in Table 13, however Table 12 summarizes these changes and their direction. A person in crisis refers to an individual that may be behaving erratically due to factors such as mental health concerns, substance use, situational stress, and/or intellectual/developmental disabilities. The ICAT training program should teach officers to view

persons in crisis in a more understanding manner in an effort to make encounters with these individuals safer. Therefore, these items measuring attitudes should change in the post-training and follow-up scores. As seen in Table 12, a total of 11 of the 14 survey items have significant differences between the pre-training and post-training scores. Changes that are in the expected direction, or positive, are shown with a plus (+) sign, whereas changes that are opposite to the expected direction, or negative, are shown with negative (-) sign. Most of these changes are in the expected direction, as agreement with the statements should increase post-training (with the exception of items 2, 3, 13 and 14 which should decrease).

When comparing pre-training to follow-up scores, seven of the 14 items demonstrate sustained significant differences. Four of the changes are in the expected direction whereas three changes are in the unexpected direction. Finally, six of the 14 items have meaningful changes from the post-training survey to follow-up survey. Some large changes are seen, such as for item 6 (In crisis situations, it is beneficial to keep a subject talking) and item 10 (The majority of time spent communicating with a subject should be spent listening), which both increase in the expected direction when comparing post-training scores to pre-training scores.

Examining the summed *Attitudes Towards Persons in Crisis Scale*, this change demonstrates a statistically significant increase from the pre-training to post-training score aligned with the expected changes from the training.<sup>21</sup> Note, however, that this overall score then decreases in the follow-up results, also a statistically significant change. This indicates that there is a possibility of training decay demonstrated in attitudinal changes a few months after the training has been conducted. Interestingly, this follow-up score is slightly lower than the initial pre-training score, demonstrating a possible substantial decay in the training impact.

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<sup>21</sup> In addition to the individual items, an additive scale based on survey items 1, and items 3 through 13 was created. The Cronbach's alpha scores are 0.70, 0.69, and 0.80 for the Pre-, Post-, and Follow-up Training Surveys, respectively.

*Table 12: ANOVA Summary for LMPD Officer Attitudes Towards Persons in Crisis*

Survey Item	Pre-Training & Post-Training	Post-Training & Follow-Up	Pre-Training & Follow-Up
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual.	+	-	-
2. There is no explaining why a person in crisis acts the way they do.	-	+	
3. Noncompliance should be viewed as a threat.	+		+
4. Unnecessary risks should be avoided in encounters.			
5. The most important role of an officer responding to a crisis is to stabilize the situation.	+	-	-
6. In crisis situations, it is beneficial to keep a subject talking.	+	-	
7. In many cases, the use of force against a person in crisis can be avoided.	+	-	+
8. As a person's emotions rise, their rational thinking declines.	+	-	
9. When responding as a team, it's important to designate roles in the crisis intervention.	+	-	
10. The majority of time spent communicating with a subject should be spent listening.	+	-	+
11. An officer's nonverbal communication, such as body language, influences how a subject reacts.	+	-	
12. I know how to slow down an encounter with a person in crisis.	+	-	
13. Situational stress is no excuse for a person to act irrational.		+	+
14. Responding to persons in crisis should not be a role of the police.		-	-
<i>Attitudes Towards Persons in Crisis Scale</i>	+	-	-

Table 13: ANOVA Results for LMPD Officer Attitudes Towards Persons in Crisis

	N	$\bar{X}_1$ (SD1)	$\bar{X}_2$ (SD2)	$\bar{X}_3$ (SD3)	Partial Eta Squared	Bonferroni Post Hoc Significant Differences
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual.*	422	4.18 (0.68)	4.32 (0.66)	3.95 (1.16)	0.093	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
2. There is no explaining why a person in crisis acts the way they do.*	419	2.61 (0.92)	2.79 (0.99)	2.56 (0.88)	0.052	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
3. Noncompliance should be viewed as a threat.*	415	3.40 (0.88)	3.00 (0.89)	3.00 (0.87)	0.217	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_1$ & $\bar{X}_3$
4. Unnecessary risks should be avoided in encounters.*	416	4.11 (0.75)	4.19 (0.65)	4.09 (0.86)	0.015	--
5. The most important role of an officer responding to a crisis is to stabilize the situation.*	413	4.06 (0.72)	4.20 (0.63)	3.92 (0.87)	0.086	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
6. In crisis situations, it is beneficial to keep a subject talking.*	414	3.84 (0.72)	4.22 (0.62)	3.88 (0.76)	0.267	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
7. In many cases, the use of force against a person in crisis can be avoided.*	414	3.28 (0.78)	3.60 (0.74)	3.45 (0.81)	0.144	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
8. As a person's emotions rise, their rational thinking declines.*	415	4.22 (0.66)	4.39 (0.60)	4.13 (0.77)	0.111	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
9. When responding as a team, it's important to designate roles in the crisis intervention.*	414	4.10 (0.68)	4.36 (0.58)	4.09 (0.73)	0.167	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
10. The majority of time spent communicating with a subject should be spent listening.*	416	3.75 (0.66)	4.12 (0.65)	3.86 (0.70)	0.227	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
11. An officer's nonverbal communication, such as body language, influences how a subject reacts.*	414	3.96 (0.65)	4.20 (0.57)	4.00 (0.70)	0.149	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
12. I know how to slow down an encounter with a person in crisis.*	416	3.96 (0.56)	4.13 (0.57)	3.94 (0.69)	0.098	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
13. Situational stress is no excuse for a person to act irrational.*	413	2.85 (0.89)	2.83 (0.91)	2.64 (0.78)	0.048	$\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
14. Responding to persons in crisis should not be a role of the police.*	413	2.38 (0.94)	2.36 (0.92)	2.49 (0.91)	0.020	$\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
<i>Attitudes Towards Persons in Crisis Scale</i> <sup>22*</sup>	398	45.72 (3.99)	47.64 (4.33)	44.97 (5.68)	0.297	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$

\*Wilks Lambda F Statistic p-value < 0.05

<sup>22</sup> Additive scale based on survey items 1, and 3 through 13. The Cronbach's Alpha score for Pre-Training is 0.704 and 0.690 for Post-Training.

#### 4. *Attitudes Toward Use of Force*

Officers' attitudes and perceptions regarding the use of force was the second area of the training survey measured across all three waves, as these attitudes are expected to change as a result of the ICAT training program. Results for the ANOVA, or three-way mean score comparisons, for these eleven survey items are shown in Table 15. The ICAT training is expected to teach officers that use of force should be a last resort, and therefore most of these items (with the exception of items 8, 9 and 10) should *decrease* after ICAT training. Seven of the 11 survey items demonstrate a significant difference between the pre-training and post-training scores, and these are all in the expected direction. Displayed in Table 14, changes that are in the expected direction, or positive, are shown with a plus (+) sign, whereas changes that are opposite to the expected direction, or negative, are shown with negative (-) sign.

When comparing pre-training to follow-up scores, nine of the 11 survey demonstrate sustained significant differences in the expected direction. Finally, six of the 11 items have meaningful changes from post-training to follow-up scores. Some large effect sizes are noted, such as for item 2 (It is sometimes necessary to use more force than is technically allowable) and for item 4 (Refraining from using force when you are legally able to puts yourself and other officers at risk) both significantly change in the expected (negative) direction when comparing pre-training to post-training scores, as well as when comparing pre-training to follow-up scores.

Considering the summed *Attitudes Toward Use of Force Scale*, there is a statistically significant reduction from the pre-training to post-training score (in line with the expected changes from the training).<sup>23</sup> Additionally, the follow-up score is also significantly lower than the pre-training score, indicating that is sustained changes in officers' attitudes toward use of force that do not appear to decay over time.

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<sup>23</sup> In addition to the individual items, an additive scale based on survey items 1 through 7 and item 11 was created. The Cronbach's alpha score for Pre-Training is 0.70, Post-Training is 0.73 and 0.71 for Follow-up.

*Table 14: Summary of ANOVA Changes for LMPD Officer Attitudes Towards Use of Force*

<b>Survey Question</b>	<b>Pre-Training &amp; Post-Training</b>	<b>Post-Training &amp; Follow-Up</b>	<b>Pre-Training &amp; Follow-Up</b>
1. Officers are NOT allowed to use as much force as is necessary to make suspects comply.	+	+	+
2. It is sometimes necessary to use more force than is technically allowable.	+	+	+
3. Verbally disrespectful suspects sometimes deserve physical force.		+	+
4. Refraining from using force when you are legally able to puts yourself and other officers at risk.	+		+
5. It is important to have a reputation that you are an officer willing to use force.		+	+
6. Not using force when you could have makes suspects more likely to resist in future interactions.	+		+
7. It is important that my fellow officers trust me to handle myself in a fight.	+		+
8. Trying to talk my way out of a situation is always safer than using force.	+	-	
9. It is important that my fellow officers trust my communication skills.			-
10. I respect officers' ability to talk suspects down rather than using force to make them comply.		-	
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later.	+		+
<i>Attitudes Toward Use of Force Scale</i>	+	+	+

Table 15: ANOVA Results for LMPD Officer Attitudes Towards Use of Force

	N	$\bar{X}_1$ (SD1)	$\bar{X}_2$ (SD2)	$\bar{X}_3$ (SD3)	Partial Eta Squared	Bonferroni Post Hoc Significant Differences
1. Officers are NOT allowed to use as much force as is necessary to make suspects comply.*	411	2.80 (1.14)	2.65 (.98)	2.38 (.98)	.099	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
2. It is sometimes necessary to use more force than is technically allowable.*	408	3.17 (1.01)	2.87 (1.01)	2.64 (.97)	.192	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
3. Verbally disrespectful suspects sometimes deserve physical force.*	409	2.30 (.89)	2.25 (.85)	2.14 (.83)	.031	$\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
4. Refraining from using force when you are legally able to puts yourself and other officers at risk.*	409	3.41 (.99)	2.99 (.89)	3.03 (.85)	.158	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_1$ & $\bar{X}_3$
5. It is important to have a reputation that you are an officer willing to use force.*	406	2.79 (.94)	2.70 (.94)	2.59 (.88)	.041	$\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$
6. Not using force when you could have makes suspects more likely to resist in future interactions.*	406	3.06 (1.03)	2.80 (.89)	2.72 (.91)	.108	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_1$ & $\bar{X}_3$
7. It is important that my fellow officers trust me to handle myself in a fight.*	407	4.30 (.68)	4.16 (.69)	4.10 (.82)	.060	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_1$ & $\bar{X}_3$
8. Trying to talk my way out of a situation is always safer than using force.*	408	3.61 (1.01)	3.91 (.91)	3.70 (.97)	.086	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$
9. It is important that my fellow officers trust my communication skills.*	407	4.38 (.53)	4.35 (.55)	4.27 (.75)	.018	$\bar{X}_1$ & $\bar{X}_3$
10. I respect officers' ability to talk suspects down rather than using force to make them comply.*	407	4.18 (.65)	4.26 (.65)	4.15 (.78)	.019	$\bar{X}_2$ & $\bar{X}_3$
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later.*	406	3.21 (.90)	2.85 (.91)	2.94 (.86)	.125	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_1$ & $\bar{X}_3$
<i>Attitudes Toward Use of Force Scale<sup>24</sup>*</i>	396	24.95 (4.28)	23.20 (4.40)	22.46 (4.09)	.317	$\bar{X}_1$ & $\bar{X}_2$ ; $\bar{X}_2$ & $\bar{X}_3$ ; $\bar{X}_1$ & $\bar{X}_3$

<sup>24</sup> Additive scale based on survey items 1 through 7, and item 11. The Cronbach's alpha score for Pre-Training is 0.70 and 0.73 for Post-Training.

## 5. *Officer Confidence in Interacting with Persons in Crisis*

In addition to reported changes in officers' attitudes, the research team measured officers' reported confidence in interacting with persons in crisis. This section of the survey contained 13 items related to a respondent's self-efficacy, or confidence, in handling the described actions. Confidence in handling each of the listed items is expected to increase as a result of ICAT training. Interestingly, only one of the 13 items demonstrated a statistically significant difference in reported confidence in handling any of the situations described, demonstrated in Table 16. Moreover, the summed *Officer Confidence Scale* did not demonstrate any significant changes from the pre-training to the post-training, or follow-up scores.<sup>25</sup> Although 12 of the 13 scores did slightly increase from pre-training to post-training, as well as with the summed *Officer Confidence Scale* comparison, these changes were not statistically significant. Additionally, six of the 13 scores slightly increased from post-training to follow-up, as well as with the summed *Officer Confidence Scale* comparison, again, however not statistically significant changes. Finally, a comparison of pre-training scores to follow-up scores indicates that eight of the 13 scores slightly increased, which was also demonstrated with the *Officer Confidence Scale* comparison, none reaching statistical significance. In summary, it appears that the ICAT training did not significantly impact officers' reported confidence during interactions with persons in crisis.

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<sup>25</sup> These 13 items were summed to create an additive *Officer Confidence Scale* for each wave of data, with a Cronbach's Alpha score of 0.95 for Pre-Training, 0.96 for Post-Training, and 0.95 for Follow-up.



Table 16: ANOVA Results for LMPD Officer Confidence in Interacting with Persons in Crisis

	N	$\bar{X}1$ (SD1)	$\bar{X}2$ (SD2)	$\bar{X}3$ (SD3)	Partial Eta Squared	Bonferroni Post Hoc Significant Differences
...interacting with a person in crisis?	398	3.62 (0.50)	3.63 (0.52)	3.66 (0.51)	0.005	--
...in your ability to effectively communicate with someone in crisis?	396	3.56 (0.52)	3.60 (0.53)	3.62 (0.55)	0.011	--
...taking someone in crisis to a social service agency?	399	3.52 (0.61)	3.55 (0.60)	3.52 (0.66)	0.005	--
...asking someone in crisis open-ended questions to gather information about what is going on?	398	3.60 (0.52)	3.65 (0.53)	3.67 (0.53)	0.013	--
...interacting with family members of a person in crisis?	398	3.66 (0.49)	3.66 (0.50)	3.64 (0.54)	0.001	--
...in your ability to summarize/paraphrase statements made by a person in crisis in your own words?	399	3.58 (0.52)	3.59 (0.54)	3.62 (0.56)	0.006	--
...calming down someone in crisis?	397	3.49 (0.53)	3.52 (0.54)	3.55 (0.56)	0.013	--
...helping someone in crisis call a social services agency?	397	3.49 (0.61)	3.50 (0.63)	3.48 (0.65)	0.001	--
...de-escalating a situation involving a person in crisis?	398	3.54 (0.54)	3.56 (0.55)	3.58 (0.56)	0.005	--
...talking to a person in crisis about his/her medications?	396	3.38 (0.68)	3.43 (0.62)	3.38 (0.69)	0.011	--
...expressing understanding towards a person in crisis?	399	3.53 (0.57)	3.59 (0.52)	3.57 (0.57)	0.010	--
...getting someone in crisis to talk to you rather than acting out?*	398	3.48 (0.54)	3.55 (0.52)	3.48 (0.59)	0.017	$\bar{X}1$ & $\bar{X}2$
...talking to someone in crisis about whether or not he/she uses alcohol or drugs?	398	3.56 (0.55)	3.61 (0.53)	3.62 (0.55)	0.014	--
<i>Officer Confidence Scale</i> <sup>26</sup>	378	46.02 (5.73)	46.38 (5.93)	46.47 (5.91)	0.009	--

\*Wilks Lambda F Statistic p-value < 0.05

<sup>26</sup> Based on an additive scale composed of all thirteen survey items, the Cronbach's Alpha score for Pre-Training is 0.949 and 0.960 for Post-Training.

## G. Summary

The various findings in the areas described above demonstrate some important potential impacts from the ICAT training. First, baseline measures of officer attitudes prior to training indicate a majority (75%) of surveyed officers agree or strongly agree that the jurisdiction they work in is dangerous, which presents a potential challenge for trainers when encouraging officers to think differently about use of force and the promotion of de-escalation tactics.

Considering officer reactions to the training, it appears that the ICAT training was generally received positively by LMPD officers with 80.1% of officers reporting that the training was useful to them. Further, 80.5% of officers reported that they would recommend this training to others. However, these positive impressions of the training appear to be stronger immediately after training, declining somewhat in the months after their initial training. This highlights the need for continual reinforcement of the ICAT training for officers, whether this is through roll call or other forms of refresher trainings.

Importantly, there is a small, but vocal, minority of respondents who are not convinced that ICAT training is useful nor beneficial to their police work. The large percentages of “neutral” respondents, however, represent a sample of officers primed to be convinced of the utility of ICAT training. Reinforcement of the benefits of the training may be an important avenue for LMPD ICAT trainers for these groups of officers.

One aspect of ICAT training, the Critical Decision-Making Model (CDM), was not perceived as positively by officers. The CDM represents an important aspect of the ICAT training program, therefore officers’ reactions to this thinking framework are especially relevant to the training evaluation. Analyses of post-training scores compared to follow-up scores revealed that ten of the eleven items demonstrate statistically significant changes in the mean score in the *opposite direction* than would be expected. Importantly, these changes demonstrate the officers find the CDM to be generally less useful with practice. Given that these changes are inconsistent with the objectives of the ICAT training, the LMPD Training Division should reconsider how material is presented for this area of the curriculum.

During the follow-up survey, administered four to six months after training, officers were asked about their use of four ICAT skills: CDM, ICAT Communication Skills, Reaction Gap Strategy, and the Tactical Pause Strategy. For officers who responded to the follow-up survey, at least 57% of respondents indicated they had used at least one ICAT skill during the previous 60 days. Officers reported using the Reaction Gap Strategy most frequently of all skills, but a substantial portion (between 17% and 26%) reported never using any ICAT skills within the previous sixty days. However, non-use may be related to officers’ specific job assignment within the Patrol Division. In general, very few surveyed officers found any of the four skills difficult to use. When officers reported using skills, these skills were largely found to be effective.

Examining the additive *CDM Utility Scale*, which should increase in the follow-up period if the CDM is found to be useful with practice, demonstrates a significant reduction in the score. In other words, these findings indicate that when surveyed four to six months later, officers are *less* likely to indicate the utility of the CDM in their work. Given that these changes are inconsistent

with the objectives of the ICAT training, the LMPD Training Division should reconsider how material is presented for this area of the curriculum.

Considering officer attitudinal changes, several positive and significant changes appear to be associated with ICAT training. First, immediate and positive training impacts were found for changes in officer views on interactions with the public, measured with seven survey items. Second, immediate and positive training impacts were demonstrated for officers' more global perceptions about policing. For example, officers were significantly more likely to agree that working with the community to solve problems is an effective means of providing service and that a primary responsibility is to build trust between the department and community.

Third, officer measures surrounding *Attitudes Toward Persons in Crisis* demonstrated significant changes, most in the expected direction. However, some significant changes were seen in the opposite direction. Examining the summed *Attitudes Towards Persons in Crisis Scale*, a statistically significant change between the pre-training post-training scores was achieved, aligned with the expected changes from the training. Note, however, that this overall score then decreases in the follow-up results, also a statistically significant change. This indicates that there is a possibility of training decay demonstrated in attitudinal changes a few months after the training has been conducted. Interestingly, this follow-up score is slightly lower than the initial pre-training score, demonstrating a possible substantial decay in the training impact.

Importantly, the majority of *Attitudes Toward Use of Force* survey items demonstrated a significant change between the pre-training and post-training scores, all in the expected direction. Furthermore, the summed *Attitudes Toward Use of Force Scale* demonstrated a statistically significant reduction from the pre-training to post-training scores, and in the pre-training to follow-up scores, in line with the expected changes from the training. This indicates that here may be sustained attitudinal changes in the measured use of force items that do not appear to decay over time. Finally, it appears that the ICAT training did not significantly impact officers' reported confidence in interactions with persons in crisis. The implications and recommendations based on these findings will be explored in the concluding section of the report.

## VI. SUPERVISOR SURVEY

Many have noted the importance of field supervisors in the reinforcement and promotion of training objectives among their subordinates. For example, the PERF (2018) suggests actions of first-line supervisors are critical in reinforcing the tenets taught during any training and in communicating the expectations for changes in practices, such as use of force (see also Van Craen & Skogan, 2017). Although other organizational support is needed to promote the use of de-escalation tactics (e.g., policies, procedures), immediate supervisors play a critical role in encouraging officers' application of de-escalation in their day-to-day work. Recognizing the key position of supervisors in the reinforcement of de-escalation, the research team sought to examine the activities of sergeants and lieutenants within the LMPD as they relate to their own use of ICAT de-escalation skills and the supervision and reinforcement of those de-escalation skills among their subordinates.

To assess these outcomes, LMPD supervising officers were administered a survey in March 2020 designed to assess their general perceptions of the role of supervisors and, more specifically, their views regarding how and when they supervise and/or reinforce the ICAT training. Broadly speaking, the purpose of this survey – which was developed by the research team in consultation with LMPD administrators and Training Division staff – was to examine the role of first-line supervisors as part of the ICAT training program. To administer the survey, LMPD officials took advantage of supervisors' mandatory attendance for an unrelated inspection (i.e., annual gas mask fit testing). During the inspection check-in, 157 LMPD supervisors were provided a paper survey by LMPD Training Division staff; 131 surveys were completed, resulting in an 83.4% response rate. Completed surveys were placed by respondents in a sealed box that was mailed to the research team.<sup>27</sup> These survey responses were entered into an electronic database and analyzed by the research team.

The ICAT supervisor survey included eight sections examining the following topics:

- (1) *Perceptions Related to Using ICAT De-escalation Skills.* Using nine survey items related to first-line supervisors' direct use of ICAT de-escalation skills, various concepts were examined, including confidence, agency support, and the perceptions of the utility and frequency of ICAT training. Respondents were asked to indicate their level of agreement to each item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate a more positive impression of supervisors' use of ICAT de-escalation skills.
- (2) *Perceptions Related to Supervising ICAT De-escalation Skills.* Seven items were included to assess supervisors' perceptions of their effectiveness in coaching, available resources for supervising, and the difficulties in directly supervising subordinate officers' use of de-escalation skills. Respondents were asked to indicate their level of agreement to each item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). A

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<sup>27</sup> Surveys could not be collected in person by the research team because of COVID-19 travel restrictions from the States of Ohio and Kentucky during the time of survey collection.

higher or lower score will indicate a more positive attitude regarding the ability to supervise subordinates' use of de-escalation skills depending on the way each item is worded.

- (3) *Field Observations of Subordinates' ICAT De-escalation Skills.* Seven survey items assessed the frequency with which first-line supervisors engage in specific activities related to observing subordinate officers' use of de-escalation skills in the field. Supervisors are asked about general observations, as well as the observations of ICAT skills. Respondents were asked to indicate how frequently they observed particular activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently.
- (4) *Video Observations of Subordinates' ICAT De-Escalation Skills.* Using seven items, the frequency with which first-line supervisors engage in specific activities related to observing subordinate officers' use of de-escalation skills through video recordings (e.g., review of body-worn camera footage) were assessed. Supervisors were asked about general observations as well as the observations of specific ICAT skills. Respondents were asked to indicate how frequently they observed particular activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently.
- (5) *Supervision Activities Related to ICAT De-escalation Skills.* Six survey questions regarding the frequency with which first-line supervisors engage in specific activities related to supervising subordinate officers' use of de-escalation skills were asked. For example, questions assessed the frequency that supervisors document the use of ICAT de-escalation skills, counsel subordinates for not using ICAT de-escalation skills, or generally talk about the use of ICAT de-escalation skills. Respondents were asked to indicate how frequently they engaged in the specified activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently. In addition to the multiple-choice survey items, two open response questions were posed to gather further information on how supervisors document the use of ICAT de-escalation skills and how they mentor or coach subordinates to improve the use of these skills.
- (6) *Self-Reported Supervisor Activities.* Six questions were used to assess the frequency that supervisors engage in general supervision activities, such as arriving to incidents being handled by subordinates, conducting video reviews, and talking about subordinate performance. Respondents were asked to indicate how frequently they engaged in the specified activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently.
- (7) *Perceptions of Supervisor Functions.* Fourteen supervisor functions were listed, and supervisors were asked to assess the importance of each. For instance, supervisors were

asked how important it is to disseminate departmental directors, ensure reports are properly completed, ensure appropriate use of force, and to ensure fair and equal treatment of citizens. Respondents were asked to indicate the level of importance of each function on a five-point Likert scale (1 = Very Important to 5 = Very Important).

- (8) *Demographics*. Eight items gathered the demographic characteristics of respondents, including age, sex, race/ethnicity, highest level of education, years of experience in law enforcement, tenure as a supervisor, and their unique LMPD-assigned code number.

### **A. Data Analyses**

LMPD supervisors' survey responses are examined using descriptive statistics. Specifically, for each section of measures (outlined above), the average or mean response for each survey item is presented (denoted by " $\bar{X}$ "). The standard deviation ("SD") from this average is also noted. Finally, the number of supervisors that answered each survey item may vary and is noted within each table ("N") to provide insight on the number of responses used to calculate each average score. The frequencies of supervisor responses are also reported when useful/appropriate. Additional information related to the supervisor survey is provided in Appendix D, where the frequencies of responses across response categories for each survey item is presented as percentages. These data were analyzed using SPSS, a social science statistical software program.

### **B. Characteristics of LMPD Supervisors**

To begin, analyses of the demographic characteristics of the supervisor sample (N = 131) are displayed in Table 17. As shown in this table, the majority of surveyed LMPD supervisors are male (80.6%), White (84.7%), and have a bachelor's degree or Graduate Degree (68.7%). The median age category for supervisors is 40-44 years old, and the vast majority had worked in law enforcement – and specifically the LMPD – for 10 years or more (90.9%). Finally, nearly half of the respondents (47%) had four or fewer years of supervisory experience.

Table 17: Demographic Characteristics of LMPD Supervisors (N = 131)

	% (n)		% (n)
<b>Gender</b>		<b>LE Tenure</b>	
Male	80.9 (106)	> 1 year	0 (0)
Female	16.8 (22)	1 – 4 years	0 (0)
Unknown	2.3 (3)	5 – 9 years	8.4 (11)
<b>Age</b>		10 – 14 years	29.0 (38)
> 29 years old	0 (0)	15 – 19 years	32.1 (42)
30 - 34 years old	10.7 (14)	20+ years	29.8 (39)
35 - 39 years old	20.6 (27)	Unknown	0.8 (1)
40 - 44 years old	27.5 (36)	<b>LMPD Tenure</b>	
45 - 49 years old	28.2 (37)	> 1 year	0 (0)
50 + years old	12.2 (16)	1 – 4 years	0 (0)
Unknown	0.8 (1)	5 – 9 years	8.4 (11)
<b>Race</b>		10 – 14 years	34.4 (45)
Caucasian/White	84.7 (111)	15 – 19 years	36.6 (48)
African American/Black	8.4 (11)	20+ years	19.8 (26)
Latino/Hispanic	1.5 (2)	Unknown	0.8 (1)
Asian/Pacific Islander	3.1 (4)	<b>Education</b>	
Other	1.5 (2)	High School	4.6 (6)
Unknown	0 (0)	> 2 years college	13.7 (18)
<b>Years Supervising</b>		Associate's Degree	12.2 (16)
> 1 year	10.7 (14)	Professional Degree	0 (0)
1 – 4 years	37.4 (49)	Bachelor's Degree	55.7 (73)
5 – 9 years	26.7 (35)	Graduate Degree	13.0 (17)
10 – 14 years	19.8 (26)	Unknown	0.8 (1)
15 – 19 years	3.1 (4)		
20 or more years	0.8 (1)		
Unknown	0.8 (1)		

### C. Participation in Supervisory Activities

To gain a better understanding of LMPD supervisors' interactions with their subordinate officers, supervisors were asked to self-report the frequency in which they engaged in a list of *general* supervisory activities. Specifically, using a five-point scale, where 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week), supervisors were asked to indicate how often they go to, participate in, and review the incidents managed by their subordinate officers.

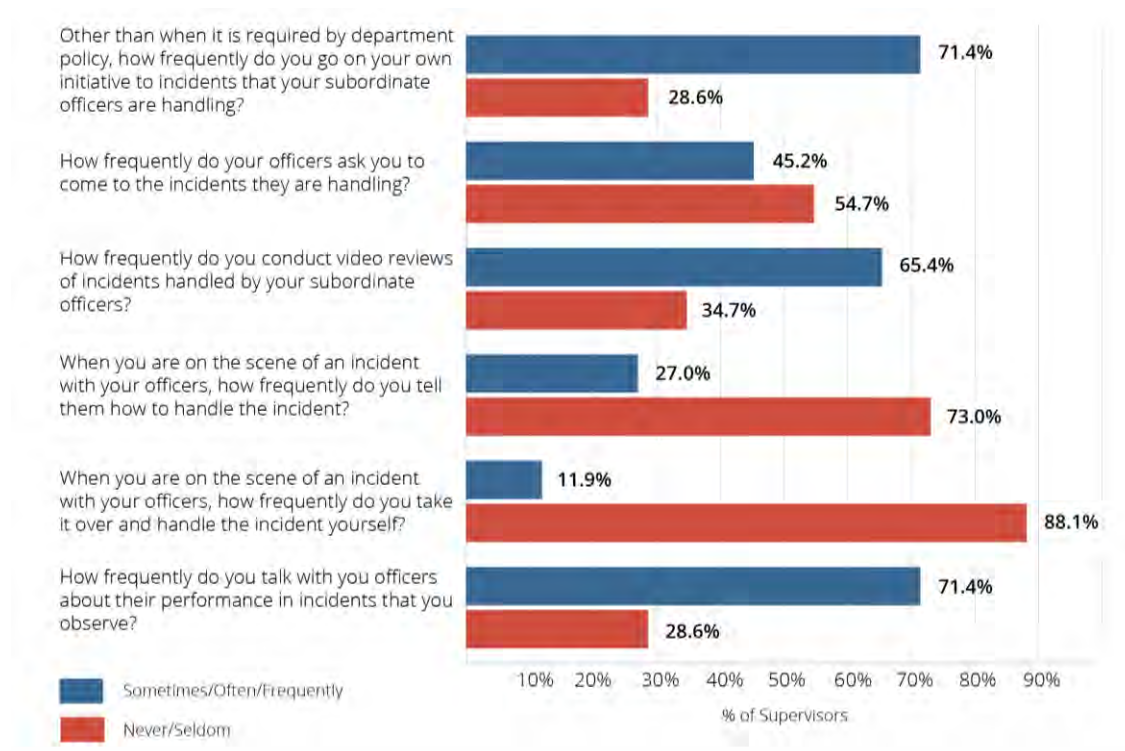
As shown in Table 18, although the majority of supervisors reported that they sometimes (2-3 times per month) go on their own initiative to incidents being handled by subordinates ( $\bar{X}$  = 3.32), they never or seldom take over the incident and handle it themselves ( $\bar{X}$  = 1.68). Generally, LMPD supervisors reported they sometimes (2-3 times per month) talk to their officers about their performance in observed incidents ( $\bar{X}$  = 3.04).

Table 18: LMPD Supervisor Self-Reported Supervision Activities

	$\bar{X}$	SD	N
1. Other than when it is required by department policy, how frequently do you go on your own initiative to incidents that your subordinate officers are handling?	3.32	1.37	126
2. How frequently do your officers ask you to come to the incidents they are handling?	2.37	.98	126
3. How frequently do you conduct video reviews of incidents handled by your subordinate officers?	2.92	1.30	124
4. When you are on the scene of an incident with your officers, how frequently do you tell them how to handle the incident?	2.12	.855	126
5. When you are on the scene of an incident with your officers, how frequently do you take it over and handle the incident yourself?	1.68	.80	126
6. How frequently do you talk with you officers about their performance in incidents that you observe?	3.04	1.09	126

The frequency of conducting these supervisory functions is further examined in Figure 15. Of interest here is the percentage of supervisors who indicate they *never or seldom* conduct specific tasks. For example, approximately 30-35% of supervisors indicate that they never or seldom go on their own to incidents to observe subordinates, review video incidents of their subordinates, or talk to subordinates about the incidents they observe.

Figure 15: LMPD Supervisor Self-Reported Supervision Activities





#### D. Perceptions of the Implementation and Utility of De-escalation Training

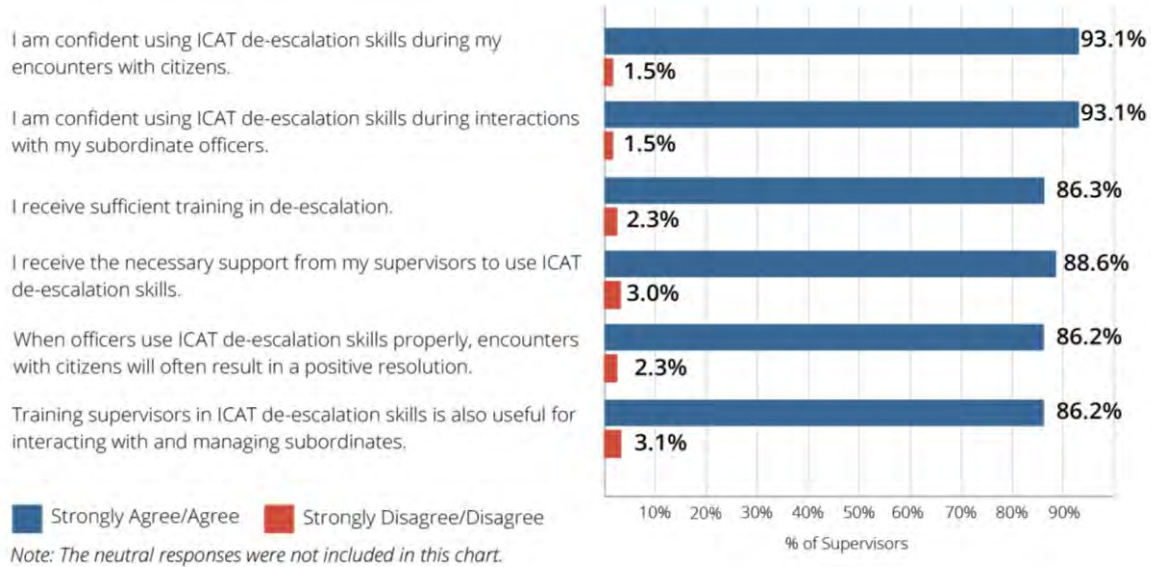
Seeking to understand the views of LMPD supervisors related to the implementation and applicability of the ICAT training in their work, supervisors were asked about their perceptions and experiences regarding *their own use* of ICAT de-escalation skills. As shown in Table 19, supervisors were asked to indicate their level of agreement to seven survey items assessing their perceptions, using a five-point Likert scale (1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, and 5 = Strongly Agree). On average, supervisors reported feeling confident using de-escalation skills with both citizens and with subordinate officers, suggesting they have received sufficient training in de-escalation, and believe that when skills are used properly, encounters with citizens will likely end with a positive resolution. Importantly, supervisors generally did *not* agree that their subordinates needed more training in de-escalation than is currently provided within the LMPD.

*Table 19: LMPD Supervisor Perceptions Related to Using ICAT De-escalation Skills*

	$\bar{X}$	SD	N
1. I am confident using ICAT de-escalation skills during my encounters with citizens.	4.34	0.72	131
2. I am confident using ICAT de-escalation skills during interactions with my subordinate officers.	4.34	0.72	131
3. I receive the necessary equipment from my department to de-escalate situations.	3.99	0.94	131
4. I receive sufficient training in de-escalation.	4.22	0.80	131
5. I receive the necessary support from my supervisors to use ICAT de-escalation skills.	4.28	0.81	131
6. When officers use ICAT de-escalation skills properly, encounters with citizens will often result in a positive resolution.	4.15	0.80	131
7. Some encounters with citizens require additional less-lethal equipment than is currently available.	3.90	1.10	131
8. My subordinates need more training in de-escalation than is currently provided.	2.79	0.92	131
9. Training supervisors in ICAT de-escalation skills is also useful for interacting with and managing subordinates.	4.09	0.79	131

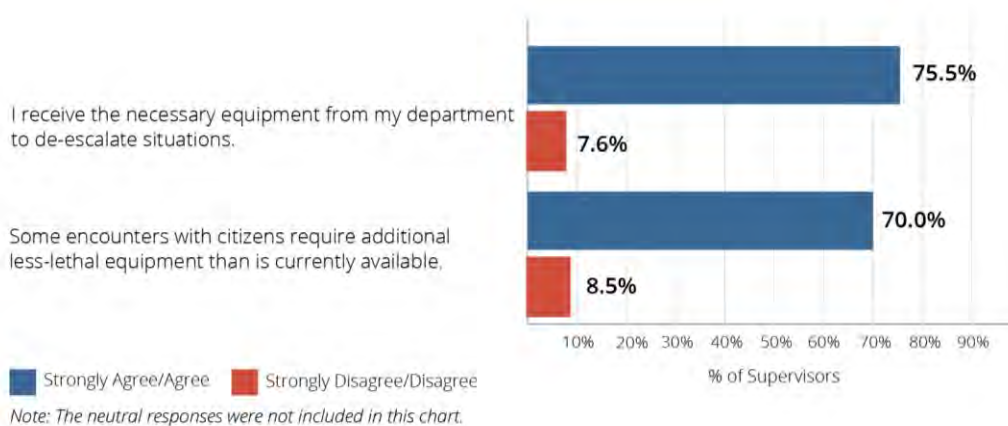
Figures 16-18 below further explore supervisors' responses by collapsing the Strongly Agree/Agree categories compared to the Strongly Disagree/Disagree categories across these survey items (while excluding the neutral category from display). For example, we see in Figure 16 that the overwhelming majority of respondents agree or strongly agree that they are confident using ICAT de-escalation skills with citizens and subordinates, that they have received sufficient training and support from superiors to used de-escalation skills, and that when these skills are properly used, encounters with citizens will often result in a positive resolution.

Figure 16: LMPD Supervisor Perceptions Related to Using ICAT De-escalation Skills



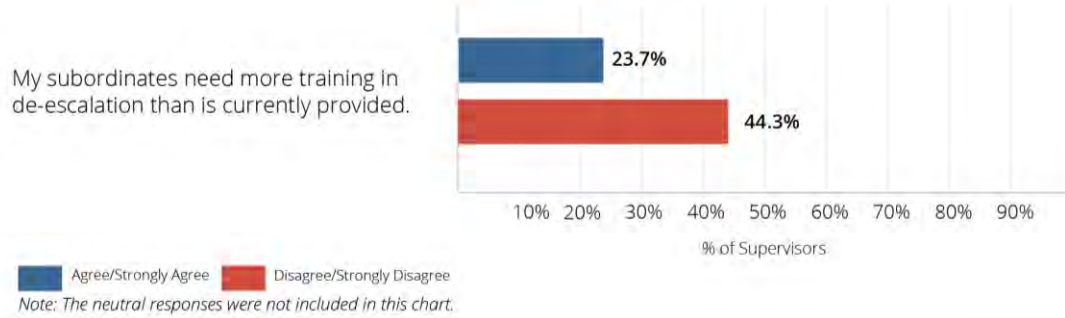
Interestingly, however, there appears to be some inconsistency in supervisors' responses to questions regarding the availability of equipment to facilitate de-escalation in encounters. As shown in Figure 17, over 75% of supervisors agreed or strongly agreed that they receive the necessary equipment to de-escalate situations. Yet, 70% of supervisors also agreed or strongly agreed that some encounters with citizens require additional less-lethal equipment than is currently available. It is unclear to the research team the possible reasons for these discrepancies.

Figure 17: LMPD Supervisor Perceptions Regarding Equipment for De-escalation



There was also a lack of consensus among supervisors when asked if their *subordinates needed more training in de-escalation techniques* than is currently provided. Specifically, although nearly a quarter of supervisors agreed or strongly agreed that more training was needed for subordinates (23.7%), 44.3% of supervisors disagreed or strongly disagreed with this statement.

Figure 18: LMPD Supervisor Perceptions Regarding Additional De-escalation Training



### Perceptions of Supervising De-escalation Skills

Supervisors were also questioned regarding their perceptions of their ability to effectively supervise their subordinates’ use of de-escalation and the support (via equipment, training, leadership) they receive from the department in fulfilling these duties.

As demonstrated in the average scores Table 20, supervisors generally suggest they can effectively supervise and coach the use of ICAT de-escalation tactics among their subordinates. Further, they generally disagreed that it was difficult to supervise subordinates’ use of de-escalation skills, or that they required more support from their superiors to accomplish this task.

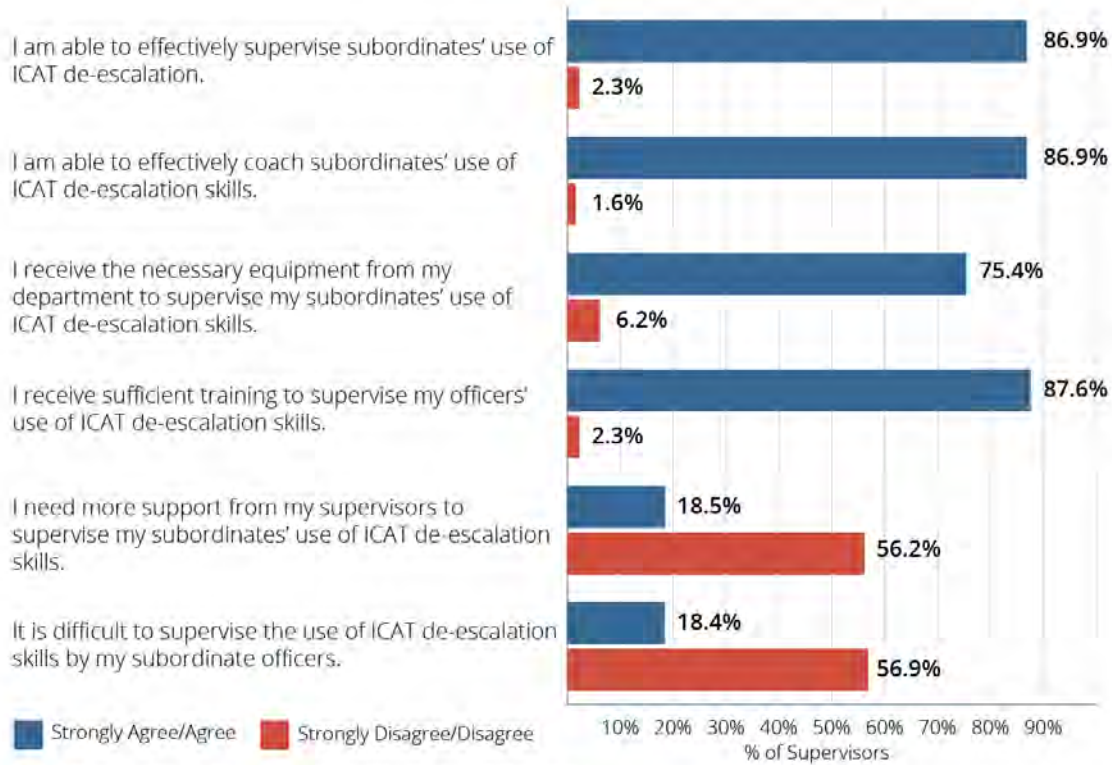
Table 20: LMPD Supervisor Perceptions Related to Supervising ICAT De-escalation Skills

	$\bar{X}$	SD	N
1. I am able to effectively supervise subordinates’ use of ICAT de-escalation.	4.08	.69	130
2. I am able to effectively coach subordinates’ use of ICAT de-escalation skills.	4.09	.67	130
3. I receive the necessary equipment from my department to supervise my subordinates’ use of ICAT de-escalation skills.	3.93	.85	130
4. I receive sufficient training to supervise my officers’ use of ICAT de-escalation skills.	4.08	.68	130
5. I need more support from my supervisors to supervise my subordinates’ use of ICAT de-escalation skills.	2.58	.91	130
6. It is difficult to supervise the use of ICAT de-escalation skills by my subordinate officers.	2.53	.94	130

The consensus in supervisors’ responses across these survey items are demonstrated more thoroughly in Figure 19. Specifically, 87% of supervisors agreed or strongly agreed they were able to both effectively supervise and coach subordinates’ use of ICAT de-escalation skills. Supervisors’ responses also indicated feelings of support in completing these tasks, with the majority agreeing they have the necessary equipment (75.4%) and sufficient training (87.6%) to supervise their subordinates’ use of ICAT de-escalation skills. Finally, although a slight majority

of supervisors suggested it was not difficult to supervise the use of de-escalation skills (56.9%), a relevant minority (approximately 20%) identified challenges in this role.

*Figure 19: LMPD Supervisor Perceptions Related to Supervising ICAT De-escalation Skills*



*Note: The neutral responses were not included in this chart.*

### **Observations of Subordinates' Use of De-escalation Skills**

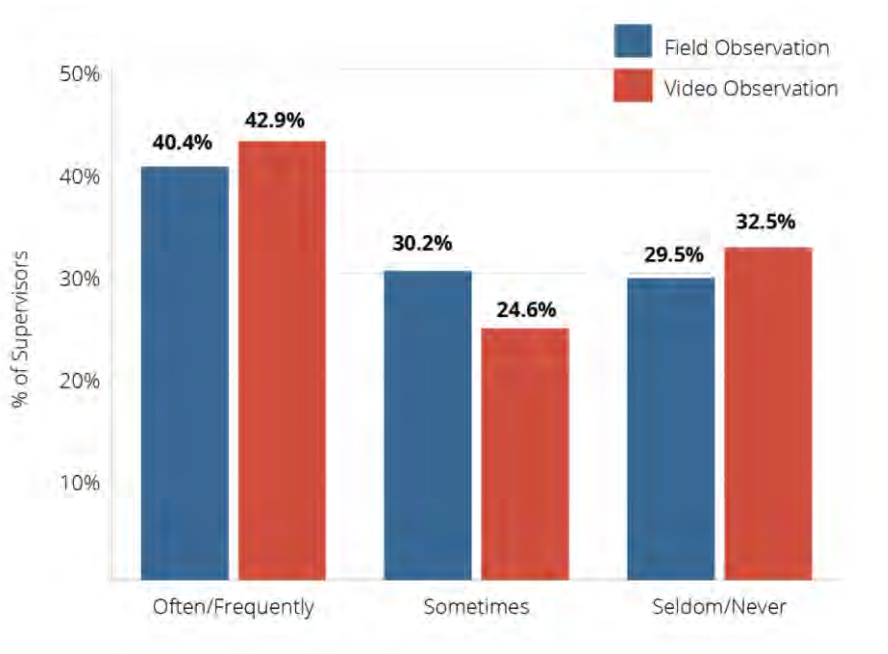
Finally, LMPD supervisors were asked to indicate how frequently they observe their subordinate officers use de-escalation in their day-to-day interactions with citizens. Specifically, survey respondents suggested the frequency by which they observe – either in the field or by video review – their officers use specific ICAT skills, using a five-point response scale: 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week). As shown in Table 21, on average, supervisors report “sometimes” observing subordinate officers using ICAT de-escalation skills in the field, reporting similar frequencies for video observations.

Table 21: LMPD Supervisor Observations of Subordinates' Use of ICAT De-escalation Skills

	In the Field			Video Review		
	$\bar{X}$	SD	N	$\bar{X}$	SD	N
1. How frequently do you observe your subordinate officers using ICAT de-escalation skills?	3.18	1.22	129	3.07	1.40	126
2. When observing subordinate officers, how frequently do they use <i>ICAT Communication Skills</i> (such as actively gathering information from a subject, communicating to other officers, using active listening, or maintaining communication with a subject)?	3.82	1.16	129	3.40	1.45	126
3. When observing subordinate officers, how frequently do they use the <i>Reaction Gap Strategy</i> (actively re-positioning to keep a favorable position between the officer and the subject)?	3.88	1.16	129	3.35	1.42	126
4. When observing subordinate officers, how frequently do they use the <i>Tactical Pause Strategy</i> (sharing information and developing a strategy with other responding officers during a citizen encounter)?	3.63	1.14	129	3.17	1.35	126
5. When observing subordinate officers, how frequently do they attempt to use less lethal tools?	2.68	1.21	129	2.54	1.21	125
6. How often have you observed incidents handled by your subordinates where ICAT de-escalation skills were properly used, but were unsuccessful in achieving a positive resolution to an incident?	2.29	.94	129	2.19	.98	126
7. How often have you used ICAT de-escalation skills but were unsuccessful in achieving a positive resolution to an incident?	2.02	.74	129	--	--	--

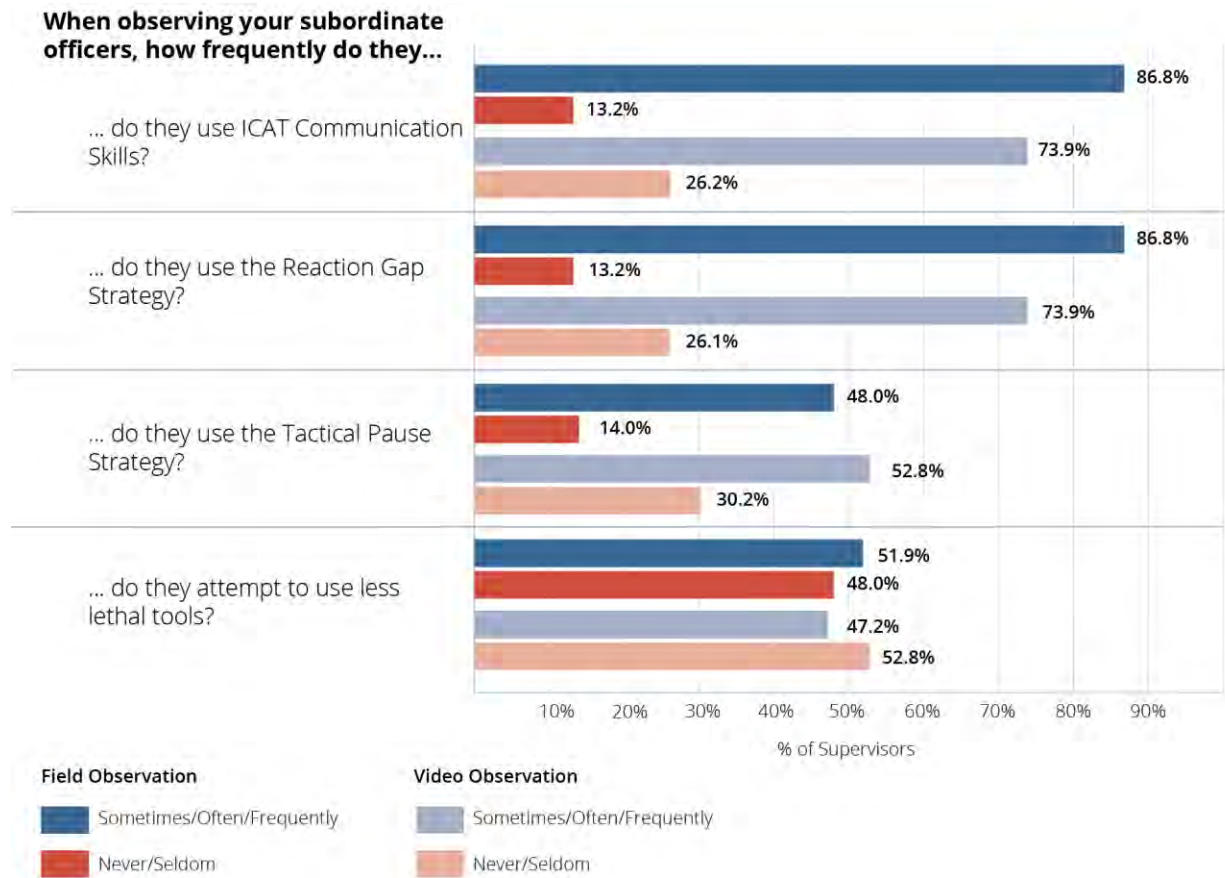
As shown in Figure 20, the frequency of supervisors' observations of subordinates' use of de-escalation skills did not vary significantly between the field observations and review of videos. That is, the method of observation did not vary substantially from one another. However, the frequency with which supervisors reported observing subordinates' de-escalation skills (either in the field or on video) did vary significantly across supervisors. For example, while approximately 40% of supervisors reported often or frequent observations of their officers, approximately 30% reported seldom or never conducting these types of observations or reviews.

Figure 20: LMPD Supervisor Observations of ICAT Skills in the Field & in Video



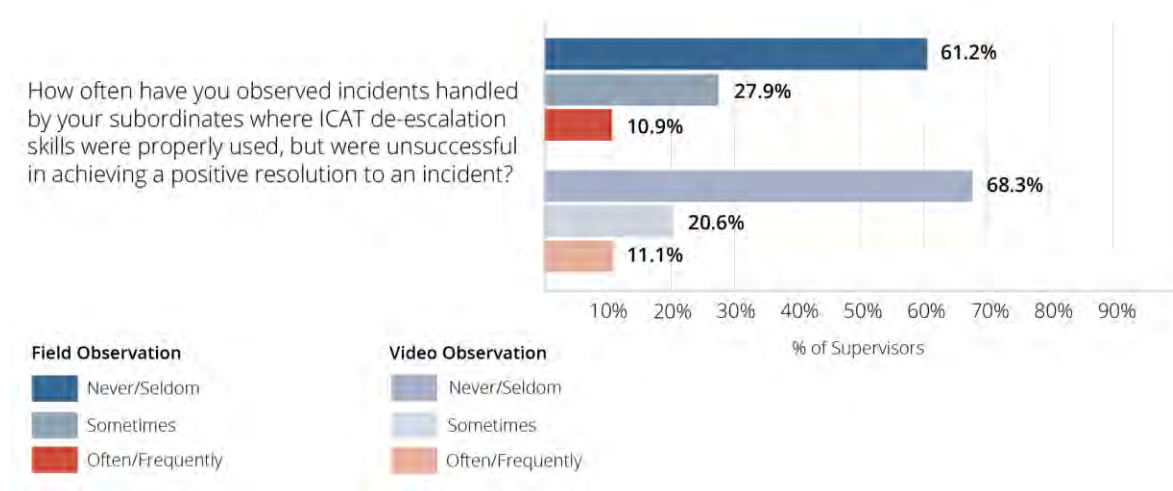
Of those supervisors who report observing subordinates' use of de-escalation tactics in the field or on video, differences emerge regarding the frequency that the four types of tactics – communication skills, reaction gap strategy, tactical pause strategy, and use of less lethal tools – are observed (see Figure 21). Of these specific de-escalation tactics, supervisors report observing subordinates' using communication skills and the reaction gap strategy significantly more frequently than the tactical pause strategy or the use of less lethal tools. Importantly, about half of the supervisors indicated that the seldom or never observe officers in the field or on video using less lethal tools to de-escalate situations. The lack of use of these tools may be related to supervisors' previously reported perception that access to additional less lethal equipment is needed.

Figure 21: Supervisor Observation of Subordinate ICAT Skills in the Field and in Video



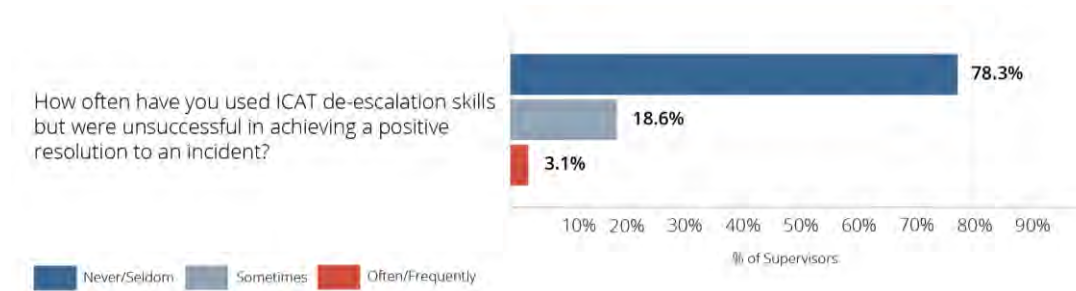
Supervisors were also asked to report how often the incidents they observed their subordinates handling where de-escalation skills were used were unsuccessful in achieving a positive resolution to the encounter. In short, how often, in their perception did their subordinates' encounters using de-escalation tactics fail to result in a positive outcome. As shown in Figure 22, over 60% of supervisors indicated that they never or seldom observed incidents where de-escalation skills were used but were unsuccessful in achieving a positive resolution. Only 10% of supervisors indicated often or frequently observing the use of these skills resulting in an unsuccessful outcome.

Figure 22: Supervisor Observation of Subordinate ICAT Skills in the Field and in Video



Likewise, Figure 23 shows over 78% of supervisors reported that they never or seldom used de-escalation skills themselves without reaching a positive resolution. Only 3% of supervisors reported that they often or frequently used de-escalation skills that resulted in an unsuccessful outcome.

Figure 23: Supervisor Field Observation of Subordinate ICAT Skills



### Supervisors’ Reinforcement of ICAT Training

As stated above, a primary objective of the LMPD supervisor survey was to gain insights regarding the frequency of supervisor activities that directly support or reinforce their subordinate officers’ use of the de-escalation skills presented within the ICAT training. Using a five-point scale – where 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week) – LMPD sergeants and lieutenants were asked to indicate how often they participate in six specific supervisory activities, including talking with officers about the use of de-escalation skills both generally and in specific incidents, and documenting officers’ use of de-escalation skills in different ways. The descriptive statistics produced from these survey items are presented in Table 22.



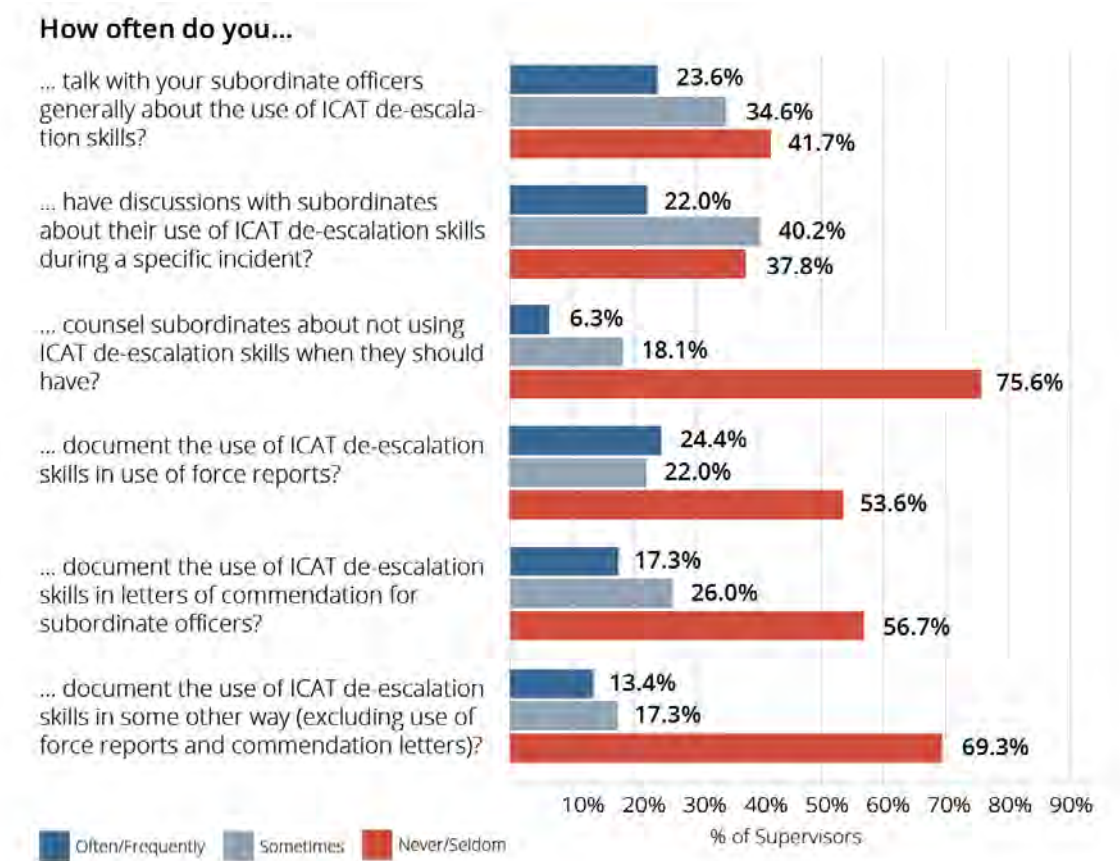
As seen in Table 22, the average frequency of LMPD supervisors’ participation in the six activities were fairly low, typically ranging from seldom (i.e., once per month) to sometimes (i.e., two to three times per month). Specifically, supervisors report talking with their officers about the use of de-escalation skills (generally or based on a specific incident) only once per month ( $\bar{X} = 2.72$  and  $\bar{X} = 2.79$ , respectively). Further, supervisors report that they seldom (once per month) document the use of ICAT de-escalation skills through a variety of methods (i.e., use of force reports, letters of commendations, or other ways).

*Table 22: Supervision Activities Related to ICAT De-escalation Skills*

	$\bar{X}$	SD	N
1. How frequently do you talk with your subordinate officers generally about the use of ICAT de-escalation skills?	2.72	1.03	127
2. How often do you have discussions with subordinates about their use of ICAT de-escalation skills during a specific incident?	2.79	1.05	127
3. How frequently do you counsel subordinates about not using ICAT de-escalation skills when they should have?	2.01	.86	127
4. How frequently do you document the use of ICAT de-escalation skills in use of force reports?	2.60	1.22	127
5. How frequently do you document the use of ICAT de-escalation skills in letters of commendation for subordinate officers?	2.41	1.11	127
6. How frequently do you document the use of ICAT de-escalation skills in some other way (excluding use of force reports and commendation letters)?	2.16	1.04	127

Figure 24 provides additional insights on LMPD supervisors’ activities related to the support and reinforcement of subordinates’ use of ICAT de-escalation skills. Specifically, across the survey items, respondents most often reported seldom or never conducting supervisory activities related to officers’ use of de-escalation. This was the case for talking with subordinate officers generally about the use of ICAT de-escalation skills, counseling officers on using de-escalation when they did not, and documenting the use of ICAT de-escalation skills in use of force reports, letters of commendation, and other ways. Notably, however, a slightly larger percentage of supervisors suggested they “sometimes” (i.e., two to three times a month) have discussions with subordinate officers about their use of ICAT de-escalation skills during a specific incident (40.2%).

Figure 24: Supervision Activities Related to ICAT De-escalation Skills



### E. Summary

In summary, a survey was administered to sergeants and lieutenants (N = 131) in March 2020 to assess LMPD first-line supervisors’ perceptions and self-reported experiences as they relate to their use of ICAT de-escalation skills and the supervision and reinforcement of those skills among their subordinates. Descriptive analyses of these survey responses reveal several important findings. First, LMPD supervisors appear to hold positive attitudes regarding their own use of the ICAT de-escalation skills. On average, supervisors expressed confidence in their ability to use the skills during their interactions with both the public and their subordinate officers. Additionally, supervisors indicated they can effectively supervise and coach subordinate officers in the use of these de-escalation skills, suggesting they did not require additional training or support from leadership to complete these tasks. Assuming supervisors’ positive perceptions related to their self-efficacy in the use/supervision of de-escalation translates to behavior, this study presents encouraging findings for the application of ICAT de-escalation skills among LMPD supervisors and effective supervision of de-escalation by officers.

Importantly, however, while most survey respondents (57%) suggest it is not difficult to supervise the use of ICAT de-escalation skills by their subordinate officers, the average frequency of participation in supervisory activities that may serve to support or reinforce officers’ use of de-escalation were fairly low. Indeed, average responses by supervisors suggest

they seldom (i.e., once per month) or only sometimes (i.e., two to three times per month) communicate with their subordinate officers about the use of ICAT de-escalation skills in a general or incident-specific manner. Additionally, survey responses suggest the documentation of officers' use of de-escalation skills – by means of use of force reports, letters of commendation, or other formal recognition – is uncommon. In turn, supervisors suggest limited observations of the use of de-escalation by officers out in the field or by video review. Collectively, the rarity of these types of supervisor-officer interactions suggests LMPD first-line supervisors may be missing important opportunities to support and reinforce the skills learned in the de-escalation training sessions among their subordinate officers.

## VII. ICAT TRAINING IMPACT ON OFFICER BEHAVIOR

In this section, we assess multiple parameters regarding potential changes in use of force that corresponded with ICAT training. We first describe our operationalized use of force, citizen injuries, and officer injuries, including defining our measurement that focuses on the units of analysis for use of force available in the current study. We next provide a series of univariate statistics, including monthly and annual changes in uses of force over time (as well describe many of the time-specific LMPD changes in uses of force policies). We then present an analysis of use of force severity using a rigorous index for force severity. Finally, we present a series of panel regression results that corresponded to the stepped-wedge RCT design to assess the changes in uses of force that corresponded with the randomized timing of the training.

### A. Measuring LMPD Use of Force – Policies and Data

Use of force is governed by LMPD Standard Operating Procedure (SOP) 9.1 (Use of Force Policy), which delineates when and how force can be used by LMPD officers. Commanding officers are required to complete a report (*Administrative Incident Report* or *AIR*) for all use of force incidents resulting in any injury, or complaint of injury, to either the officer or subject, or when physical force other than a control hold is used. Upon using force, or conducting an arrest where the resulting charge is resisting arrest or assault on an officer, the involved officers must immediately notify commanding officers.

All LMPD policy changes are made through PowerDMS, a software used by LMPD that notifies officers to updated policy documents, requiring that they read, understand, and acknowledge all new information. Between 2015 and July 2020, SOP 9.1 (Use of Force Policy) has been revised nine times (see Figure 25). De-escalation tactics were first introduced into policy in October 2015. This revision also defined passive and active resistance, noting their difference. The Use of Force Policy underwent extensive revisions again in October 2019, adding more specific language regarding de-escalation procedures, positional asphyxia (restraint positions that interfere with breathing), shooting at, or from, a moving vehicle, and clarified the use of conducted electrical weapons. Most recently, the use of force policy was modified in June 2020, after the study period concluded. The revisions include an added definition of safety priorities, restrictions associated with using officers' weight on subjects' back, head, and neck, and expanded upon the duty for officers to intervene when unlawful or excessive force is used.

In addition to changes to the Use of Force Policy, the LMPD Traffic Stops and Enforcement Policy (SOP 7.12) was also significantly revised during the study period. Changes officially took effect August 1 2019, although officers were encouraged to make changes in May of 2019. Policy revisions included additional restrictions for conducting traffic stops, new guidelines for handcuffing people who are not under arrest, and emphasis that stops are to be conducted free of bias.

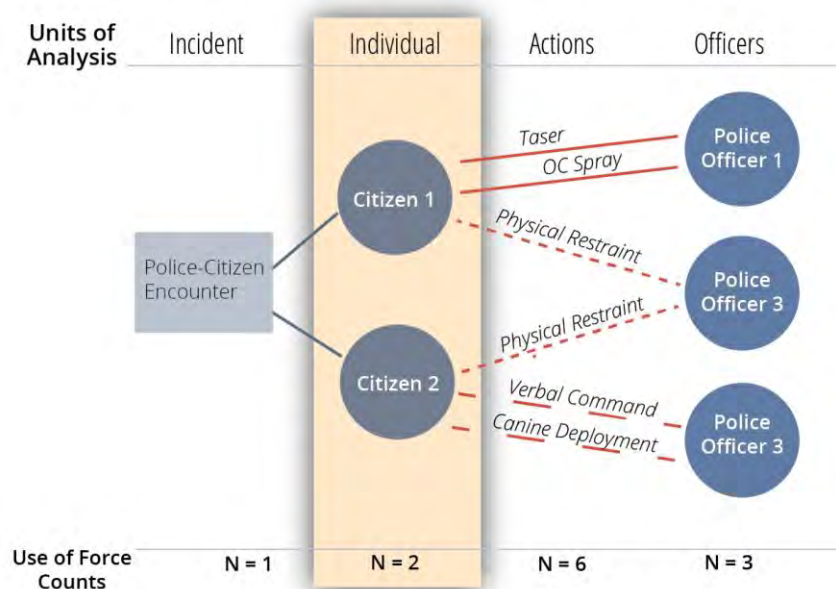
Our evaluation of the ICAT de-escalation training relies on LMPD's official use of force data. Commanding officers at a use of force scene are required to complete an AIR through Blue Team (LMPD's software program) and forward through the appropriate chain of command. LMPD's reportable uses of force include *all use of force incidents resulting in any injury, or the complaint of any injury, to either the officer or subject, or when physical force other than a*

*control hold (a technique with a low probability of injury to the officer or subject, utilized to maintain physical control of a subject) is used.*

It is important to note that use of force counts can vary dramatically based on the unit of analysis at which they are measured. For example, as depicted in Figure 25, a single police-citizen incident or encounter may involve one or more individuals receiving one or more police actions by one or more officers. And because a single use of force incident may include multiple types of force, used against multiple individuals, by multiple officers, there are a variety of ways force could be counted, for example as (1) the number of incidents involving any use of force, (2) the number of individuals who had force used against them in a single encounter, (3) the number of different types of force (or officer actions) used, or (4) the number of officers using force. Each of these measures would result in different use of force counts.

For all of the analyses that follow, ***we measure the use of force as the number of individuals that had force used against them during a single encounter.*** If an individual had force used against him/her during more than one encounter with police during the study time period, multiple uses of force are included in the data analyses. Measured in this way, our individual use of force count (# of individuals having force used against them) include multiple police actions given the escalating nature of force (i.e., an officer may initiate with a low level of force and increase in severity if resistance increases), and multiple officers that could use force against a single individual.<sup>28</sup>

*Figure 25: Hypothetical Example of Use of Force Measures, by Unit of Analysis*



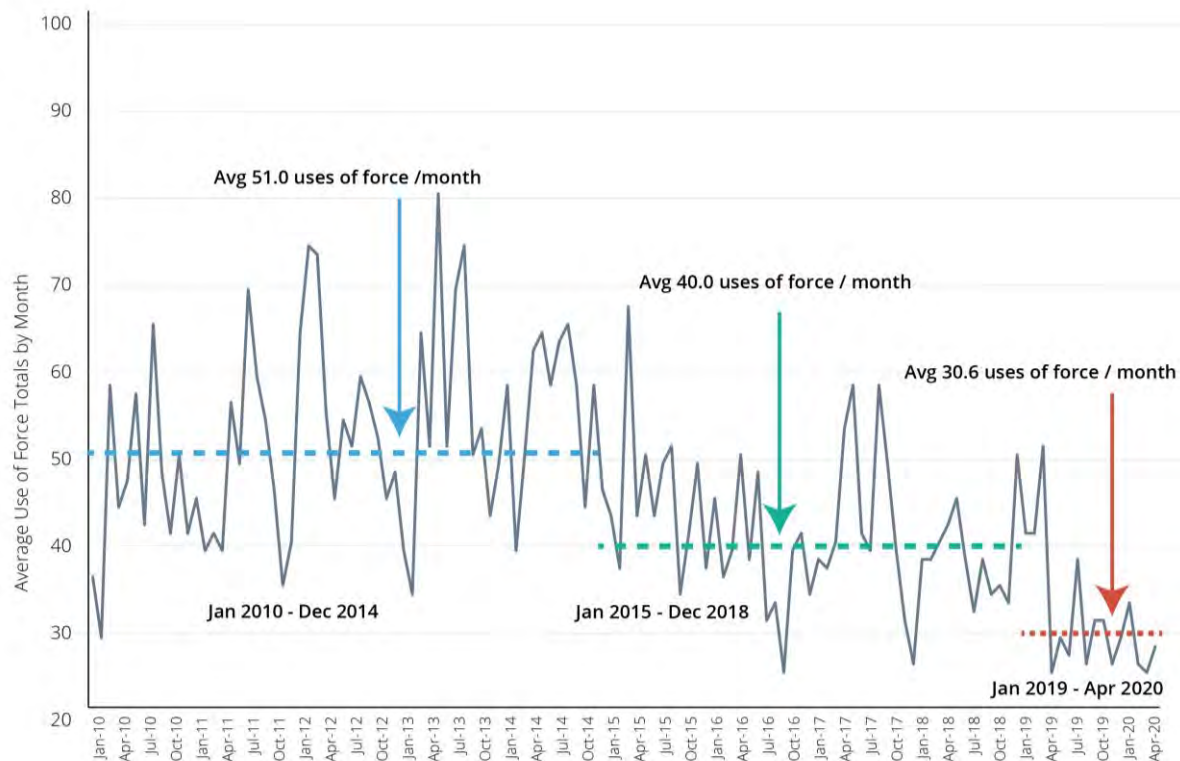
*Note: The individual level is the unit of analysis used in this study.*

<sup>28</sup> For example, for LMPD in 2018, there were roughly 21 officer-actions on average per each measured use of force incident across the various officers involved.

In order to provide a long-term historical context of use of force incidents in Louisville (where force incident counts represent a use of force against a civilian), we graph the use of force counts from January 2010 through April 2020.

An Augmented Dickey Fuller Unit Root test indicates that there is statistically significant mean instability in the time series ( $p < 0.01$ ). As graphically displayed in Figure 26, the univariate moving average graphs show a consistent pattern in the data indicated by patterns of long-term stability in event counts and clear structural breaks in the time series. First, from January 2010 through December 2014, the average number of uses of force was roughly 51 per month for this stage in the time series. Second, from January 2015 through December 2018 the average number of uses of force was roughly 40 per month. Finally, during the period of the randomized experiment (beginning in February 2020) through April 2020, the average number of uses of force was roughly 30 per month. Thus, the use of force events in Louisville were consistently stable for a five-year period (2010-2014) as well as four-year period (2015-2018) prior to the implementation of the ICAT training and subsequent policy changes in Louisville after the training was completed.

Figure 26: Time Series Analysis January 2010 to April 2020



This time series analysis is accompanied by Figure 27, which provides a long-term historical context of changes to LMPD’s Use of Force Policy. These three changes in the pattern of use of force counts are roughly correlated with LMPD Use of Force Policy changes. For a five-year period (from 2010 – 2014), use of force counts were consistently stable. The following four years (2015 – 2018) demonstrated a stable reduction compared to the previous time period. This

stable four-year time period (2015 – 2018) serves as the baseline prior to the implementation of the ICAT training and additional policy changes.

Figure 27: Use of Force Policy Changes 2014-2020

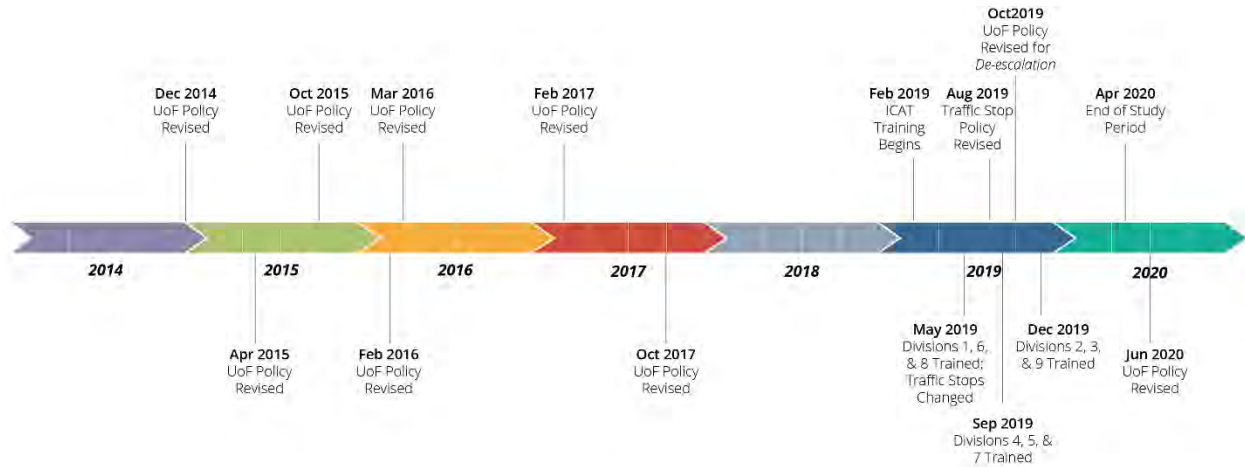
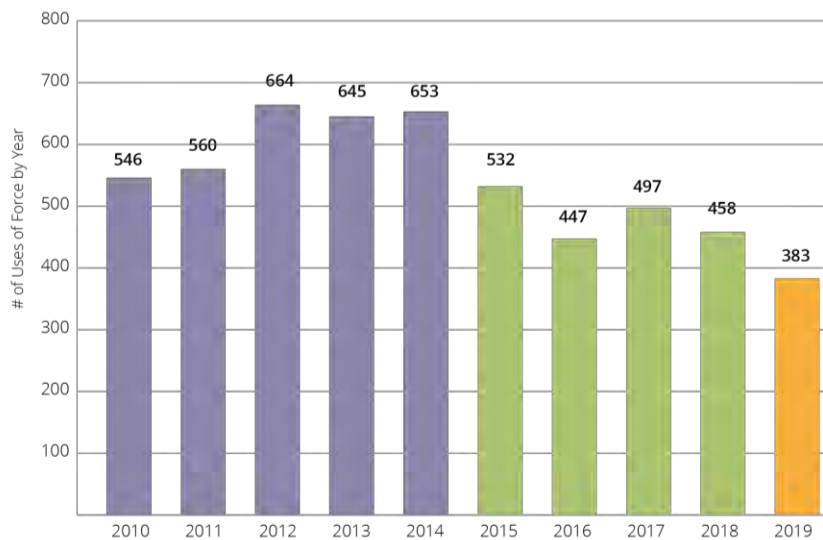


Figure 28 graphically displays the number of individuals annually who had force used against them by LMPD Officers. As previously described, for the analyses that follow, we examine the number of individuals who had force used against them during a single encounter. The color changes across years represent the breaks identified using interrupted time series analyses.

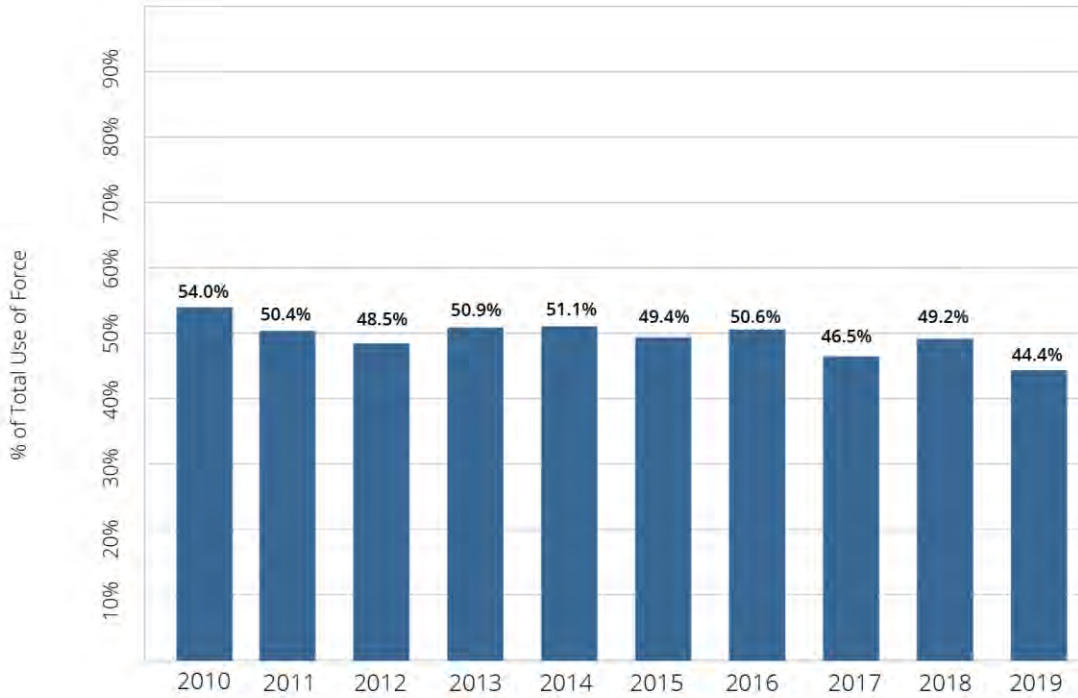
Figure 28: Use of Force Totals by Year (2010 – 2019)



As shown in Figure 29, the percent of uses of force that involve Black citizens has hovered around 50% for the majority of the ten-year period, although the lowest percentage (44.4%) was

recently observed in 2019. If this trend continues, it may represent a reduction in racial/ethnic disparities in uses of force as a result of ICAT de-escalation training.<sup>29</sup>

Figure 29: Percentage of African-American Use of Force by Year (2010 - 2019)



Given that the ICAT rollout began in February 2019 and continued through November 2019, we also use 2018 as the foundational baseline to provide context of the potential impact of ICAT de-escalation training.<sup>30</sup> As part of the follow-up period for the experimental study we also examined use of force incidents from January 1 – April 30, 2020. To provide context for these additional four months of data, Figure 30 displays uses of force reported from Jan 1- April 30 for each of the three years of data (2018, 2019, and 2020). As shown, 158 and 157 uses of force were reported for this four-month period in 2018 and 2019 respectively, compared to 110 uses of force for the same time period in 2020. This equates to a 30% seasonal decline in the first four months of 2020, relative to the first four months in 2018 and 2019.

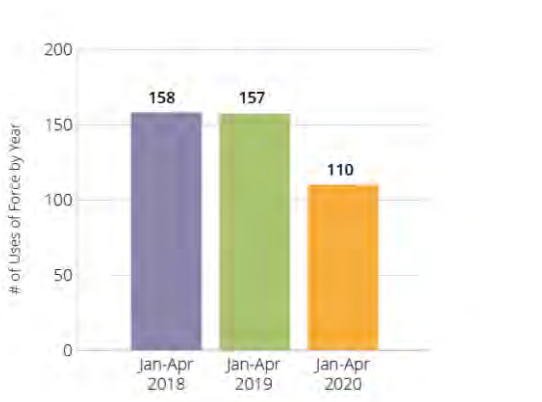
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<sup>29</sup> Additional analyses examining the impact of training at the individual level, including analyses that consider individuals' demographic characteristics on the likelihood of force during arrest situations, will be included in subsequent reports.

<sup>30</sup> Also recall that the time series analyses previously reported shows that use of force counts in 2018 are relatively consistent with counts from the two previous years (2016 and 2017).



Figure 30: Use of Force Seasonal Changes (January through April) 2018, 2019, 2020



Additional descriptive analyses presented below examine the frequency of use of force based on the severity or level of force. For these analyses, the severity is determined based on the research team’s developed hierarchy of use of force tactics (presented in Figure 31). These levels of force roughly match LMPD’s Use of Force policy.

Figure 29: Use of Force Severity Index with Force Types<sup>31</sup>

Severity Index	Type of Force
Level 1	Verbal Directions
Level 2	Energy Conducted Weapon (ECW) Arc Display Hobble
Level 3	Come-along Empty Hand Control
Level 4	OC Spray Pepper Ball
Level 5	ECW Cartridge Deployed ECW Stun Feature
Level 6	Empty Hand Strikes Kick Kick Strike Knee Strike Take Down
Level 7	Impact Weapon K-9 Bite Special Impact Munitions
Level 8	Firearm Deployed

<sup>31</sup> The “Other Narrative” use of force is linked in the incident reports and thus is not included in the use of force severity index. The highest level of force column excludes the other category – and thus the highest level of force per incident is the category prior to any officer filling out the ‘other’ category in the use of force report.

When considering the frequency of use of force severity, we document in Table 23 the overall percentage of incidents that involve each specific type of force, and also the percentage of incidents where that type of force used was the highest, or most severe.

As documented, the number of verbal directions declined from 412 in 2018 to 342 in 2019 (-16.9%). Empty hand controls were reduced from 361 in 2018 to 312 in 2019 (-13.5%). Take downs declined from 293 in 2018 to 227 in 2019 (-22.5%). Finally, the Level 6 severity index (includes empty hand strikes, kicks, knee strikes, and take downs) was consistently the highest level of use of force in both 2018 and 2019. The number of uses of force that met this index severity threshold, however, declined 21.2% (from 335 in 2018 to 264 in 2019). Thus, the most sweeping measurable change in use of force severity in 2019 relative to 2018 was the reduced number of physical take-downs, knee strikes, kicks and hand strikes. The most severe form of force (officer involved shootings, severity index = Level 8), remained relatively stable between 2018 and 2019, which is unsurprising given that officer involved shootings comprised less than 2% of use of force incidents each year.

*Table 23: Use of Force by Force Type and Severity, 2018-2019*

Severity Index	Type of Force	# of Use of Force <sup>+</sup> 2018	# of Use of Force <sup>+</sup> 2019	Percentage Change (2018-2019)
1	Verbal Directions	412	342	-17%
2	Energy Conducted Weapon (ECW) Arc Display	5	0	--
	Hobble	68	36	-47%
3	Come-along	18	28	56%
	Empty Hand Control	361	312	-14%
4	OC Spray	17	11	-35%
	Pepper ball	0	5	--
5	ECW Cartridge Deployed	65	44	-32%
	ECW Stun Feature	40	19	-53%
6	Empty Hand Strikes	154	121	-21%
	Kick	1	3	--
	Knee Strike	35	32	-9%
	Take Down	293	227	-23%
7	Impact Weapon	10	8	--
	K-9 Bite	14	20	43%
	Special Impact Munitions	3	3	--
8	Firearm Deployed	9	10	--
--	Other (Narrative)*	35	29	-17%

\* The specific uses of force included in the “Other” use of force category are only captured in narrative form and were unavailable to the research team and are therefore not included in the severity index. Every use of force incident classified as other, however, also had at least one additional category selected that is used to determine the severity level.

<sup>+</sup>Categories are progressive in nature and thus are not mutually exclusive in this column.

In addition to annual comparisons, we also compare January – April 2020 use of force counts with the same monthly periods in 2018 and 2019 given that the randomized control experiment

regarding ICAT training was launched in February 2019. In short, the 2018 and 2019 periods can be viewed primarily as a baseline, while the full 2020 period occurred after full delivery of the randomized ICAT training program. Similar to earlier univariate results, there were fewer verbal directions in early 2020 (N = 87) when compared to 2018 (N = 144) and 2019 (N = 138). Similarly, empty hand controls were less common in early 2020 (N = 89) when compared to 2018 (N = 120) and 2019 (N = 117). Finally, take downs were considerably reduced (N = 65) in early 2020 when compared to 2018 (N = 109) and 2019 (N = 94).

*Table 24: Use of Force by Force Type and Severity, January-April 2018-2020*

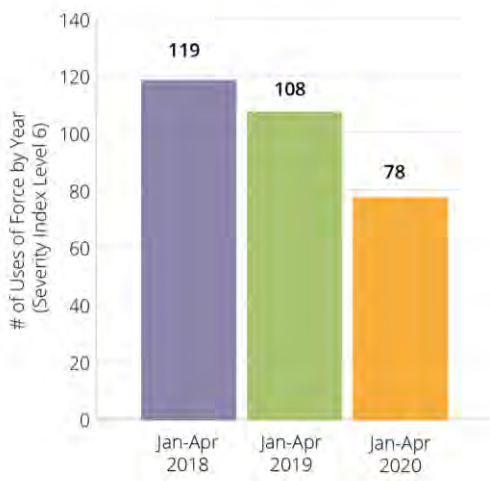
Severity Index	Type of Force	Jan-April 2018	Jan-April 2019	Jan-April 2020	3-Year Percentage Change <sup>32</sup>
		# of Use of Force <sup>+</sup>	# of Use of Force <sup>+</sup>	# of Use of Force <sup>+</sup>	
1	Verbal Directions	144	138	87	-65.5%
2	Energy Conducted Weapon (ECW)	3	0	0	--
	Arc Display				
	Hobble	29	15	10	-190.0%
3	Come-along	5	15	6	--
	Empty Hand Control	120	117	89	-34.8%
4	OC Spray	16	4	16	--
	Pepper ball	0	5	0	--
5	ECW Cartridge Deployed	18	13	13	-38.5%
	ECW Stun Feature	12	10	5	-140.0%
6	Empty Hand Strikes	55	53	27	-103.7%
	Kick	1	0	1	--
	Knee Strike	11	13	11	0.0%
	Take Down	109	94	65	-67.7%
7	Impact Weapon	4	3	0	--
	K-9 Bite	7	7	2	--
	Special Impact Munitions	1	2	0	--
8	Firearm Deployed	5	4	5	--

<sup>+</sup>Categories are progressive in nature and thus are not mutually exclusive in this column.

A comparison of the most frequent and more severe type of force used during incidents for the four-month period (Jan 1- April 30) are graphically displayed for 2018- 2020 in Figure 32Figure 30. As shown, the use of knee strikes, empty hand strikes, take downs and kicks were considerably less in 2020 (n = 78) compared to 2018 (n=119) and 2019 (n=108).

<sup>32</sup> For cases with fewer than 10 uses of force no percentage change is calculated

Figure 30: Use of Force January – April, 2018 – 2020 (Severity Index Level 6, Knee Strikes, Empty Hand Strikes, Take Downs and Kicks)



## B. Injuries

In addition to uses of force, the research team also examined the frequency of officer and citizen injuries reported as a result of use of force incidents. The LMPD collects injury information for every individual and police officer involved in a use of force encounter regardless of the need for some type of medical attention. The data provided to the research team did not include specific information regarding the type or severity of these injuries, only whether or not an injury was reported by the officer or citizen, and if it required medical attention. For the analyses that follow, *counts of injuries include those reported by individuals or officers, regardless of whether medical attention was received.*<sup>33</sup> Recall that use of force incidents can involve more than one officer or suspect, and therefore, it is possible that a single incident includes multiple injuries.

As noted previously, 458 individuals had force used against them in police encounters in 2018. This same year, 1,007 officers were involved in these incidents—although note this figure includes the same officers involved in multiple incidents during the year.<sup>34</sup> Likewise, 386 individuals had force was used against them in 2019. During the same year, 899 officers were involved in these encounters (again noting that this represents only 406 different police officers during the 12-month period).

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<sup>33</sup> Measuring the count of injuries in the manner will necessarily include injuries that, while reported by officers and citizens, were likely minor in severity. Of the 758 citizen injuries reported during the study time period (Jan 1, 2018 – April 30, 2020), over half (50.5%) did not require medical attention. Likewise, of the 681 officer injuries reported, 59.7% did not required medical attention.

<sup>34</sup> As with individuals, officers may be involved in multiple uses of force throughout the study period. For example, in 2018, 478 individual officers accounted for the 1,007 officers engaged in use of force incidents (most officers were involved in multiple use of force encounters over the course of a year).

Combined, this year-over-year change from 2018 to 2019 equates to a 15.7% decline in uses of force against individuals, and 10.7% decline in officer injuries. Finally, the civilian self-reported injury total for the use of force encounters was 355 (of 458) for 2018, and 319 (of 386) in 2019, which equates to a 10.1% decline between 2018 and 2019.

For the first four months of the year (January – April), 158 individuals had force used against them in 2018, 157 in 2019, and 110 in 2020 – or an average decline of 30.1% in 2020 relative to 2018/2019. For each year respectively, 296, 397, and 184 officers were involved in these incidents, or an average decline of 47% in 2020 relative to 2018/2019. The number of injuries reported for citizens for 2018 = 124, 2019 = 135, and 2020 = 84, or an average decline of 35% in 2020 relative to 2018/2019. Finally, the number of injuries reported for officers for 2018 = 80, 2019 = 115, and 2020 = 78, or an average decline of 20% in 2020 relative to 2018/2019

### **C. Univariate Summary**

The combined univariate findings demonstrate the following patterns regarding the frequency and severity of use of force reported by the LMPD for the time period under study (January 1, 2018 – April 30, 2020). First, the greatest reductions in use of force incident counts were seen in the 2019 total (N = 386) relative to the 2018 total (N = 458). Second, the first four months of 2020 had considerably fewer use of force incidents (N = 110) relative to the first four months of 2018 (N = 158) and 2019 (N = 157). Third, use of force encounters in the first four months of 2020 were less likely (in terms of overall percentages) to involve more severe uses of force (Levels 6-7, including striking, kneeling, take downs, K-9 bites, and impact weapons). Thus, the types of uses of force that put the public and officers at risk for injury declined in the post-training period relative to the pre-training period. Below the impact of ICAT training based on the stepped-wedge RCT design in examined in more detail.

### **D. Stepped-Wedge RCT Results**

The primary purpose of ICAT is to train officers in de-escalation skills and tactics designed to minimize the frequency and severity of police use of force, when and where possible. In order to assess the impact on police behaviors in the field, we conduct a series of bivariate and multivariate analyses on officers' enforcement activities (i.e., uses of force) as well as injury data (citizen and officer injury reports), while also examining changes in patterns of arrests (since use of force incidents are highly calibrated with and frequently drawn from arrest incidents).

Table 25 shows that the monthly average use of force counts declined in six of the eight patrol divisions, ranging from a decrease of -16% to -52% among the vast majority of divisions that experienced sizable and notable declines in use of force. The post-training periods were unique to each division depending on where they were allocated within the stepped-wedge training, implementation, and evaluation design – with each division having between 8 to 12 months of post-training follow-up.

Table 25: Monthly Use of Force Counts, Per Division, Between January 1, 2018 to April 30, 2020 (Site Specific Pre- and Post-Training Dates)<sup>35</sup>

Division	Pre-Training Average	Post-Training Average	Percentage Change
1	9.30	5.77	-40%
2	5.50	4.60	-16%
3	5.06	5.40	6%
4	7.31	5.17	-30%
5	2.81	1.33	-52%
6	2.80	1.92	-31%
7	1.50	1.93	27%
8	0.93	0.46	-50%

January 1, 2018 to April 30, 2020 was the time frame used to examine changes in counts of enforcement actions. This equated to between 14 and 20 months of observational data prior to the onset of training, and eight to twelve months in the post-training period for each division. The first step of training onset occurred April 2019 for Treatment Block A, July 2019 for Treatment Block B, and October 2019 for Treatment Block C. The analyses of event counts relied upon the immediate and short-term association with ICAT training on officer use of force events across LMPD divisions.

Each behavioral outcome (i.e., use of force counts, citizen injury counts, officer injury counts, and arrest counts) was estimated by relying upon the following regression equation:

$$Y_{it}^J = \beta_0 + \beta_1 T_{it} + \theta_i + \rho_t + \varepsilon_{it}$$

In each equation,  $Y_{it}^J$  it represents the number of behavioral outcomes of type J generated by police in divisions in each cluster i in time period t. For Equations 1,  $T_{it}$  represents the contemporaneous timing of the permanent movement into the treatment group (i.e., ICAT training) for divisions assigned to cluster i in time period , and where  $\theta_i$  and  $\rho_t$  represent individual and time period (i.e., monthly and annual) fixed effects, respectively, that account for time- and individual-invariant unobserved heterogeneity, and  $\varepsilon$  is based on Huber-White Robust sandwich estimators to ensure the coefficient variances were robust to violations of homoscedastic error distributions.

### Use of Force (Count Outcomes)

The Poisson regression models that rely upon Maximum Likelihood estimation indicates that use of force counts experienced statistically significant reductions in the post-training period, relative to the pre-training counts, and relative to other police divisions which had not crossed into treatment (prior to their eventual crossover). Model 1 examines the total use of force counts (where each incident count is reflective of the use of force against an individual/suspect, even if

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<sup>35</sup> The ninth experimental unit, the Mobile Ninth division, operated across the city of Louisville in each of the divisions as well as in different sectors within the city. Any incident (use of force, arrest, injury) involving the small number of mobile ninth incident were coded at the location where the incident took place – and thus for consistency were culled to the broader divisions for the event count analyses.

there were multiple types of force used or multiple officers were involved in the use of force). The total number of use of force counts declined in the post-training period for treatment sites by roughly -28.1% ( $b = -0.329$ ,  $s.e. = 0.126$ ,  $p < 0.05$ ,  $IRR = 0.719$ ).

Model 2 provides the estimated changes in officer injury counts. The results showed that officer injuries experienced a statistically significant decline by -36.0% ( $b = -0.447$ ,  $s.e. = 0.235$ ,  $p < 0.05$ ,  $IRR = 0.639$ ). Finally, civilian injuries were also significantly lower in the post-training period among police divisions that experienced training by roughly -26.3% ( $b = -0.305$ ,  $s.e. = 0.141$ ,  $p < 0.05$ ,  $IRR = 0.737$ ).

*Table 26: Poisson Regressions for Use of Force, Officer Injury, and Civilian Injury counts (January 1, 2018 to April 30, 2020)*

Parameter	Model 1 Use of Force		Model 2 Officer Injuries		Model 3 Civilian Injuries	
	Coefficient	St. Error	Coefficient	St. Error	Coefficient	St. Error
Post-Training	-0.329**	0.126	-0.447*	0.235	-0.305*	0.141
Intercept	2.25**	0.111	0.265	0.332	2.07**	0.139
Model Statistics						
Log-Likelihood		-391.1		-248.0		-371.26
Pseudo R-Square		0.3184		0.194		0.286

There are two possible pathways by which changes in arrest counts could impact the ICAT training evaluation on use of force (the primary outcome of interest). First, use of force incidents are almost uniformly calibrated with arrests (i.e., officers tend to only use force when making an arrest, or if force is used an arrest will follow suit as a resistance charge against a suspect); thus, if arrests were to decline unrelated to ICAT or de-escalation training, a reduction in use of force incidents would simply follow the same unrelated trend, or pattern, as the change in arrests. In this case, assessing a change in use of force without examining the change in arrests might overstate the change in use of force or injuries. Second, the training itself might lead to a reduction in less serious forms of arrests (given that prior research has shown that offense severity and those with warrants against suspects provide limited discretion among arresting officers – see Engel et al., 2019). Table 27 provides a more robust assessment of both potential pathways regarding changes in arrests that corresponds with the randomized training regimen.

Model 4 indicates that the total number of arrests experienced a statistically significant decline by roughly -11.5% ( $b = -0.122$ ,  $s.e. = 0.034$ ,  $p < 0.01$ ,  $IRR = 0.885$ ). Thus, there was a reduction in all arrests that corresponded with the timing of the training that was beyond chance alone, given the significant association with the timing of the training across the various divisions. Model 5 shows that warrantless arrests (i.e., arrests that were not based on warrants that limit officer discretion) also experienced a statistically significant decline by roughly -10.0% ( $b = -0.106$ ,  $s.e. = 0.035$ ,  $p < 0.01$ ,  $IRR = 0.899$ ) suggesting a significant proactive 10% arrest rate decline that corresponded with the training. Finally, we examined arrest patterns for Part I violent crimes given that these arrest types would be unlikely to change unless there were a significant change in offense reports of violent crime – and the results indicate that Part I violent

arrests did not change in any statistically significant or measurable manner that corresponded with the timing of the ICAT training.

*Table 27: Poisson Regressions for Use of Force, Officer Injury, and Civilian Injury counts (January 1, 2018 to April 30, 2020)*

<b>Parameter</b>	<b>Model 4 All Arrests</b>		<b>Model 5 Warrantless Arrests</b>		<b>Model 6 Part I Violent Arrests</b>	
	Coefficient	St. Error	Coefficient	St. Error	Coefficient	St. Error
Post-Training	-0.122**	0.034	-0.106**	0.035	.110	0.075
Intercept	7.07**	0.045	6.71**	0.052	3.42**	0.079
Model Statistics						
Log-Likelihood	-1632.05		-1478.07		-602.47	
Pseudo R-Square	0.906		0.871		0.500	

The combined findings suggest that the observed change in use of force counts was unrelated (or at least not heavily dependent upon) to a change in warrantless arrests changes in serious Part I violent arrests (i.e., those arrests with the lowest discretion among responding patrol officers). It is possible, then, that use of force patterns declined independent of external factors within this randomized control trial setting. However, it is also important to examine whether the decline in use of force was ‘above and beyond’ the decline in total arrests and warrantless arrests. In order to measure this ‘difference-in-difference’ estimate, or more specifically to examine whether the coefficients that describe a relationship (in this case the randomized impact of ICAT training) empirically different from one-another, we conduct a standard approach to regression comparison estimation – the Clogg z-difference estimation (Clogg, Petkova, and Haritou, 1995). The hypothesis in this case is that if ICAT training has its intended impact on use of force, that impact should be observed above and beyond (i.e., significantly differently) than the change in arrests (and in particular warrantless arrests since warrantless arrests are more discretionary (relative to arrests that include warrant-based arrests)).

The results in Table 28 show that the reduction in use of force and officer injuries were marginally significantly different ( $p < 0.10$ ) than were the reductions in all arrests among the post-training coefficients. This suggests that the decline in use of force and officer injuries were unique and distinct relative to the reduction in total arrests. The same pattern is even more pronounced and significant when comparing use of force, officer injuries, and civilian injuries with the changes in warrantless arrests ( $p < 0.10$ ), particularly when comparing use of force count changes with the changes in warrantless arrests ( $p < 0.05$ ).<sup>36</sup>

In summary, under the assumption that changes in arrests were independent of the ICAT training, these results indicate that the reduction in use of force, officer injuries, and citizen

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<sup>36</sup> The original report included an analysis of changes in total arrest charges. The updated table here reflects changes in total in-custody arrests. The results from both operationalizations of arrest counts yield virtually no substantive differences in outcome changes.



injuries were distinct and in greater magnitude than the changes in arrests during the same period of comparison.

Table 28: Clogg-Z Difference Coefficient Tests (Z-Table)

Post-Training Comparison Between:	B1-B2	S.E.	Z-score
<i>Arrests</i>			
Use of Force and All Arrests	-0.187	0.130	-1.43 <sup>+</sup>
Use of Force and Warrantless Arrests	-0.232	0.129	-1.78*
<i>Officer Injuries</i>			
Officer Injuries and All Arrests	-0.305	0.237	-1.28 <sup>+</sup>
Officer Injuries and Warrantless Arrests	-0.349	0.237	-1.48 <sup>+</sup>
<i>Citizen Injuries</i>			
Citizen Injuries and All Arrests	-0.162	0.145	-1.12
Citizen Injuries and Warrantless Arrests	-0.207	0.144	-1.44 <sup>+</sup>

<sup>+</sup>p < 0.10, \* p < 0.05

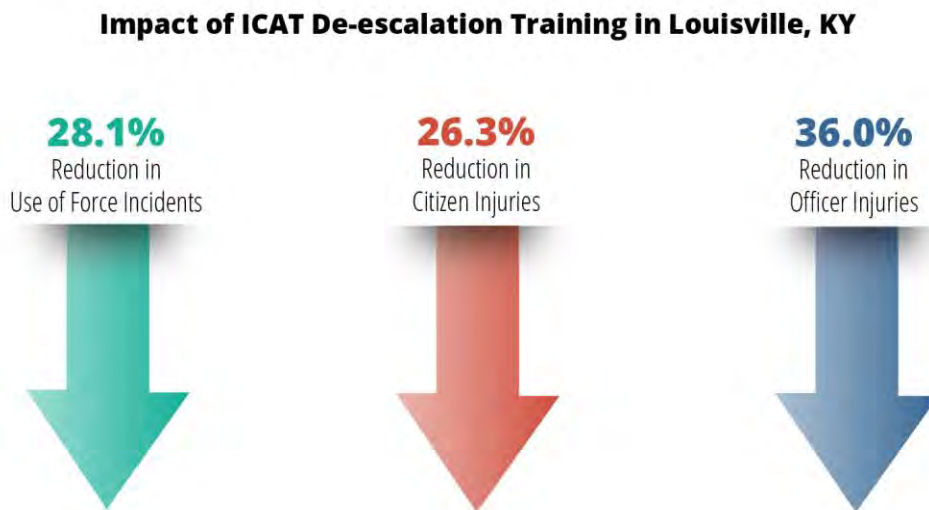
One-tailed given that both estimates were negative in the original regression models.

S.E. Relies upon Paternoster et al. (1998) Correction Parameter

### E. Stepped-Wedge Regression Results Summary

The difference-in-difference estimates via the stepped-wedge panel regression models show three primary, consistent, and robust findings, net of controls and net of prior trends in the data. As shown in Figure 33, after ICAT de-escalation training, overall uses of force by the LMPD declined by 28.1%, citizen injuries during encounters with LMPD officers declined by 26.3%, and LMPD officer injuries during encounters with citizens declined by 36.0%.

Figure 313: Summary Impact of ICAT Training on Officer Behavior in Stepped-Wedge RCT



These reductions were beyond chance and held even when accounting for changes in overall arrests. The research team is confident that the changes in uses of force and the subsequent reductions in injuries that accompany uses of force that impact citizens and officers alike corresponded with the timing of the training across the various police divisions.

## VIII. RECOMMENDATIONS

Based on the promising findings regarding the impact of ICAT de-escalation training conducted by the LMPD documented throughout this report, the following eight recommendations are provided by the *IACP/UC Center for Police Research and Policy* research team for consideration by LMPD Commanders.

### ***1. Continue, Refine, and Expand ICAT De-escalation Training within the LMPD***

Based on the compelling benefits of LMPD's ICAT de-escalation training that were revealed in this evaluation, we strongly urge LMPD officials to continue and further expand training in this area. The modifications made by LMPD trainers to the original ICAT training for application in Louisville are associated with successful outcomes. There is always room for improvement in any training curriculum, however, and some changes have already been identified by the LMPD Training Division. This work needs to be supported and expanded. For example, 17% of officers agreed they would benefit from a refresher course, and 44% of supervisors believe that additional training in de-escalation is needed by their subordinates, and we agree. Although training decay did not appear to be a principal concern from our findings, it will be important to consider the optimal "training dosage" needed to ensure de-escalation tactics are routinely being used by officers in the field.

One aspect of ICAT training in particular, the Critical Decision-Making Model (CDM), was not perceived as positively by officers. The CDM represents an important aspect of the ICAT training program, therefore officers' reactions to this thinking framework are especially relevant to the training evaluation. Analyses of post-training scores compared to follow-up scores revealed that ten of the eleven items demonstrate statistically significant changes in the *opposite direction* than would be expected, indicating that officers reported finding the CDM less useful over time. This is an additional area for reconsideration of the training curricula and delivery for the LMPD Training Division.

The survey findings also revealed a small percentage of LMPD officers with concerns and reluctance regarding de-escalations tactics. A few do not believe the training was effective, and some reported not using de-escalation tactics in the field. We recommend that in addition to continual training on these concepts, LMPD officers should be made aware of the main findings in this report – in particular the association of ICAT training with a 36% reduction in reported officer injuries. Often when studies are conducted within police agencies, first-line officers are never made aware of the findings. It is recommended that a brief (1-2 page) fact sheet describing the results from this study be produced by the LMPD Training Division and disseminated through PowerDMS to every officer, or some alternative method for distributing study findings.

### ***2. Include Louisville Residents in ICAT Training***

In addition to educating officers regarding the importance and use of de-escalation tactics to handle potentially problematic encounters, it is likewise important to educate local policy makers and community leaders. There is substantial misunderstanding around police use of force in general, and the relationship between police and the public within the City of Louisville is fractured, as exemplified by months of protests associated with police use of force. Inclusion of

the Louisville community with the LMPD must be both purposeful and meaningful. It is therefore recommended that the LMPD Training Division develop a specialized ICAT training session for community and political leaders. It will be helpful for these and other local residents to see and better understand the purpose and use of de-escalation training. LMPD instructors may even consider the inclusion of community members within the ICAT training itself, in the form of actors for role-play scenarios, or speakers to provide additional context and perspectives for officers. Developing meaningful ways to incorporate community members into LMPD training will be an important first step toward rebuilding partnerships.

### ***3. Continue Use of Force Policy Changes and Updates***

One finding from our moving-average time series analysis of the frequency of use of force incidents over the last ten years demonstrated significant reductions associated with major changes in use of force policies and training. From 2010 – 2015, approximately 50 individuals per month had force used against them. This average dropped to 40 per month from 2016 – 2018, after a change to use of force policy, and significantly declined again to an average of 30 individuals per month after additional policy and training changes. Given the number of policy changes in the last five years, it appears that a routine review of policy is already occurring within the LMPD. It is important that use of force policies receive continual review to reduce the risk of officer and citizen injury, and reduce the likelihood of racial/ethnic disparities in the application of force. It is clear from our analyses that policy changes do have impact.

The department should continue to analyze and review its use of force activities, policies, and training to identify patterns and trends that suggest needed changes or revisions. When needed, the LMPD should engage with outside research partners or consultants to assist in this review, and make necessary adjustments and updates to both its policy and training. For example, a study of the impact of use of force policies has found that police agencies with policies that require officers to file a use of force report when they point their guns at people but do not fire, is associated with significantly lower rates of gun deaths (Jennings and Rubado, 2017). As evidence is accumulated, appropriate changes should be made to LMPD use of force policies.

### ***4. Examine the Availability and Use of Less Lethal Equipment by the LMPD***

The survey findings revealed some discrepancies regarding the perceived need and use of additional less-lethal tools for officers. Our survey assessed first-line supervisors' perceptions of the need for less lethal tools during citizen encounters, and 70% of supervisors agreed that additional equipment was needed. However, survey findings of self-reported use of less lethal tools during the previous 60 days was quite low, used in 7% of the officers' most recent encounter with a person in crisis. However, this discrepancy may be due to the need for tools that were unavailable during the officers' most recent encounter with a person in crisis

While the specific context around these issues within the LMPD is unknown to the research team, it is recommended that LMPD officials consider these findings in combination with recent local and national concerns regarding the use of less lethal tools, particularly when used as a response to protests. For example, the International Association of Chiefs of Police (IACP) recently announced its plans to “review its recommended policies on pepper spray and less-lethal ‘impact projectiles’ as well as other aspects of crowd control” (McCoy et al., 2020). A similar

review should be conducted within the LMPD, to include a discussion of survey findings regarding officer and supervisors reported concerns of needing additional less lethal tools to effectively de-escalate situations.

#### ***5. Revisit Role of Supervisors to Reinforce ICAT Training***

The supervisor survey results demonstrated an area for improvement within the LMPD. It is challenging to change officer behavior based solely on training. Rather, it is clear that actual changes in policing must be based on coordinated and comprehensive efforts that include changes in training that are reinforced in policies, emphasized through direct field supervision, with an established managerial accountability system for using these tactics. Supervisors' low self-reported participation in activities that may serve to support the tenets of the ICAT de-escalation training among their subordinate officers (e.g., communication about use of de-escalation skills, documentation of use of de-escalation skills) suggest there may be more opportunities to reinforce the lessons and tactics provided within the training.

These low self-reports of supervisory activities associated with reinforcing de-escalation training content were echoed in the findings from the officer surveys. When officers were asked how frequently immediate supervisors reinforce ICAT training, over 40% indicated this happened seldom (once per month) or never. Collectively, the rarity of these types of supervisor-officer interactions suggests LMPD first-line supervisors may be missing important opportunities to support and reinforce the skills learned in the de-escalation training sessions among their subordinate officers.

LMPD officials should develop a plan to support supervisors in their reinforcement of the ICAT de-escalation training – encouraging sergeants and lieutenants to speak more openly and directly to their subordinate officers regarding the value and application of the de-escalation skills in their day-to-day work. LMPD should identify opportunities when these messages can be communicated (e.g., roll call, post-incident reviews), discussing both successful use of de-escalation skills, as well as areas for improvement. In particular, incorporating the documentation of the use of de-escalation in use of force reports, letters of commendation, and other formal ways of positive recognition within the agency can further integrate the principles and application of ICAT de-escalation training into the agency.

#### ***6. Implement Changes to LMPD Use of Force Data Collection***

The LMPD should begin systematically documenting the frequency, type, and circumstances surrounding the use of de-escalation tactics. This information will be critical to identify patterns and trends in the use of de-escalation skills that reduce uses of force. Currently, the LMPD only collects whether or not de-escalation is conducted on their use of force reports. This information is too limited to be meaningfully analyzed. It remains unknown: 1) the number and types of situations where de-escalation skills are successfully used and when no use of force was needed (and therefore no use of force report was generated), and 2) during use of force situations, the specific types of de-escalation skills that are used and the result of their use. There are several methods to systematically collect this information that would not be overly burdensome to officers, and would provide valuable information for LMPD Commanders to continually monitor and enhance the use of de-escalation skills in the field.

The LMPD should also begin systematically documenting other information relevant for understanding use of force situations, including suspected alcohol/drug use, mental health status, resistance, and the demeanor of all arrested subjects. These factors are well-documented correlates of force and resistance, but do not appear to be systematically captured on arrest and use of force reports. Adding these fields would improve use of force analysis and may suggest avenues for improved training and intervention by the LMPD among substance-involved populations or those exhibiting signs of mental illness and/or intellectual disabilities.

During our analyses of LMPD's use of force data, the research team also uncovered a few anomalies in the data collection process that could be addressed for easier access and analyses of these data. These changes have the potential to assist LMPD (and other police agencies) in their data collection and analysis of uses of force. LMPD collects detailed information in their use of force reporting database. However, two broader issues became apparent in our analyses. First, for roughly 7% of all use of force cases (where each unique suspect represents a unique case), officers filled out an 'other' category regarding the type of force that was used. Additional analysis of these 'other' narrative-based reports was not immediately possible because they are currently housed in a different reporting system. As is often the case, merging files across different data structures makes managing files particularly challenging for police agencies. We therefore recommend that when narrative-based incident details are collected, it is done in a manner that will make data culling and analyses more readily available to LMPD officials. It may also be the case that the current use of force applied control actions are insufficient, and additional categories based on commonly reported "other" types of force should be added.

Second, while shooting incidents were much less common at LMPD (typically fewer than 10 per year), they are inconsistently included in the use of force database. In some cases, these shooting incidents were not captured in the same use of force database as non-shooting use of force incidents, but they were in other cases. This made the counting the annual number of uses of force slightly challenging, and opened the possibility that the most serious use of force cases would be inadvertently underreported. A detailed review of shooting incidents was necessary to determine the true use of force counts by year during the experimental period. A change in the reporting system to accommodate all uses of force into a single database may be more easily analyzed.

#### ***7. Examine the Impact of Changes to the LMPD Traffic Stop Policy***

This report documents changes in police practice based, in part, on changes to the LMPD Use of Force policy. Given some controversy surround the high frequency use and conduct of officers during traffic stops, revisions to the Traffic Stop Policy (SOP 7.12) were made by LMPD on August 1, 2019. Policy revisions included additional restrictions for conducting traffic stops, new guidelines for handcuffing people who are not under arrest, and emphasis that stops are to be conducted free of bias. It would be beneficial to determine whether the frequency and patterns of traffic stops in Louisville were altered as a result of these policy changes. Therefore, it is recommended that the City of Louisville commission an independent assessment to determine the impact of changes to the LMPD Traffic Stop Policy on the frequency, patterns, and racial/ethnic disparities associated with traffic stops.

## ***8. Continue and Expand External Review of Reported Use of Force Incidents and Training***

Mandating the collection and reporting of police use of force data is insufficient to significantly change police practice; these data, once collected, must be properly analyzed. Simply stated, the current aggregate level comparisons of use of force data to residential Census population figures by racial/ethnic group do not consider the complexity of police-citizen interactions and should not be relied upon. Rather, rigorous and methodologically sound studies of use of force provide a stronger mechanism to examine and statistically control for context at the police-civilian encounter level. If the goal is to reduce racial/ethnic disparities in police practices, the factors that cause these disparities must be understood to better inform the selection and investment in reforms efforts that have a realistic opportunity to reduce these disparities.

In order to better unravel the micro-level interactions between officers and civilians, a number of researchers are now exploring content-rich data sources like observations, report narratives, body worn camera footage, and interviews with officers and civilians to examine the “force factor” (i.e., the level of civilian resistance subtracted from the officer level of force) and other measures like time to force and duration of force. These types of research studies can also further identify shifts in LMPD use of force as the agency continues to focus on de-escalation training, and changes in use of force policies designed to reduce not only the frequency but the *severity* of force used.

It is therefore recommended that the LMPD continue to prioritize its willingness to have independent assessments conducted, to use the findings from these assessments to change policy, practice, and training, and to widely disseminate findings to other law enforcement agencies in an effort to continually to build the evidence base.

### **Additional Forthcoming Report**

This report is the first of two reports that will be issued to the LMPD based on our research. Our findings documented throughout this first report demonstrate patterns of changes in various survey constructs that corresponded with de-escalation training and the CDM model of officer decision-making. Our second report (scheduled for delivery in January 2021) will unpack these patterns of attitudinal and behavioral changes in a more precise and detailed manner, and provide a more robust examination of individual officer and citizen characteristics that lead to use of force incidents. Examining all arrest situations, our analyses will predict the types of police-citizen encounters that are more likely to result in use of force.

This second report will also further examine the types of officers and supervisors— including consideration of demographics, experience, attitudes, and ICAT training – who are more likely to report using de-escalation skills in the field. We will also concentrate on identifying any changes in patterns and trends that may be related to the ICAT training. The second report will also further examine the types of supervisors who are more likely to reinforce the tenants of ICAT training with their subordinates. The findings from this second report will be designed to help the LMPD Training Division to modify and refine their training curricula for optimal impact.

Moving forward, it is imperative to better understand and systematically assess the impact of changes in police policies and trainings, and in particular, use of force de-escalation training. It is further critical to determine which de-escalation skills are most often used in the field, during what types of encounters, by what types of officers, and their resulting impact on officer/citizen injury. This work must be prioritized and supported. We look forward to continuing our partnership with the LMPD and City of Louisville to conduct this important work.



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## **X. APPENDICES**

## A. Appendix A. Pre-Training Frequency Tables

Table 29: LMPD Officer Views on Interactions with the Public, Pre-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. I have considerable ability to control the nature of citizen interactions to create positive outcomes. (n=901)	0.8	3.8	15.9	63.9	15.6
2. I am good at identifying officer safety risks in citizen encounters. (n=902)	0.4	0.1	2.7	58.6	38.1
3. I am good at de-escalating encounters with citizens. (n=902)	0.4	0.2	6.8	64.9	27.7
4. In tense citizen encounters, the most important thing is that I get home safely. (n=900)	0.7	0.9	6.2	24.4	67.8
5. Officers can be trained to increase the likelihood of positive encounters with citizens. (n=902)	0.7	2.1	17.3	57.4	22.5
6. Officers can be trained to improve their ability to identify officer safety risks in citizen encounters. (n=902)	0.4	0.2	5.0	57.9	36.5
7. Officers can be trained to improve their ability to de-escalate citizen encounters. (n=902)	0.6	1.0	10.4	62.4	25.6

*Table 30: LMPD Officer Attitudes on Interactions with Persons in Crisis, Pre-Training Survey*

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual. (n=899)	0.4	2.0	9.0	58.6	29.9
2. There is no explaining why a person in crisis acts the way they do. (n=900)	6.4	43.9	31.6	14.6	3.6
3. Noncompliance should be viewed as a threat. (n=901)	1.0	12.4	39.0	38.3	9.3
4. Unnecessary risks should be avoided in encounters. (n=900)	0.7	2.4	14	56.4	26.4
5. The most important role of an officer responding to a crisis is to stabilize the situation. (n=896)	0.7	2.9	10.2	63.6	22.7
6. In crisis situations, it is beneficial to keep a subject talking. (n=902)	0.2	3.3	26.8	56.9	12.7
7. In many cases, the use of force against a person in crisis can be avoided. (n=899)	2.0	12.3	45.5	36.7	3.4
8. As a person's emotions rise, their rational thinking declines. (n=901)	0.6	1.8	9.1	59.3	29.3
9. When responding as a team, it's important to designate roles in the crisis intervention. (n=901)	0.2	2.4	11.2	61.4	24.8
10. The majority of time spent communicating with a subject should be spent listening. (n=902)	0.2	2.5	30.3	56.9	10.1
11. An officer's nonverbal communication, such as body language, influences how a subject reacts. (n=902)	0.7	1.7	16.1	64.6	17.0
12. I know how to slow down an encounter with a person in crisis. (n=901)	0.2	0.9	18.1	68.3	12.5
13. Situational stress is no excuse for a person to act irrational. (n=901)	3.8	33.9	38.7	21.1	2.6
14. Responding to persons in crisis should not be a role of the police. (n=901)	13.2	47.9	26.6	9.1	3.1

Table 31: LMPD Officer Views on Policing, Pre-Training Survey

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. Enforcing the law is a patrol officer's most important responsibility. (n=901)	1.2	18.4	26.4	40.1	13.9
2. Law enforcement and community members must work together to solve local problems. (n=901)	0.3	0.8	10.0	61.0	27.9
3. Working with the community to solve problems is an effective means of providing services to this area. (n=899)	0.7	1.3	11.6	63.3	23.1
4. I routinely collaborate with community members in my daily duties. (n=900)	2.9	16.1	30.0	42.0	9.0
5. My primary responsibility as a police officer is to fight crime. (n=901)	0.9	14.0	27.1	46.5	11.5
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents. (n=900)	0.1	1.8	12.0	61.4	24.7
7. A primary responsibility of a police officer is to build trust between the department and community. (n=901)	0.9	7.4	21.8	54.4	15.5
8. As a police officer, it is important that I have non-enforcement contacts with the public. (n=899)	0.7	2.4	10.1	61.4	25.4
9. As a police officer, I see myself primarily as a public servant. (n=900)	1.1	4.8	17.8	58.7	17.7
10. My primary role is to control predatory suspects who threaten members of the public. (n=900)	0.2	5.4	16.2	58.1	20.0
11. The jurisdiction that I work in is dangerous. (n=900)	1.4	4.9	18.7	46.7	28.3
12. As a police officer, there is a good chance you will be assaulted while on the job. (n=901)	0.4	3.1	10.8	49.9	35.7
13. Overall, I am satisfied with my job. (n=901)	3.3	7.7	23.3	49.3	16.4
14. I enjoy working with my colleagues. (n=901)	0.8	0.8	8.3	51.4	38.7
15. Overall, this is a good agency to work for. (n=900)	18.9	22.6	31.8	22.3	4.4



Table 32: LMPD Officer Attitudes Toward Use of Force, Pre-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Officers are <i>NOT</i> allowed to use as much force as is necessary to make suspects comply. (n=900)	12.6	28.8	26.7	25.3	6.7
2. It is sometimes necessary to use more force than is technically allowable. (n=896)	5.4	23.9	29.5	34.4	6.9
3. Verbally disrespectful suspects sometimes deserve physical force. (n=899)	15.1	47.5	26.3	10.1	1.0
4. Refraining from using force when you are legally able to puts yourself and other officers at risk. (n=897)	1.6	16.6	38.4	29.5	13.9
5. It is important to have a reputation that you are an officer willing to use force. (n=897)	7.8	32.7	38.1	17.6	3.8
6. Not using force when you could have makes suspects more likely to resist in future interactions. (n=898)	3.7	28.7	34.0	25.7	7.9
7. It is important that my fellow officers trust me to handle myself in a fight. (n=900)	0.6	1.6	7.8	52.2	37.9
8. Trying to talk my way out of a situation is always safer than using force. (n=900)	3.0	11.2	28.3	39.8	17.7
9. It is important that my fellow officers trust my communication skills. (n=900)	0.1	0.3	4.2	57.1	38.2
10. I respect officers' ability to talk suspects down rather than using force to make them comply. (n=900)	0.1	0.9	11.7	59.0	28.3
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later. (n=900)	1.0	18.9	48.6	23.9	7.7

*Table 33: LMPD Officer Confidence in Handling Critical Incidents, Pre-Training Survey*

	<b>Not at All Confident (%)</b>	<b>Not Very Confident (%)</b>	<b>Somewhat Confident (%)</b>	<b>Very Confident (%)</b>
1. ...interacting with a person in crisis? (n=900)	0.0	0.7	38.9	60.4
2. ...in your ability to effectively communicate with someone in crisis? (n=900)	0.1	1.0	42.7	56.2
3. ...taking someone in crisis to a social service agency? (n=900)	0.8	5.0	42.7	51.6
4. ...asking someone in crisis open-ended questions to gather information about what is going on? (n=900)	0.0	1.3	40.0	58.7
5. ...interacting with family members of a person in crisis? (n=900)	0.0	0.9	36.8	62.3
6. ...in your ability to summarize/paraphrase statements made by a person in crisis in your own words? (n=900)	0.1	1.3	43.0	55.6
7. ...calming down someone in crisis? (n=900)	0.0	1.2	51.3	47.4
8. ...helping someone in crisis call a social services agency? (n=898)	0.6	5.9	43.8	49.8
9. ...de-escalating a situation involving a person in crisis? (n=900)	0.0	1.7	44.8	53.6
10. ...talking to a person in crisis about his/her medications? (n=898)	0.7	8.0	45.3	46.0
11. ...expressing understanding towards a person in crisis? (n=900)	0.2	2.0	45.1	52.7
12. ...getting someone in crisis to talk to you rather than acting out? (n=900)	0.1	1.7	51.4	46.8
13. ...talking to someone in crisis about whether or not he/she uses alcohol or drugs? (n=900)	0.2	1.3	43.6	54.9

## B. Appendix B. Post-Training Survey Frequency Tables

Table 34: LMPD Officer Views on Interactions with the Public, Post-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. I have considerable ability to control the nature of citizen interactions to create positive outcomes. (n=1048)	0.6	1.8	11.5	64.0	22.0
2. I am good at identifying officer safety risks in citizen encounters. (n=1049)	0.4	0.2	2.9	60.6	35.9
3. I am good at de-escalating encounters with citizens. (n=1047)	0.5	0.4	5.6	68.3	25.2
4. In tense citizen encounters, the most important thing is that I get home safely. (n=1049)	0.8	3.2	12.5	41.8	41.8
5. Officers can be trained to increase the likelihood of positive encounters with citizens. (n=1045)	0.7	0.3	8.0	58.9	32.2
6. Officers can be trained to improve their ability to identify officer safety risks in citizen encounters. (n=1046)	0.6	0.0	5.0	58.3	36.1
7. Officers can be trained to improve their ability to de-escalate citizen encounters. (n=1048)	0.6	0.3	7.0	59.4	32.7

*Table 35: LMPD Officer Attitudes on Interactions with Persons in Crisis, Post-Training Survey*

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual. (n=1043)	0.7	1.0	5.2	56.5	36.7
2. There is no explaining why a person in crisis acts the way they do. (n=1046)	4.3	40.8	29.7	20.5	4.7
3. Noncompliance should be viewed as a threat. (n=1046)	2.1	27.9	40.5	24.4	5.1
4. Unnecessary risks should be avoided in encounters. (n=1046)	0.3	2.1	11.7	58.3	27.5
5. The most important role of an officer responding to a crisis is to stabilize the situation. (n=1048)	0.1	2.0	8.7	62.7	26.5
6. In crisis situations, it is beneficial to keep a subject talking. (n=1046)	0.2	1.1	9.8	62.0	27.1
7. In many cases, the use of force against a person in crisis can be avoided. (n=1047)	0.7	4.9	39.4	45.9	9.1
8. As a person's emotions rise, their rational thinking declines. (n=1048)	0.6	0.4	4.6	54.5	40.0
9. When responding as a team, it's important to designate roles in the crisis intervention. (n=1046)	0.1	0.0	4.1	56.5	39.3
10. The majority of time spent communicating with a subject should be spent listening. (n=1048)	0.1	0.3	14.6	59.8	25.2
11. An officer's nonverbal communication, such as body language, influences how a subject reacts. (n=1048)	0.1	0.3	8.4	64.7	26.5
12. I know how to slow down an encounter with a person in crisis. (n=1048)	0.1	0.7	9.6	69.8	19.9
13. Situational stress is no excuse for a person to act irrational. (n=1048)	3.5	38.1	33.5	21.0	3.9
14. Responding to persons in crisis should not be a role of the police. (n=1048)	13.9	50.6	23.1	9.3	3.1

Table 36: LMPD Officer Views on Policing, Post-Training Survey

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. Enforcing the law is a patrol officer's most important responsibility. (n=1046)	1.3	17.5	30.5	41.6	9.1
2. Law enforcement and community members must work together to solve local problems. (n=1045)	0.1	0.5	8.8	63.5	27.1
3. Working with the community to solve problems is an effective means of providing services to this area. (n=1045)	0.2	0.8	10.9	62.1	26.0
4. I routinely collaborate with community members in my daily duties. (n=1045)	1.1	10.1	27.5	48.5	12.7
5. My primary responsibility as a police officer is to fight crime. (n=1042)	0.7	14.0	28.3	47.3	9.7
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents. (n=1045)	0.0	1.3	13.1	59.8	25.7
7. A primary responsibility of a police officer is to build trust between the department and community. (n=1044)	0.5	2.8	18.6	58.8	19.3
8. As a police officer, it is important that I have non-enforcement contacts with the public. (n=1044)	0.4	1.1	9.2	59.9	29.4
9. As a police officer, I see myself primarily as a public servant. (n=1045)	0.5	2.0	16.8	59.4	21.2
10. My primary role is to control predatory suspects who threaten members of the public. (n=1046)	0.3	5.4	17.5	57.3	19.6
11. The jurisdiction that I work in is dangerous. (n=1045)	0.8	3.9	18.9	49.0	27.4
12. As a police officer, there is a good chance you will be assaulted while on the job. (n=1046)	0.3	1.9	9.7	55.1	33.1
13. Overall, I am satisfied with my job. (n=1046)	2.5	7.7	20.3	53.0	16.5
14. I enjoy working with my colleagues. (n=1045)	0.5	1.2	7.5	53.8	37.0
15. Overall, this is a good agency to work for. (n=1045)	17.6	20.5	29.3	27.2	5.5

Table 37: LMPD Officer Attitudes Toward Use of Force, Post-Training Survey

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. Officers are <i>NOT</i> allowed to use as much force as is necessary to make suspects comply. (n=1043)	9.6	39.4	29.2	19.1	2.7
2. It is sometimes necessary to use more force than is technically allowable. (n=1043)	6.3	30.0	32.9	27.9	2.9
3. Verbally disrespectful suspects sometimes deserve physical force. (n=1043)	16.3	51.9	23.8	7.5	0.6
4. Refraining from using force when you are legally able to puts yourself and other officers at risk. (n=1042)	2.6	27.6	44.1	21.2	4.4
5. It is important to have a reputation that you are an officer willing to use force. (n=1042)	7.7	34.8	35.5	20.2	1.8
6. Not using force when you could have makes suspects more likely to resist in future interactions. (n=1040)	3.9	35.8	39.0	18.1	3.2
7. It is important that my fellow officers trust me to handle myself in a fight. (n=1043)	0.3	2.8	9.4	58.6	29.0
8. Trying to talk my way out of a situation is always safer than using force. (n=1043)	1.2	6.1	21.7	45.9	25.1
9. It is important that my fellow officers trust my communication skills. (n=1043)	0.0	0.1	4.5	59.2	36.2
10. I respect officers' ability to talk suspects down rather than using force to make them comply. (n=1043)	0.2	1.0	8.6	57.4	32.8
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later. (n=1043)	4.2	29.4	45.0	16.5	4.9

*Table 38: LMPD Officer Confidence in Handling Critical Incidents, Post-Training Survey*

	<b>Not at All Confident (%)</b>	<b>Not Very Confident (%)</b>	<b>Somewhat Confident (%)</b>	<b>Very Confident (%)</b>
1. ...interacting with a person in crisis? (n=1011)	0.2	0.6	39.3	59.9
2. ...in your ability to effectively communicate with someone in crisis? (n=1009)	0.2	1.0	40.5	58.3
3. ...taking someone in crisis to a social service agency? (n=1011)	0.4	4.6	40.5	54.5
4. ...asking someone in crisis open-ended questions to gather information about what is going on? (n=1010)	0.2	0.9	37.5	61.4
5. ...interacting with family members of a person in crisis? (n=1010)	0.1	0.7	37.3	61.9
6. ...in your ability to summarize/paraphrase statements made by a person in crisis in your own words? (n=1010)	0.2	1.0	41.0	57.8
7. ...calming down someone in crisis? (n=1010)	0.1	1.3	47.1	51.5
8. ...helping someone in crisis call a social services agency? (n=1010)	0.6	6.1	42.6	50.7
9. ...de-escalating a situation involving a person in crisis? (n=1011)	0.2	1.2	45.0	53.6
10. ...talking to a person in crisis about his/her medications? (n=1010)	0.3	6.3	44.4	49.0
11. ...expressing understanding towards a person in crisis? (n=1009)	0.2	0.9	42.2	56.7
12. ...getting someone in crisis to talk to you rather than acting out? (n=1011)	0.1	1.5	47.0	51.4
13. ...talking to someone in crisis about whether or not he/she uses alcohol or drugs? (n=1011)	0.2	0.9	40.8	58.2

*Table 39: LMPD Officer Views on Critical Decision-Making Model (CDM) Utility, Post-Training Survey*

<i>The CDM Model...</i>	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. ...increases my decision-making skills during everyday situations. (n=1042)	0.5	2.4	18.3	62.0	16.8
2. ...often takes too much time to use in encounters with a person in crisis. (n=1041)	4.0	46.6	36.6	11.0	1.7
3. ...may make officers hesitate to take action when needed. (n=1040)	1.9	33.5	39.4	21.3	3.8
4. ...helps me to assess the risks in a situation. (n=1041)	0.5	1.2	15.1	69.6	13.5
5. ...helps me identify my options for action in a situation. (n=1041)	0.5	1.1	14.2	69.5	14.7
6. ...helps me select an option to resolve a situation. (n=1042)	0.5	1.5	17.6	66.8	13.6
7. ...reminds me to continuously gather information during a situation. (n=1041)	0.4	1.1	14.8	64.4	19.4
8. ...is too complicated. (n=1040)	10.0	54.5	27.2	6.6	1.6
9. ...helps me review the action I took during a situation. (n=1041)	0.5	2.0	19.6	67.1	10.8
10. ...helps me to explain my decision-making after I act in a situation. (n=1042)	0.5	1.4	18.3	65.5	14.2
11. I am confident using the CDM during an encounter with a person in crisis. (n=1042)	0.6	1.9	21.8	60.2	15.5



### C. Appendix C. Follow-Up Survey Frequency Tables

Table 40: LMPD Officer Attitudes on Interactions with Persons in Crisis, Follow-Up Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual. (n=567)	8.1	0.4	12.3	41.6	37.6
2. There is no explaining why a person in crisis acts the way they do. (n=563)	8.0	45.3	33.6	10.3	2.8
3. Noncompliance should be viewed as a threat. (n=560)	3.8	20.5	46.1	26.8	2.9
4. Unnecessary risks should be avoided in encounters. (n=560)	1.8	1.6	13.6	48.4	34.6
5. The most important role of an officer responding to a crisis is to stabilize the situation. (n=558)	2.7	2.9	15.9	54.5	24.0
6. In crisis situations, it is beneficial to keep a subject talking. (n=556)	0.9	1.3	24.3	54.1	19.4
7. In many cases, the use of force against a person in crisis can be avoided. (n=558)	1.6	5.4	43.5	41.0	8.4
8. As a person's emotions rise, their rational thinking declines. (n=559)	1.1	0.7	11.4	54.7	32.0
9. When responding as a team, it's important to designate roles in the crisis intervention. (n=558)	0.9	0.5	13.8	55.9	28.9
10. The majority of time spent communicating with a subject should be spent listening. (n=559)	0.9	0.5	23.3	60.5	14.8
11. An officer's nonverbal communication, such as body language, influences how a subject reacts. (n=557)	0.9	0.9	16.0	60.5	21.7
12. I know how to slow down an encounter with a person in crisis. (n=557)	1.3	0.0	18.3	63.7	16.7
13. Situational stress is no excuse for a person to act irrational. (n=555)	4.0	40.0	41.1	13.9	1.1
14. Responding to persons in crisis should not be a role of the police. (n=555)	10.6	45.2	34.1	7.2	2.9

*Table 41: LMPD Officer Attitudes Toward Use of Force, Follow-Up Survey*

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. Officers are NOT allowed to use as much force as is necessary to make suspects comply. (n=553)	18.6	39.2	28.2	11.6	2.4
2. It is sometimes necessary to use more force than is technically allowable. (n=553)	13.0	31.1	36.0	17.7	2.2
3. Verbally disrespectful suspects sometimes deserve physical force. (n=552)	23.0	48.2	24.3	4.0	0.5
4. Refraining from using force when you are legally able to puts yourself and other officers at risk. (n=552)	2.2	21.6	49.6	21.6	5.1
5. It is important to have a reputation that you are an officer willing to use force. (n=550)	11.5	35.3	40.7	11.1	1.5
6. Not using force when you could have makes suspects more likely to resist in future interactions. (n=548)	6.6	35.9	40.0	15.0	2.6
7. It is important that my fellow officers trust me to handle myself in a fight. (n=549)	1.5	1.3	16.0	47.0	34.2
8. Trying to talk my way out of a situation is always safer than using force. (n=551)	1.1	9.3	28.5	37.4	23.8
9. It is important that my fellow officers trust my communication skills. (n=549)	0.9	0.0	9.7	47.9	41.5
10. I respect officers' ability to talk suspects down rather than using force to make them comply. (n=550)	0.7	0.7	14.4	49.1	35.1
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later. (n=549)	3.3	25.1	49.9	17.7	4.0

*Table 42: LMPD Officer Confidence in Handling Critical Incidents, Follow-Up Survey*

	<b>Not at All Confident (%)</b>	<b>Not Very Confident (%)</b>	<b>Somewhat Confident (%)</b>	<b>Very Confident (%)</b>
1. ...interacting with a person in crisis? (n=546)	0.5	0.9	31.1	67.4
2. ...in your ability to effectively communicate with someone in crisis? (n=546)	0.7	0.9	33.5	64.8
3. ...taking someone in crisis to a social service agency? (n=547)	1.6	4.6	34.7	59.0
4. ...asking someone in crisis open-ended questions to gather information about what is going on? (n=545)	0.6	0.9	30.3	68.3
5. ...interacting with family members of a person in crisis? (n=545)	0.7	0.9	31.6	66.8
6. ...in your ability to summarize/paraphrase statements made by a person in crisis in your own words? (n=544)	0.7	0.7	34.7	63.8
7. ...calming down someone in crisis? (n=544)	0.6	1.3	41.5	56.6
8. ...helping someone in crisis call a social services agency? (n=542)	1.3	4.2	38.4	56.1
9. ...de-escalating a situation involving a person in crisis? (n=544)	0.9	1.1	37.1	60.8
10. ...talking to a person in crisis about his/her medications? (n=542)	0.9	7.4	44.3	47.4
11. ...expressing understanding towards a person in crisis? (n=545)	0.6	1.7	38.7	59.1
12. ...getting someone in crisis to talk to you rather than acting out? (n=543)	0.9	1.3	47.1	50.6
13. ...talking to someone in crisis about whether or not he/she uses alcohol or drugs? (n=544)	0.6	1.3	34.7	63.4

*Table 43: LMPD Officer Views on Critical Decision-Making Model (CDM) Utility, Follow-Up Survey*

<i>The CDM Model...</i>	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. ...increases my decision-making skills during everyday situations. (n=544)	2.0	2.0	38.2	44.7	13.1
14. ...often takes too much time to use in encounters with a person in crisis. (n=545)	4.2	29.4	54.5	8.6	3.3
15. ...may make officers hesitate to take action when needed. (n=544)	2.8	22.8	53.5	16.9	4.0
16. ...helps me to assess the risks in a situation. (n=542)	1.3	3.0	41.1	46.9	7.7
17. ...helps me identify my options for action in a situation. (n=543)	1.5	2.6	40.7	46.6	8.7
18. ...helps me select an option to resolve a situation. (n=544)	1.5	2.4	42.3	46.7	7.2
19. ...reminds me to continuously gather information during a situation. (n=543)	1.8	2.9	33.7	51.4	10.1
20. ...is too complicated. (n=543)	4.8	32.2	50.6	9.6	2.8
21. ...helps me review the action I took during a situation. (n=543)	1.7	3.3	41.4	48.3	5.3
22. ...helps me to explain my decision-making after I act in a situation. (n=542)	1.5	2.8	42.6	46.5	6.6
23. I am confident using the CDM during an encounter with a person in crisis. (n=540)	1.9	3.7	45.7	39.3	9.4

## D. Appendix D. Supervisor Survey Frequency Tables

Table 44: LMPD Supervisor Perceptions Related to Supervising ICAT De-escalation Skills

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. I am able to effectively supervise subordinates' use of ICAT de-escalation.	0.8	1.5	10.8	63.1	23.8
2. I am able to effectively coach subordinates' use of ICAT de-escalation skills.	0.8	0.8	11.5	62.3	24.6
3. I receive the necessary equipment from my department to supervise my subordinates' use of ICAT de-escalation skills.	0.8	5.4	18.5	50.8	24.6
4. I receive sufficient training to supervise my officers' use of ICAT de-escalation skills.	0.8	1.5	10.0	63.8	23.8
5. I need more support from my supervisors to supervise my subordinates' use of ICAT de-escalation skills.	6.2	50.0	25.4	16.2	2.3
6. It is difficult to supervise the use of ICAT de-escalation skills by my subordinate officers.	10.0	46.9	24.6	16.9	1.5

Table 45: LMPD Supervisor Field Observation of Subordinates' ICAT Skills

	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. How frequently do you observe your subordinate officers using ICAT de-escalation skills? (n=129)	10.1	19.4	30.2	23.3	17.1
2. When observing subordinate officers, how frequently do they use <b>ICAT Communication Skills</b> (such as actively gathering information from a subject, communicating to other officers, using active listening, or maintaining communication with a subject)? (n=129)	5.4	7.8	20.9	31.0	34.9
3. When observing subordinate officers, how frequently do they use the <b>Reaction Gap Strategy</b> (actively re-positioning to keep a favorable position between the officer and the subject)? (n=129)	6.2	7.0	15.5	34.9	36.4
4. When observing subordinate officers, how frequently do they use the <b>Tactical Pause Strategy</b> (sharing information and developing a strategy with other responding officers during a citizen encounter)? (n=129)	7.0	7.0	27.1	34.1	24.8
5. When observing subordinate officers, how frequently do they attempt to use less lethal tools? (n=129)	17.8	30.2	27.1	15.5	9.3
6. How often have you observed incidents handled by your subordinates where ICAT de-escalation skills were properly used, but were unsuccessful in achieving a positive resolution to an incident? (n=129)	20.9	40.3	27.9	10.1	0.8
7. How often have you used ICAT de-escalation skills but were unsuccessful in achieving a positive resolution to an incident? (n=129)	23.3	55.0	18.6	3.1	0

Table 46: LMPD Supervisor Video Observation of Subordinates' ICAT Skills

	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. How frequently do you observe your subordinate officers using ICAT de-escalation skills? (n=126)	21.4	11.1	24.6	24.6	18.3
2. When observing subordinate officers, how frequently do they use <b>ICAT Communication Skills</b> (such as actively gathering information from a subject, communicating to other officers, using active listening, or maintaining communication with a subject)? (n=126)	18.3	7.9	18.3	26.2	29.4
3. When observing subordinate officers, how frequently do they use the <b>Reaction Gap Strategy</b> (actively re-positioning to keep a favorable position between the officer and the subject)? (n=126)	19.0	7.1	18.3	31.0	24.6
4. When observing subordinate officers, how frequently do they use the <b>Tactical Pause Strategy</b> (sharing information and developing a strategy with other responding officers during a citizen encounter)? (n=126)	18.3	11.9	21.4	31.7	16.7
5. When observing subordinate officers, how frequently do they attempt to use less lethal tools? (n=125)	23.2	29.6	23.2	17.6	6.4
6. How often have you observed incidents handled by your subordinates where ICAT de-escalation skills were properly used, but were unsuccessful in achieving a positive resolution to an incident? (n=126)	25.4	42.9	20.6	9.5	1.6

*Table 47: LMPD Supervision Activities Related to ICAT De-escalation Skills*

	<b>Never (%)</b>	<b>Seldom (%)</b>	<b>Sometimes (%)</b>	<b>Often (%)</b>	<b>Frequently (%)</b>
1. How frequently do you talk with your subordinate officers generally about the use of ICAT de-escalation skills? (n=127)	12.6	29.1	34.6	20.5	3.1
2. How often do you have discussions with subordinates about their use of ICAT de-escalation skills during a specific incident? (n=127)	11.8	26.0	40.2	15.7	6.3
3. How frequently do you counsel subordinates about not using ICAT de-escalation skills when they should have? (n=127)	29.9	45.7	18.1	6.3	0
4. How frequently do you document the use of ICAT de-escalation skills in use of force reports? (n=127)	19.7	33.9	22.0	15.7	8.7
5. How frequently do you document the use of ICAT de-escalation skills in letters of commendation for subordinate officers? (n=127)	23.6	33.1	26.0	13.4	3.9
6. How frequently do you document the use of ICAT de-escalation skills in some other way (excluding use of force reports and commendation letters)? (n=127)	29.9	39.4	17.3	11.8	1.6



*Table 48: LMPD Supervisor Self-Reported Supervision Activities*

	<b>Never (%)</b>	<b>Seldom (%)</b>	<b>Sometimes (%)</b>	<b>Often (%)</b>	<b>Frequently (%)</b>
1. Other than when it is required by department policy, how frequently do you go on your own initiative to incidents that your subordinate officers are handling? (n=126)	13.5	15.1	24.6	19.8	27.0
2. How frequently do your officers ask you to come to the incidents they are handling? (n=126)	21.4	33.3	32.5	11.9	0.8
3. How frequently do you conduct video reviews of incidents handled by your subordinate officers? (n=124)	20.2	14.5	31.5	21.0	12.9
4. When you are on the scene of an incident with your officers, how frequently do you tell them how to handle the incident? (n=126)	22.2	50.8	20.6	5.6	0.8
5. When you are on the scene of an incident with your officers, how frequently do you take it over and handle the incident yourself? (n=126)	47.6	40.5	8.7	2.4	0.8
6. How frequently do you talk with you officers about their performance in incidents that you observe? (n=126)	10.3	18.3	36.5	27.0	7.9

*Table 49: LMPD Supervisor Perceptions of Supervisor Functions*

	<b>Very Unimportant (%)</b>	<b>Unimportant (%)</b>	<b>Neutral (%)</b>	<b>Important (%)</b>	<b>Very Important (%)</b>
1. Disseminating information about departmental directives (n=131)	3.1	0.8	3.1	34.4	58.8
2. Helping officers develop sound judgement (n=131)	3.1	0	1.5	23.7	71.8
3. Protecting officers from unfair criticism or punishment (n=130)	3.1	0.8	6.9	30.8	58.5
4. Ensuring appropriate use of force by officers (n=131)	3.1	0	1.5	19.8	75.6
5. Giving officers feedback on their performance (n=131)	3.1	0.8	1.5	26.0	68.7
6. Distributing the workload fairly (n=131)	3.1	0.8	9.2	40.5	46.6
7. Making superior officers aware of problems on the street (n=131)	3.1	0.8	6.9	42.0	47.3
8. Making sure that reports are properly completed (n=131)	3.1	0.8	4.6	51.1	40.5
9. Enforcing department rules and regulations (n=131)	3.1	0	6.9	50.4	42.7
10. Providing input on department policy (n=131)	3.1	3.8	7.6	51.1	37.4
11. Ensuring fair and equal treatment of citizens (n=131)	3.1	0	1.5	21.4	74.0
12. Listening or discussing concerns officers may have on the job or in their personal life (n=131)	3.1	0	1.5	27.5	67.9
13. Motivating officers to perform organizational goals (n=131)	3.1	0	3.8	37.4	55.7
14. Providing a personal example for officers to emulate (n=51)	0	0	2.0	17.6	80.4

Table 50: LMPD Supervisor Perceptions Related to Using ICAT De-escalation Skills

	<b>Strongly Disagree (%)</b>	<b>Disagree (%)</b>	<b>Neutral (%)</b>	<b>Agree (%)</b>	<b>Strongly Agree (%)</b>
1. I am confident using ICAT de-escalation skills during my encounters with citizens. (n=131)	1.5	0	5.3	49.6	43.5
2. I am confident using ICAT de-escalation skills during interactions with my subordinate officers. (n=131)	1.5	0	5.3	49.6	43.5
3. I receive the necessary equipment from my department to de-escalate situations. (n=131)	1.5	6.1	16.8	42.7	32.8
4. I receive sufficient training in de-escalation. (n=131)	1.5	0.8	11.5	46.6	39.7
5. I receive the necessary support from my supervisors to use ICAT de-escalation skills. (n=131)	1.5	1.5	8.4	44.3	44.3
6. When officers use ICAT de-escalation skills properly, encounters with citizens will often result in a positive resolution.(n=131)	2.3	0	11.5	53.4	32.8
7. Some encounters with citizens require additional less-lethal equipment than is currently available. (n=130)	3.1	5.4	21.5	38.5	31.5
8. My subordinates need more training in de-escalation than is currently provided.(n=131)	3.8	40.5	32.1	20.6	3.1
9. Training supervisors in ICAT de-escalation skills is also useful for interacting with and managing subordinates. (n=131)	2.3	0.8	10.7	58.0	28.2

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

Plaintiff;

v.

POLICE DEPARTMENT OF BALTIMORE  
CITY, et. al.,

Defendants.

Civil Action No. \_\_\_\_

**CONSENT DECREE**

**B. Behavioral Health Disability or Crisis Data Collection, Analysis, and Reporting**

121. BPD will collect data on suspected Behavioral Health Disability or crisis status of individuals subject to law enforcement actions including Stops, Searches, Arrests (to include type of offense and probable cause), use of force, injuries, and in-custody deaths. For any section of this Agreement that calls for data collection, analysis, or reporting, BPD shall report on the suspected Behavioral Health Disability or crisis status of the individuals involved.

122. BPD will collect, analyze, and report data related to Behavioral Health Disability or crisis status, including:

- a. BPD will collect data regarding calls for service that involve possible Behavioral Health Disabilities or people in crisis, including the number of calls, the nature of the crisis, and the extent to which individuals previously interacted with BPD; the disposition of those calls, including whether referred to community services, an emergency room, Emergency Petition, Arrest, booking; whether force was used; the type of force used; and the steps taken, if any, to de-escalate interactions, especially when confrontations resulted in use of force, injury or death.
- b. BPD will analyze the data on an ongoing basis to drive improvement toward the goals of Paragraph 96 and report the data on a quarterly basis to the Crisis Intervention Coordinator and the CPIC.

**VII. USE OF FORCE**

**A. Use of Force Principles**

123. BPD has recently implemented improved policies regarding officers' uses of force, and force reporting, investigations, and reviews. BPD shall build on its recently improved policies, making further revisions where necessary under the provisions of this Agreement and,

as enumerated below, improve its training, investigations and review regarding officers' uses of force to ensure that officers uphold the value and dignity of all individuals they encounter. To the extent BPD's use of force and related policies meet the requirements of this Agreement, the policies need not be revised. As noted below, however, BPD must adhere to those requirements.

124. BPD will ensure that officers:

- a. Are encouraged to resolve incidents without resorting to the use of force, when possible;
- b. Use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate and lawful orders;
- c. Use tactics that do not unnecessarily escalate an encounter;
- d. Continually assess the situation and changing circumstances, and modulate the use of force appropriately;
- e. When force is necessary, use force in a manner that avoids unnecessary injury or risk of injury to officers and civilians;
- f. Recognize and act upon the duty to intervene to stop any officer from using excessive force;
- g. Accurately and completely report all Reportable Force used or observed; and
- h. Are held accountable for use of force that is not objectively reasonable or otherwise violates law or policy.

**B. Policies on Officers' Use of Force**

125. BPD will require officers to use de-escalation techniques, including verbal persuasion and warnings and tactical de-escalation techniques such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS,

Plaintiff,

v.

CITY OF CHICAGO,

Defendant.

Case No. 17-cv-6260

Judge Robert M. Dow, Jr.

**CONSENT DECREE**

feedback from the CIT Coordinator and the Advisory Committee when conducting its evaluation.

148. OEMC will develop and implement its portion of the Crisis Intervention Plan.

149. OEMC supervisors, on an ongoing basis, will audit and provide feedback to call-takers and dispatchers regarding their ability to identify, dispatch, and respond appropriately to calls for service involving individuals in crisis.

150. The Parties acknowledge that OEMC currently meets regularly with CPD and the City-wide Mental Health Steering Committee. OEMC will continue to meet regularly with CPD, in addition to appropriate members of the Advisory Committee, including service providers and advocates, to review and assess data and information regarding the identification of, the dispatch of, and response to calls for service involving individuals in crisis by OEMC tele-communicators.

151. Within 180 days of the Effective Date, and annually thereafter, OEMC will review and revise its intake and dispatch policies and protocols as necessary to meet the requirements of this Agreement. OEMC will consider any recommendations or feedback provided by the Advisory Committee when revising its policies.

152. OEMC will ensure that the language used in policies, procedures, forms, databases, trainings, and by tele-communicators to communicate about calls involving individuals in crisis is appropriate, respectful, and consistent with industry-recognized terminology. OEMC will seek input from the Advisory Committee for recommendations to identify appropriate and respectful terminology.

## **V. USE OF FORCE**

153. CPD's use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and



the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; when using force, CPD officers only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and any use of unreasonable or unnecessary force is promptly identified and responded to appropriately.

154. CPD adopted revised use of force policies on October 16, 2017 (“October 2017 Policies”). The October 2017 Policies incorporated multiple best practices that were not reflected in CPD’s prior use of force policies. Building on these improvements, CPD will maintain the best practices reflected in the October 2017 Policies and make additional improvements to its policies consistent with the terms of this Agreement.

**A. Objectives**

155. CPD officers have the authority to use force, but that authority is limited by the law and Department policy. The provisions of this Agreement seek to facilitate compliance with the law and Department policy regarding the use of force to reduce the circumstances in which using force is necessary, and to ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.

156. CPD’s use of force policies and training, supervision, and accountability systems will be designed, implemented, and maintained so that CPD members:

- a. act at all times in a manner consistent with the sanctity of human life;
- b. act at all times with a high degree of ethics, professionalism, and respect for the public;
- c. use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible;

**The Washington Post**

*Democracy Dies in Darkness*

# ‘Police must first do no harm’: How one of the nation’s roughest cities is reshaping use-of-force tactics

By **Deanna Paul**

August 21, 2019 at 5:00 a.m. MDT

Broadway & Mickle man with a knife incident



It was just after 8 p.m., when a knife-wielding man staggered out of a fast-food shop and zigzagged down Broadway in downtown Camden, N.J. More than a dozen officers — rookies with three months on the job and veterans with 13 years — formed a ring around him. When he stumbled back, slashing the carving knife unpredictably and ignoring orders to drop the weapon, the police kept their firearms holstered.

In less than 10 minutes, the man had let go of the knife and officers handcuffed him.

Similar scenarios have resulted in fatal shootings, often of unarmed people, but using time, distance and communication, the Camden Police Department de-escalated the potentially deadly situation.

“If we approached that night with the old-guard mentality, we would have had an officer-involved fatal shooting,” Camden Police Chief Scott Thomson said of the November 2015 night.

On Wednesday, the department released its new policy, codifying what has been department practice for years. Experts are calling the document — drafted with members of New York University Law School’s Policing Project and vetted by both the New Jersey ACLU and the Fraternal Order of Police — the “most progressive” use-of-force policy to date.

Since 2015, under Thomson’s stewardship, the Camden Police Department has adopted use-of-force training and procedures that promote de-escalation and make clear that force is a last resort.

An armed man in mental health crisis, who moments earlier had threatened restaurant customers, would justify an officer’s use of deadly force, Thomson told The Washington Post on Tuesday. It would have fallen in the “lawful but awful” category — a preventable encounter that would have nonetheless met the legal requirements to be classified a noncriminal shooting.

“We would have walked with him for another mile,” Thomson said. “If there’s something else [police] can do to avoid taking that person’s life, there should be an obligation on us to exercise those options.”

The 18-page directive, which boils down to six core principles, limits use of force to a narrow list of situations. Even then, the document says that the “use of force should never be considered routine” — never to be used unless it’s necessary and even then, it must be proportional to the circumstances. Once the situation is under control, officers must “promptly provide or request medical aid.”

The policy also places an affirmative duty on department employees to stop other officers from using improper force; members will be disciplined for their own violations or failing to report a fellow officer’s.

“Much like a doctor’s Hippocratic oath, police must first do no harm,” Thomson told The Post.

The expectation of de-escalation is not just from the chief, he said, but from each other. When there’s a deadly encounter, it’s deadly on both sides. The

The expectation of de-escalation is not just from the chief, he said, but from each officer. When there's a deadly encounter, it's deadly on both sides. The more officers can slow things down, the more they can reduce the need for force.

Policing has changed drastically in Camden over the past decade. Ten years ago, the city was one of America's most dangerous, the police department was in the throes of a corruption scandal and community members mistrusted law enforcement.

"To be frank, we gave them many good reasons to feel that way," Thomson said.

Since disbanding and rebuilding the police force in 2013, he said, the department has established legitimacy with a style of policing rooted in respect, dignity and accountability.

"We make far fewer mistakes or egregious acts, but are still far from perfect," he said. "When we do stumble, people know we will not tolerate inappropriate or illegal police behavior and will hold ourselves accountable."

Last September, Thomson reached out to ACLU senior supervising attorney Alexander Shalom and asked if he'd be willing to review a draft of the policy.

"There were parts of it that really knocked my socks off. It wasn't high-in-the-sky with everyone singing 'Kumbaya,'" Shalom told The Post. Of note, he said, were how "accessible," and "common-sensical" it was.

The chief also consulted Camden's Fraternal Order of Police leadership. Though it's rare to have a policy vetted by the local ACLU and police union, both supported the policy.

(Unlike New York City's police union — which on Monday attacked the police department's decision to fire the officer who used a prohibited chokehold on Eric Garner, and suggested officers would have to shy away from confrontations and make the city less safe — Thomson said the Fraternal Order of Police recognized that front-end accountability created a safer environment for both the officers and the public.)

The Supreme Court has said that use of force must be "objectively reasonable" from the officer's perspective at the time it was used, said Barry Friedman, director of the Policing Project at the NYU law school.

Rather than asking whether the force was reasonable, the question should be whether it was necessary and proportional. "The law should be the floor, not the ceiling," he said.

Thomson is changing the thought process, Ron Davis, a 30-year police veteran and former police chief, told The Post Monday.

"Taking cover is not the same as hiding, backing away is not retreating or surrendering," said Davis who also served in President Barack Obama's Justice Department as director of the Office of Community Oriented Policing Services. And even if precedent permits "lawful but awful," "just because you *can* use force doesn't mean you have to."

**Read more:**

Phoenix police must log when they point guns at people after department led nation in shootings

Police chiefs consider dramatic reforms to officer tactics, training to prevent so many shootings

Protocol for reducing police shootings draws backlash from unions, chiefs group

More than 250 people have been fatally shot by police officers in the first three months of 2016

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# Law Enforcement Best Practices

LESSONS LEARNED FROM THE FIELD



**COPS**

Community Oriented Policing Services  
U.S. Department of Justice

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## 2. De-Escalation

### Why is this issue important?

Although its exact definition is disputed, de-escalation refers in this guide to the range of verbal and non-verbal skills used to slow down the sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making, in order to reduce the likelihood of a situation escalating into a physical confrontation or injury.

Maintaining public trust is an essential element of effective policing. Without trust, public deference to police legal authority diminishes, and minor incidents are more likely to escalate to use of force. A key factor in enhancing an agency's legitimacy in the eyes of the community is reducing the need for use of force through the practice of de-escalation whenever possible.

The concept is not entirely new—it has been a part of law enforcement use of force training for decades, especially for encounters with persons with social, psychological, chemical, or other impairments. In recent years, however, media coverage of high-profile police use of force cases has heightened scrutiny of law enforcement actions and affected the perception of police legitimacy across the nation, most notably in communities of color. In response to this scrutiny, de-escalation training for law enforcement personnel has grown in popularity. To meet community expectations, law enforcement administrators may feel pressure to develop policies requiring employees to receive de-escalation training as part of their agency's overall use of force training curriculum.

The introduction of de-escalation training into an agency can provide an opportunity to open lines of communication between members of the community, agency personnel, and political leadership. Crucial conversations about use of force and the related training should take place before a critical incident occurs to be effective. During the emotional aftermath of a crisis, especially a deadly force incident, little can be said or done to appease constituents who have suffered a loss or perceive some level of misconduct on behalf of the law enforcement agency. Creating an understanding of how law enforcement personnel respond to situations—and more importantly, why they respond the way they do—can help reduce mistrust. Enhanced understanding and trust can significantly improve subjects' levels of compliance during encounters with law enforcement personnel and improve personnel safety during tense encounters with the public.

### Key points and challenges

Many law enforcement agencies offer some form of de-escalation training. A 2006 study looking at use of force in a sample of more than 500 agencies from around the U.S. found 60.1 percent of responding agencies had offered “de-escalation and defusing techniques” training—as defined by the agency—

in the previous two years.<sup>37</sup> (The report did not identify what activities constituted de-escalation and defusing techniques training, but they were distinct from other categories including “use of deadly force,” “arrest and control tactics,” “use of other less-lethal weapons,” “physical combat skills,” “dealing with citizens with mental illness,” “officer survival,” and “mediation skills/conflict management.”) Many more agencies made conceptually similar trainings available to personnel during the same period.

The reason law enforcement personnel in general are not focused on the value of de-escalation training may be the challenge of demonstrating that de-escalation efforts in the field actually lessen the need for use of force. Without proof that de-escalation techniques lead to different outcomes, why push for de-escalation training? Over the last decade, research on procedural justice has demonstrated that when voluntary compliance with the law improves, so does employee safety.<sup>38</sup> However, law enforcement leaders have work to do in engaging internal stakeholders to understand the value of de-escalation and incorporate it into their practice. It is worth reminding stakeholders that many de-escalation skills are grounded in crisis negotiation techniques that police crisis negotiators have used successfully for years in hostage or barricaded suspect situations, and that these skills can be leveraged and applied in the field more generally.

Data from the Federal Bureau of Investigation suggests that 29 of 543 persons who killed law enforcement officers over a ten-year period, or 5.3 percent, were known to the agency to have mental health issues, and that nine of these officers were killed responding to issues involving a person in crisis.<sup>39</sup> Another study from 17 states estimated the rate of officers killed by persons in crisis to be 13.3 percent.<sup>40</sup> Furthermore, research suggests that law enforcement may be at an elevated risk of injury when dealing with people in crisis as well.<sup>41</sup> Therefore, efforts to implement de-escalation tactics in crisis situations are as much about front-line personnel safety as they are about reducing the number of use of force incidents or enhancing police-community relations. Law enforcement executives would be well served by stressing the value of de-escalation for safety reasons, particularly if their efforts are perceived as motivated by community relations priorities.

## Brief summary of academic literature

The term de-escalation came to law enforcement in the 1980s from the literature and practices of health and psychiatric care systems.<sup>42</sup> Crisis Intervention Team (CIT) training and de-escalation techniques have many similarities. The primary difference between the two is that de-escalation can be applied to all encounters between law enforcement and community members, whereas CIT training focuses principally on individuals suffering from mental illness. By approaching encounters with community members according to the principles of de-escalation, first responders can reduce the need for force, reduce injuries to themselves and the people with whom they interact, and enhance the legitimacy of the organization.<sup>43</sup>

37. Smith et al., “A Multi-Method Evaluation.”

38. Cunningham, “Creating and Promoting a Culture of Officer Safety and Wellness.”

39. FBI, “Law Enforcement Officers Feloniously Killed.”

40. Blair et al., “Occupational Homicides of Law Enforcement Officers.”

41. Cordner, *People with Mental Illness*.

42. Oliva, Morgan, and Compton, “A Practical Overview of De-escalation.”

43. Taheri, “Do Crisis Intervention Teams Reduce Arrest.”

However, to date, there is still limited empirical literature examining the effects of de-escalation in law enforcement beyond CIT. Therefore, much of what we know about de-escalation comes from the empirical literature of clinicians.<sup>44</sup> These practitioners were—just as law enforcement agencies are today—looking to reduce the instances of violent or otherwise disruptive behaviors in healthcare settings.<sup>45</sup> Practitioners widely agree that de-escalation is a crucial skill for these clinicians, but the precise definition of de-escalation is disputed.<sup>46</sup> However, it is generally understood that de-escalation encapsulates a wide variety of specific verbal and non-verbal skills to reduce violence and mitigate the need to use other means of behavioral controls or force.

Research has identified five attributes common to the clinical literature of de-escalation: communication, self-regulation, assessment, actions, and maintaining safety.<sup>47</sup>

1. **Communication** encompasses specific verbal and non-verbal strategies to begin an effective dialogue with an individual and earn that individual's trust and cooperation.
2. **Self-regulation** reflects skills and techniques used by individual service providers to manage their emotional or behavioral responses to an individual encounter. This includes techniques that they can use to provide the subject time and space to cool down.
3. **Assessment** is the task of collecting as much data about the person and situation as possible to make informed decisions about subsequent actions, including understanding when using force becomes imperative.
4. **Actions** refer to the behaviors and activities a service provider can engage in to reduce the likelihood and the severity of use of force.
5. **Maintaining safety** describes the paramount need of service providers to ensure their own welfare and public safety. Specific actions can reduce the likelihood that they will be injured if the person becomes violent or coercive methods of control are required.

The de-escalation process operates on a continuum from support to control.<sup>48</sup> Each of these five attributes has more passive and more active techniques that can be employed as the situation develops. It may be necessary to both escalate and de-escalate the specific techniques employed as the situation develops in an effort to reduce the likelihood of aggressive behavior or violence—or the use of physical force.

Clinical research suggests de-escalation is effective at reducing the transition from aggression to violence or use of force in 80 percent of incidents.<sup>49</sup> However, much of this literature suffers from methodological limitations that prevent identification of the mechanisms through which de-escalation

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44. Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."

45. Duperouzel, Helen, "It's OK for People to Feel Angry."

46. Bowers, "A Model of De-Escalation."

47. Bowers, "A Model of De-Escalation."

48. Price et al, "The Support-Control Continuum."

49. Taheri, "Do Crisis Intervention Teams Reduce Arrest."

succeeds or fails, or how those mechanisms generalize to law enforcement. One of the key questions that remains unanswered is whether the skills to engage in effective de-escalation are innate, developed through experience, or both. Research reveals support for both arguments, although some research indicates de-escalation is a skillset that can be taught and modeled for others.<sup>50</sup> Despite these limitations, the clinical literature is vastly more informative than the literature about the efficacy of de-escalation in law enforcement; and despite unanswered questions about how organizations can extract the maximum benefit from de-escalation, the practice appears promising.

## Summary of existing DOJ and other resources

In the wake of several high-profile use of force events, the concept of de-escalation has entered the lexicon of law enforcement executives and employees. Most of the literature and publications looking at de-escalation tend to focus on it as a skill to be used when dealing with people in crisis (i.e., CIT). However, the Task Force on 21st Century Policing<sup>51</sup> clearly articulated that de-escalation should be more broadly applied to all law enforcement encounters. Currently, there is a relative dearth of literature offering guidance to agencies interested in adopting a de-escalation mentality.

De-escalation is about changing the conversation on use of force from what is legally permissible under *Graham v Connor* to what is the best outcome for the safety of the public and law enforcement personnel—or, as the Police Executive Research Forum (PERF) report Guiding Principles on Use of Force<sup>52</sup> put it, from what front-line personnel can legally do to what they should do. Making this transition requires at least two things: shifting the mentality of law enforcement personnel and providing skills-based training.

Law enforcement personnel should be encouraged to more fully embrace a guardian mentality. From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals<sup>53</sup> suggests that many law enforcement employees assume that residents are more concerned with the crime rate than with how the police treat them, which is not necessarily true. One way to address this misunderstanding is to change the way in which law enforcement recruits are trained. Agencies should carefully examine which training topics receive the most attention during training and how that translates to operational priorities in new law enforcement personnel's minds.

The two broad categories of de-escalation techniques are tactical and verbal. Most of the academic research to date on these techniques has focused on training, particularly with respect to use of force. The Collaborative Reform Initiative's Final Report of the Las Vegas Metropolitan Police Department<sup>54</sup>

50. Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."

51. President's Task Force on 21st Century Policing, *Final Report*.

52. PERF, "Guiding Principles on Use of Force."

53. Rahr and Rice, "From Warriors to Guardians."

54. Fachner and Carter, "Collaborative Reform Model Final Assessment Report."

notes that after training officers improved their use of tactical de-escalation techniques, which focus on slowing down the encounter and creating time and space to diminish the need to use force straight-away. Officers may struggle with successfully employing verbal de-escalation techniques, which focus on building rapport and empathizing with the person to gain voluntary compliance. The [Seattle Police Department's Policy Manual](#)<sup>55</sup> provides a detailed list of tactical and verbal de-escalation resources that officers can employ while working to de-escalate a situation. One promising training that tries explicitly to tie together these two elements is the [Integrating Communications, Assessment, and Tactics](#)<sup>56</sup> training designed by PERF.

## Best or promising practices in the field

Data suggest that at least a quarter of the American population has contact with law enforcement each year.<sup>57</sup> The vast majority of these encounters do not involve law enforcement use of force or community member violence. Front-line personnel in these encounters balance the demands of reducing crime, improving quality of life, and enhancing public safety—including the welfare of the law enforcement member. To achieve these goals, agencies should consider a dual approach for engaging internal and external stakeholders based on a philosophy that ensures policy changes are linked to robust training. In this section, we offer a research- and practice-based roadmap to developing de-escalation skills, practices, and policy, and to earning community collaboration and trust.

Before committing to developing a de-escalation policy or including specific de-escalation mandates in a use of force policy, it is imperative to reach an understanding of the term. Additionally, administrators need to be aware that certain situations do not easily lend themselves to de-escalation techniques, and that officers' abilities to engage in de-escalation may be limited. For example, human performance under stress is affected by psychological, physiological, and biological limitations. Most importantly, cognitive ability can be reduced by up to 80 percent in stressful situations.<sup>58</sup> This means first responders under significant stress may not be able to process information or access language centers of the brain necessary to engage in successful de-escalation. This diminished mental processing capacity—when added to the physiological degradation that occurs when under stress—results in auditory exclusion or functional vision loss that may contribute to unnecessary force escalations.<sup>59</sup> Understanding these limitations and communicating them to the community is necessary to manage expectations. They should be explained proactively whenever possible, through town hall meetings, presentations, training opportunities, or newsletters.

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55. Seattle Police Department, *Manual*, "De-escalation Policy."

56. PERF, "ICAT – Integrating Communications, Assessment, and Tactics."

57. Langton and Durose, "Police Behavior during Traffic Stops."

58. Anderson, Litzenberger, and Plecas, "Physical Evidence of Police Officer Stress."

59. Anderson, Litzenberger, and Plecas, "Physical Evidence of Police Officer Stress."

### Practice 1: Link policy to robust training

As most experienced law enforcement executives attest, simply changing a policy does not necessarily guarantee organization-wide compliance, especially if the policy change is not viewed as beneficial to front-line personnel. People are often resistant to change. A strategy for combating this resistance is to bring together the agency's use of force, firearms, and patrol procedures trainers to evaluate what, if any, de-escalation techniques are taught in their current training programs. Working collaboratively, the instructors can integrate de-escalation techniques into their respective training curricula. Incorporating de-escalation techniques into all applicable training is important because it is during this training that true behavioral change takes place, especially if the trainers are able to demonstrate how de-escalation enhances employee safety.

### Practice 2: Allow time to adapt and provide opportunities to practice

If agencies try to change unilaterally or without explanation the practices and techniques that front-line personnel believe work for them, individual receptiveness to the new training may be compromised. Therefore, another best practice is to teach the concept, demonstrate the techniques, and have law enforcement personnel perform their new skills. The chances of employees using their newly acquired skills depends greatly on the amount of time spent exercising those skills in realistic scenario-based training and the number of successes they have in using those skills. Generally speaking, people do not simply revert to their training, as is often said. Instead, they revert to training and experience that has proven successful to them in the past, which underscores the importance of hands-on training when learning de-escalation techniques.

During the training phase, it is imperative that safety tactics not be compromised, as de-escalation is not a substitute for effectively mitigating immediate threats. Agency leaders should make sure that trainers make good use of debriefing sessions with both the trainees and the observers.

### Practice 3: Expect all supervisors to support a culture of de-escalation

First-line supervisors have the most contact with personnel in the field and are positioned to affect both their behavior and the agency's culture. Law enforcement executives should ensure all supervisors understand the importance of de-escalation to the agency and are able to contribute to supporting the culture of de-escalation. Supervisors should clearly articulate the agency's philosophy, be encouraged to reinforce that message during roll call briefings, and take advantage of situations in the field to discuss the importance of de-escalation. When reviewing subordinates' use of force actions and reports, supervisors should discuss whether de-escalation techniques were implemented and whether they were successful. They should use the discussion as a training opportunity to improve future performance. Supervisors should support and reward employees' attempts to de-escalate situations.

#### **Practice 4: Set up officers and deputies to succeed—not to fail**

The goal of de-escalation training should be to have front-line personnel make better use of time and space to allow for enhanced situational awareness, proper threat assessment, and better decision-making. Agencies should introduce de-escalation training in the academy and reinforce the skills through continued, routine education. They should take steps to ensure personnel can practice and demonstrate successful de-escalation skills in training situations, so they are confident employees can implement such skills in the field while ensuring their own safety. Simply developing a policy requiring de-escalation—without ensuring personnel can practice de-escalation successfully—is not an adequate approach.

Following the implementation of a de-escalation policy, any claim of excessive force should trigger an examination of the training associated with the new policy. A written policy alone, without demonstrated competence, does not shield the employee, agency, or municipality from liability. Law enforcement executives have a responsibility to their communities and employees to ensure the implemented policies and training are realistic and do not set false expectations for all involved.

#### **Practice 5: Reward successful de-escalation efforts**

Executives should create programs to recognize law enforcement personnel who have successfully de-escalated a situation and prevented injuries. Policies for agency commendations and other recognition should be designed to value those instances where de-escalation was successful, just as other heroic acts are rewarded.<sup>60</sup>

#### **Practice 6: Engage the community in training and policy development**

As with any policy of significant public impact or interest, a best practice is to include community members in the development of training, policy, and the organizational implementation of both. Community inclusion has many benefits. It demonstrates to the community that the chief executive and the agency are committed to community policing and aware of the community's perception of police use of force. It also demonstrates the agency's understanding of how the management of use of force can affect public trust and represents a proactive effort to reduce the number of use of force incidents.

When engaging the community in training and policy issues, law enforcement agencies often tend to seek out groups or individuals with whom they already have relationships or who have been their long-time advocates. On the topics of use of force and de-escalation, it is critical to engage segments of the community who have not traditionally been accepting of the police function or policing tactics.

To earn community trust and engage groups that traditionally have not been included in conversations around law enforcement, chief executives should take advantage of individual relationships with leaders of social service and religious groups, mental health providers, and educators to encourage broader participation in de-escalation discussions. These members of the community often work closely with

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60. Wasserman, "Building Relationships of Trust."



people who may not have a good rapport with law enforcement. By bringing these voices into the discussion, agencies show their willingness to hear suggestions and criticisms about not only use of force issues, but also a whole host of other law enforcement–related concerns.

Initially, these conversations can be difficult. They require great persistence and a desire to improve real and perceived shortcomings and weaknesses. But establishing these critical lines of communication—and responding positively to criticism and critique—will buttress community perceptions of procedural justice and police legitimacy.

### Communities with a Voice in Austin, Texas

The Austin (Texas) Police Department (APD) exemplifies the benefits of partnering closely with local community groups to update critical policies. The APD worked with leaders of the grassroots Austin Justice Coalition to update its policy on use of force. The updated policy included elements for which groups such as the Texas Civil Rights Project and the Austin Branch of the National Association for the Advancement of Colored People have long advocated.

Source: Tony Plohetski and Andrea Ball, “New Austin Police Policy Emphasizes Alternatives to Using Force,” *Austin American-Statesman*, January 19, 2018, <https://www.mystatesman.com/news/new-austin-police-policy-emphasizes-alternatives-using-force/qFkpZdLuy0INoM3nsnqI3K/>.

### Practice 7: Leverage positive personnel relationships to build community trust

Internally, chief executives should tap into individual employees’ relationships with the residents in their patrol areas. Law enforcement personnel with ties to the community—especially to communities that feel as if they have no voice—can serve as a vital bridge between the agency and groups that may be disenfranchised. It is critical that personnel involved in these initial contacts have positive standing within the community. Including law enforcement personnel who have been involved in incidents of questionable use of force—or any other perceived misconduct—in these conversations immediately discredits the agency’s efforts and should be avoided.

### Practice 8: Apply best practices of de-escalation in situations other than use of force

De-escalation does not only apply to use of force; it calls for law enforcement personnel to make better use in all situations of their communication skills and the techniques they have learned and practiced. One of these skills, and a significant part of de-escalation, is active listening. Law enforcement should apply active listening in calls for service and other interactions with the community, but also within the organization—for example, in mentoring situations. With the ability to listen and truly hear what people are saying, law enforcement can engage in effective problem solving on many different levels. Properly implemented, a comprehensive program of de-escalation training can directly contribute to the four pillars of procedural justice: fairness in the process, opportunities for voice, transparency in actions, and impartiality in decision-making.<sup>61</sup>

61. COPS Office, “Procedural Justice.”

## Practice 9: Enhance public reporting and transparency

When the number of use of force incidents are compared to the number of law enforcement contacts that occur yearly, it is clear that a majority of encounters between law enforcement personnel and community members do not escalate to a situation where force is used. However, use of force may be viewed in some communities as the norm, not the exception. Therefore, a promising practice is for agencies to seize opportunities to increase police legitimacy by showing how infrequently law enforcement personnel use force in their daily interactions. Conversely, if there are problems, data allows the agency to pinpoint the issues.

Making agency statistics publicly available and proactively engaging with the media and community members regarding this data further supports transparency. Opening up data sources to the public or independent parties adds legitimacy to the agency's message—particularly for those communities that may distrust agency-provided statistics and analysis. The small celebrations of procedural justice, de-escalation techniques in practice, and positive police-community interactions serve to reinforce positive behaviors internally, which enhances organizational culture over time.

## Special considerations for small agencies

Smaller agencies are saddled with real challenges surrounding de-escalation tactics. Specifically, front-line personnel from these agencies may not have had exposure to an extensive training regime beyond what is provided at the state academies.

However, these agencies also enjoy advantages related to de-escalation. For example, employees at small and rural agencies often do not have the luxury of immediate backup to assist them in tense situations. While this reality places significant pressure on a lone responder, it may be an advantage for the agency: first responders who understand that backup is some distance away tend to practice strategies designed to lessen the tension of the situation. In small towns, first responders are also more likely to know and recognize the people they deal with on calls for service; that familiarity is also an asset in de-escalating a crisis situation. And, as discussed in chapter 1, building relationships with all segments of the community can be easier when the community is small.

Developing a philosophy regarding the delivery of law enforcement services is critical for all sizes of agency, but small agencies can embrace this philosophy quickly and efficiently due to their size and flatter organization. Because executives of smaller agencies tend to have more contact with all personnel, they are more able to drive culture change, and instill a guardian mentality.

By meeting the community with courtesy, respect, and professionalism, small agencies can influence public safety behaviors, rather than rely on force for control. Although residents of small communities may not describe police activity in terms of procedural justice, they nonetheless understand police au-

thority to be derived from delivering the services the community expects in the manner they expect to receive it. When the guardian mentality permeates the entire organization, the community will perceive the difference.

## Checklist to implement

### Checklist of steps to implement de-escalation training and policy

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- Assess current training curricula.

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- Engage trainers and the community in discussing training.
  - Be sure to reach out to voices in the community that have not historically been included.

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- Incorporate de-escalation techniques into various training topics.

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- Integrate de-escalation throughout the training curriculum for new recruits.

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- Practice de-escalation techniques in scenario-based training.

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- Invite members of the community and the media to discuss and participate in scenario-based training.

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- Assess front-line personnel's competency, comfort, and engagement in de-escalation training.

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- Engage employees and members of the community in discussing the establishment of a written de-escalation policy, and the features such a policy should have.

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- Establish a written de-escalation policy and enhance other relevant policies to support adherence in all applicable areas.

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- Seek the support of senior personnel and senior first-line supervisors, in the creation of de-escalation policy.
  - Involve these personnel in communicating the reasons for the policies throughout the organization.

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- Publicize the agency's written policy, engage internal and external stakeholders in discussing its implementation, and engage and train members of the agency on the new policy.

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- Be transparent about uses of force and publicize situations where force was avoided because of law enforcement personnel's use of de-escalation tactics.

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- Collect and evaluate data from incidents where de-escalation was used and enhance or adjust training and policy as needed.

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## Summary

De-escalation plays a crucial role in enhancing a law enforcement agency's legitimacy in the eyes of a community. This practice of using verbal and non-verbal skills to slow down the sequence of events supports the safety both of the public and of front-line law enforcement personnel. Although the techniques of de-escalation create time for first responders to enhance their situational awareness, conduct proper threat assessments, and allow for better decision-making, this practice often goes unnoticed by those within the agency and members of the community.

Educating members of the community has an iterative quality: enhancing the community members' understanding of law enforcement practices can earn their trust and thereby affect their level of compliance during police encounters. However, the time to engage and educate the community is before an incident of police use of force, not after. Therefore, law enforcement executives should begin laying the groundwork for the ongoing task of educating internal and external stakeholders on the importance of de-escalation and start incorporating de-escalation techniques into their agency's law enforcement practice.

A good first step is recognizing individuals' resistance to change and taking the approach of linking policy changes to robust training. Law enforcement executives should then provide time for employees to adapt to the agency's new model of engagement and offer multiple opportunities to test these new skills in scenario-based trainings.

Throughout this process, managing expectations is crucial to setting law enforcement personnel up for success in the eyes of agency leadership and members of the community. By engaging members of the community—especially those who have historically not been included—and mobilizing personnel with positive community relationships, law enforcement agencies can create an atmosphere of dialogue and understanding. The practice of de-escalation should appear in all law enforcement encounters—internal and external—and should not be limited to incidents likely to result in the use of force. Once these pieces are in place, law enforcement executives should take every opportunity to demonstrate how infrequently their employees use force in their daily interactions and celebrate the use of de-escalation techniques to resolve potential incidents safely.