

Stanford
Law School

Stanford Center
for Racial Justice

Model Use of Force Policy Beta Release Version 1.0

Chapter 2: De-Escalation

March 3, 2023

OVERVIEW

This Chapter sets forth the Model Use of Force Policy's central requirements regarding De-Escalation. It prioritizes the use of De-Escalation to address a situation and focuses on equipping officers with the mindset and tactical knowledge to implement this technique. This Chapter requires officers to use De-Escalation as a tool of first resort, including before using force and before escalating the level of force. This Chapter also requires officers to de-escalate force immediately as resistance decreases and to stop using force if the individual stops resisting. Officers must also evaluate each situation independently, including their own impact on the situation and whether a subject's non-compliance results from the subject's deliberate attempts to resist or the subject's inability to comply. In addition to the provisions of this Chapter, the Model Policy also emphasizes the use of De-Escalation techniques throughout its other Chapters.

This Chapter includes a High-Level Policy Summary outlining the overarching principles of the Chapter, the full Policy Language, a Supporting Memorandum providing the policy rationale and guidance, and a Comparison Memo Summary that compares this Chapter to certain other national, state, and local-level policies.

PART 1: HIGH-LEVEL POLICY SUMMARY

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1. De-Escalation techniques provide officers with critical tools to safely resolve a situation without the use of force, or with the lowest level of force necessary. Officers should be equipped with both the mindset and tactical knowledge to prioritize De-Escalation and exhaust available alternatives before resorting to the use of force.
2. Officers must complete initial and, at a minimum, annual training on De-Escalation techniques, including alternatives to force.
3. Officers must focus on De-Escalation throughout a law enforcement situation.
 - a. Before and upon arriving on the scene, officers should think through De-Escalation techniques and formulate a plan of action that focuses on De-Escalation where possible.
 - b. Before resorting to the use of force, officers must use available De-Escalation techniques with the goal of slowing down, stabilizing, and reducing the intensity of the situation to avoid or mitigate the need to use force.
 - c. Before using a more severe level of force, officers must use De-Escalation techniques when available and circumstances permit.
 - d. Officers further must de-escalate force immediately as resistance decreases. If the individual stops resisting, the officer must stop using force.
4. Exception: This policy does not require officers to pursue any De-Escalation technique that could jeopardize the safety of the officer or another person.
5. Officers should be cognizant of their impact of their tone, word choice, and body language on the outcome of the situation.
6. Officers also should consider whether a subject's non-compliance results from the subject's deliberate attempts to resist or the subject's inability to comply.
7. Officers must consider their tactical training in implementing these De-Escalation requirements.
8. De-escalation techniques are particularly important in encounters with vulnerable populations and Officers must use appropriate tactics.
9. Supervisors should facilitate and review the use of De-Escalation by officers.

PART 2: POLICY LANGUAGE

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2.100 – General Considerations and Definitions

A. General Considerations:

1. This policy prioritizes the use of available De-Escalation techniques to avoid or reduce threats, gain the voluntary compliance of persons, and safely resolve a situation. Avoiding or reducing the need for force allows officers to secure their own safety as well as the safety of other officers, subjects, and members of the public.
2. De-Escalation techniques provide officers with critical tools to safely resolve a situation without using force or by using the lowest level of force necessary. De-Escalation techniques involve a range of tactics that can assist in slowing down or stabilizing an incident, which then gives officers more time to consider and utilize extra resources or call for assistance or specialty units such as mental health teams.
3. Officers should be equipped with both the mindset and tactical knowledge to prioritize De-Escalation and exhaust available alternatives before resorting to the use of force. Officers should be aware that their own presence and actions may temporarily escalate situations that can ultimately be resolved without the use of force.
4. Encounters with children, youth, and persons with a behavioral health disorder or in crisis present particularly important situations for the employment of appropriate De-Escalation techniques.¹

B. Definitions:

1. *De-Escalation:* De-Escalation refers to taking action or communicating verbally or nonverbally 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 level of force necessary.²

2.200 – Training and Examples of De-Escalation Techniques

- A. This policy requires officers to complete initial and, at a minimum, annual training on De-Escalation techniques, including alternatives to force.³
- B. De-Escalation techniques may include, but are not limited to, the following⁴:
 - 1. Communication techniques to calm an agitated subject and promote rational decision-making, such as:
 - a) Ensuring that only one officer communicates with and addresses the person and that other officers remain disengaged as much as safety permits;

NOTE: The presence of multiple officers issuing commands to an agitated subject may escalate the situation by increasing the likelihood of miscommunication, and has a lower likelihood of resulting in a peaceful resolution.
 - b) Regulating vocal tone and pitch (e.g., speaking slowly in a calm voice, rather than shouting commands);
 - c) Using calming gestures and facial expressions (e.g., arms extended with palms out; avoiding angry expressions);
 - d) Sharing the officer's name, asking the subject for their name, and exhibiting a genuine willingness to listen;
 - e) Practicing procedural justice techniques, such as explaining the officer's actions and responding to questions (e.g., directly answering questions about the reason for the police's presence or the police taking action);
 - f) Verbal Persuasion (e.g., explaining, without threats, how the person would benefit from cooperation) (further discussed in Chapter 3);
 - g) Verbal advisements (e.g., respectfully explaining the person's rights or what the police want the person to do);
 - h) Verbal warnings (e.g., when necessary, notifying the person of the consequences of continued non-cooperation and then offering the person a chance to cooperate); and/or
 - i) Avoiding the unnecessary display of weapons, including a conducted energy weapon (CEW), a firearm, a baton, or OC spray.

2. Decreasing the exposure to potential threats to officer safety by moving to a safer position, including by:
 - a) Creating distance;
 - b) Seeking cover;
 - c) Tactical repositioning;
 - d) Concealment; and/or
 - e) Placing barriers between an uncooperative subject and an officer.
3. Slowing down the pace of the incident by slowing one's speech, taking deep breaths, and/or applying this policy's critical thinking framework, including:
 - a) Waiting out the subject;
 - b) Avoiding physical confrontation;
 - c) Calling for extra resources outside of the subject's hearing, whenever possible, such as:
 - (1) Additional officers;
 - (2) Specially-trained members; and
 - (3) Officers equipped with less-lethal tools.
4. Any other reasonable alternative tactics or techniques that will bring the incident to a safe resolution.

2.300 – Requirement to Use De-Escalation

- A. **Before arriving on the scene.** As part of their tactical planning, before arriving on the scene and upon arrival on the scene, if circumstances permit, officers should think through De-Escalation techniques and formulate a plan of action that focuses on De-Escalation.⁵
- B. **Before using force.** Before resorting to the use of force, officers must use available De-Escalation techniques with the goal of slowing down, reducing the intensity, and stabilizing the situation to avoid or mitigate the need to use force.⁶
- C. **Before escalating the use of force.** When available and circumstances permit, before using a more severe level of force, officers must use verbal advisements, verbal warnings, Verbal Persuasion, and other De-Escalation techniques as well as alternatives to higher levels of force.
- D. **Officers must de-escalate force immediately as resistance decreases. If the individual stops resisting, the officer must stop using force.**⁷
- E. **Exception.** This policy does not require officers to pursue any De-Escalation technique that could jeopardize the safety of the officer or another person.⁸
- F. **Importance of situational awareness.** In implementing these De-Escalation requirements, officers should consider the following:
 - 1. Officers should be cognizant of the impact of their tone, word choice, and body language on the outcome of the situation.
 - 2. Officers also should consider whether a subject’s non-compliance results from their deliberate attempts to resist or inability to comply based on factors including, but not limited to:
 - a) Medical conditions,
 - b) Behavior health disorder,
 - c) Developmental disability,
 - d) Physical limitation,
 - e) Language barrier,
 - f) Drug interaction, and/or
 - g) Behavioral health crisis.

NOTE: An officer’s awareness of these possibilities should then be balanced against the facts of the incident and available tactical options to bring the situation to a safe resolution.⁹

3. An officer's conduct preceding any use of force should not have the effect of increasing the risk of a deadly confrontation or the unnecessary use of force.¹⁰
 - a) In determining whether an officer's conduct increased the risk of a deadly confrontation or the unnecessary use of force, the Department evaluates whether:
 - (1) the officer missed opportunities to de-escalate the incident;
 - (2) the presence or conduct of police officers escalated what initially began as a minor/non-threatening situation¹¹; and
 - (3) the officer considered their conduct before to the confrontation in determining that circumstances necessitated the use of deadly force or the escalation of force.

G. Importance of tactical training. In implementing these De-Escalation requirements, officers must consider their tactical training.¹²

1. In the use-of-force context, tactics refer to the techniques and procedures that officers use to balance the relative risks to themselves and other persons in any given situation so that they can handle encounters as safely as circumstances permit.¹³
2. Officers must constantly incorporate tactical thinking, train to position their bodies in a way that allows them to respond quickly to threats, take steps to control a scene well before initiating contact, increase distance between themselves and the subject, and cover and conceal when appropriate.¹⁴
3. Officers must 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 officer and the person, closing the reactionary gap, or escalating a situation.¹⁵
4. Officers may not intentionally use tactics designed to escalate the level of force necessary to resolve a situation.¹⁶
5. Officers should recognize that they may withdraw to tactically advantageous positions or to positions that allow them greater distance to de-escalate a situation or consider or deploy a greater variety of options, including lesser force or no force at all.

6. Officers also should consider the importance of using their tactical training to maximize their decision time.
 - a) Time allows officers to make more accurate risk assessments, consider the range of appropriate tactical options, and take actions that can minimize or avoid the use of force altogether.¹⁷
 - b) Maximizing the time that an officer has to make an informed decision helps to avoid decision-making based on an officer's fight or flight response.¹⁸
7. Officers also should engage in conflict avoidance (e.g., earning cooperation from a subject vs. demanding it).¹⁹

2.400 – Encounters with Vulnerable Populations²⁰

- A. During encounters with vulnerable populations including children, youth, and/or persons experiencing behavioral health disorders, in crisis or suffering from a mental or physical disability, officers will employ developmentally appropriate, trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language.
- B. Officers will account for any fear-based reactions that children, youth, and/or persons experiencing behavioral health disorders or in crisis may experience during an encounter with law enforcement.
- C. If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health disorder or in crisis do not successfully resolve the incident, and the circumstances authorize the use of force, officers must consider personalized factors of the individual, including:
 - 1. Apparent age,
 - 2. Body size,
 - 3. Strength of the officer relative to the individual, and
 - 4. The risk posed by the individual.

2.500 – Responsibilities of Supervisors and Training Section Lieutenant [or the Jurisdiction’s Equivalent]²¹

- A. This policy requires supervisors to encourage and facilitate their officers’ use of available De-Escalation techniques including, but not limited to, by:
 - 1. Ensuring that the appropriate number of officers respond promptly to an incident.
 - 2. Assessing officer’s tactical positioning and/or deployment of specialized equipment (e.g., bunker, CEW, less-lethal equipment).
 - 3. Assessing whether an officer successfully employed available De-Escalation techniques during a use-of-force review; and
 - 4. Providing timely and constructive feedback directly to the officer, and/or referring the officer to further training if the review notes deficiencies in employing available De-Escalation techniques.

- B. This policy requires the Training Section Lieutenant [or the jurisdiction’s equivalent] to:
 - 1. At a minimum, annually provide all officers with Department-approved De-Escalation training.
 - 2. Provide updates and re-certification to all officers in De-Escalation techniques during in-service training.

PART 3: SUPPORTING MEMORANDUM

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I. Recommended Policies

De-Escalation refers to taking action or communicating verbally or nonverbally 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.²² De-Escalation plays a vital role in ensuring that use-of-force policies respect the sanctity of human life. Expanding officers' toolkit of non-forceful measures leads to safer outcomes for both officers and the communities they protect. The Model Use of Force Policy, therefore, recommends detailed policies prioritizing the use of De-Escalation in potential force encounters.

A. De-Escalation as a Tool of First Resort

Policy makers, policing experts, and the public have widely endorsed police departments' adoption of De-Escalation policies and training.²³ Although not new to policing, police departments and organizations historically have viewed De-Escalation in the context of mental health crises.²⁴ In recent years, however, police departments around the country have adopted, and organizations such as the International Association of Chiefs of Police and the Police Executive Research Forum have endorsed the adoption of, an expanded application of De-Escalation.²⁵ Many police department policies now require officers to employ De-Escalation techniques in their encounters with all members of the public.²⁶

Recent empirical data supports further expanding the use of De-Escalation by officers. In 2019, researchers from the Center for Police Research and Policy at the University of Cincinnati collaborated with the Louisville Metro Police Department to evaluate the impact of De-Escalation training developed by the Police Executive Research Forum (PERF). The researchers found statistically significant reductions in use-of-force incidents (-28.1%), citizen injuries (-26.3%), and officer injuries (-36.0%) after officers received the PERF-developed De-Escalation training.²⁷ Other cities, such as Los Angeles and Dallas, have seen similar success after implementing De-Escalation training, including "a marked reduction in the number of fatal police shootings."²⁸

Broader use of De-Escalation by police departments also serves the Model Use of Force Policy's goals of prioritizing the sanctity of life as a core value and reducing unnecessary and unjustified uses of force. De-Escalation provides officers with a broader range of tools with which to address critical situations and gives officers knowledge that they can impact the pace and intensity of a situation through the use of proper techniques.

In accordance with the national trend towards expanded use of De-Escalation, recent empirical data, and the goals of the Model Use of Force Policy, the Model De-Escalation Policy requires officers to use De-Escalation as a tool of first resort.²⁹ Before using force, officers must use available De-Escalation techniques (when safe to do so) with the goal of slowing down, reducing the intensity, and stabilizing the law enforcement situation to avoid or mitigate the need to use force.³⁰

In addition, to facilitate the use of De-Escalation as a tool of first resort, the Model De-Escalation Policy provides clear examples of De-Escalation techniques that officers may consider based on the circumstances. The Model De-Escalation Policy also provides that, even before they arrive on the scene, officers should begin to think through De-Escalation techniques and formulate a de-escalation plan as part of their tactical planning.³¹ The Model Policy also balances the interests of safety by not requiring officers to pursue any De-Escalation techniques that could jeopardize the safety of the officer or another person. In addition, the Model Policy requires officers to use appropriate tactics in encounters with vulnerable populations.³²

B. De-Escalation as a Continuing Tool

The Model De-Escalation Policy also treats De-Escalation as an ongoing obligation. While the Model Policy recognizes that some scenarios cannot be de-escalated, whenever possible, from start to finish, officers should look for opportunities to lessen the amount of force currently in use via De-Escalation techniques. The Model De-Escalation Policy thus requires officers to use verbal advisements, verbal warnings, verbal persuasion and other De-Escalation techniques as well as alternatives to higher levels of force when available and circumstances permit before using a more severe level of force. The Model De-Escalation Policy also requires officers to de-escalate force immediately as resistance decreases. If an individual stops resisting, the officer must stop using force.³³

C. De-Escalation Training and Culture

The successful integration of De-Escalation into police work requires comprehensive training of officers on specific De-Escalation techniques, critical thinking, and mindsets.³⁴ Police departments appear to recognize this. For example, when CBS News surveyed 155 large police departments in 2019, nearly all responding agencies indicated that they offer some De-Escalation training.³⁵ Nonetheless, the degree to which agencies implement De-Escalation training varies substantially. According to the CBS News survey, while most responding agencies that offer De-Escalation training make it mandatory, some agencies, such as Boise and Buffalo do not.³⁶ Other agencies mandate the training but require only a few hours or infrequent training. For example, Denver and Kansas City only require “2 hours once every 2-5 years”; Rochester, Philadelphia, Madison only require “4 hours once every 2-5 years”; and Overland Park responded that the “[n]umber of hours and frequency varies.”³⁷ To ensure effective and up-to-date knowledge of police officers regarding De-Escalation, the Model De-Escalation Policy requires officers to complete initial and, at a minimum, annual training on De-Escalation techniques, including alternatives to force.³⁸

We believe that the successful integration of De-Escalation into police work also requires changing department-wide mindsets to encourage the use of De-Escalation techniques. As the PERF training notes, “Police training and culture for decades have emphasized that officers need to immediately take control of every situation, to never back up or tactically reposition, and to resolve every matter as quickly as possible.”³⁹ While comprehensive De-Escalation training will help to change this type of thinking, the Model De-Escalation Policy also recommends utilizing individuals at all seniority levels of the department to reinforce the mindset of De-Escalation.

The Model De-Escalation Policy sets forth responsibilities of supervisors and training section lieutenants (or the jurisdiction's equivalent) with respect to De-Escalation.⁴⁰

II. Selected Resources Consulted

1. Cynthia Lee, *Reforming the Law on Police Use of Deadly Force: De-Escalation, Pre-Seizure Conduct, and Imperfect Self-Defense*, 2018 U. ILL. L. REV. 629 (2018)
2. International Association of Chiefs of Police, NATIONAL CONSENSUS POLICY AND DISCUSSION PAPER ON USE OF FORCE (July 2017)
3. Robin S. Engel et al, *Assessing the impact of de-escalation training on police behavior: Reducing police use of force in the Louisville, KY Metro Police Department*, 21 CRIMINOLOGY & PUBLIC POLICY 199 (2022)
4. International Association of Chiefs of Police, University of Cincinnati, and Center for Police Research and Policy, EXAMINING THE IMPACT OF INTEGRATING COMMUNICATIONS, ASSESSMENT, AND TACTICS (ICAT) DE-ESCALATION TRAINING FOR THE LOUISVILLE METRO POLICE DEPARTMENT: INITIAL FINDINGS (updated Oct. 30, 2020)
5. Police Executive Research Forum, AN INTEGRATED APPROACH TO DE-ESCALATION AND MINIMIZING USE OF FORCE (Aug. 2012)
6. Police Executive Research Forum, CRITICAL ISSUES IN POLICING SERIES: GUIDING PRINCIPLES ON USE OF FORCE (Mar. 2016)
7. Rachel Abanonu, *De-Escalating Police-Citizen Encounters*, 27 S. CAL. REV. OF L. AND SOCIAL JUSTICE 239 (2018)

Police Department Policies and Manuals Consulted Include

- Aurora Police Dept. Directives Manual (Aurora, CO)
- Austin Police Dept. General Orders (Austin, TX)
- Baltimore Police Dept. Policies (Baltimore, MD)
- Boston Police Department Rules and Procedures (Boston, MA)
- Dallas Police Dept. General Orders (Dallas, TX)
- Denver Police Dept. Operations Manual (Denver, CO)
- District of Columbia Metropolitan Police Dept. General Order (Washington, DC)
- Los Angeles Police Dept. Policy on the Use of Force (Los Angeles, CA)
- Memphis Police Dept. Policies and Procedures (Memphis, TN)
- Metropolitan Nashville Police Dept. Manual (Nashville, TN)
- Minneapolis Police Dept. Policy and Procedure Manual (Minneapolis, MN)
- New Orleans Police Dept. Operations Manual (New Orleans, LA)
- Newark Police Department Use of Force General Order (Newark, NJ)
- Omaha Police Department Policies and Procedures Manual (Omaha, NE)
- Phoenix Police Department Operations Orders (Phoenix, AZ)
- Portland Police Dept. Directives Manual (Portland, OR)

- Sacramento Police Dept. General Orders (Sacramento, CA)
- San Francisco Police Dept. General Orders (San Francisco, CA)
- Santa Monica Police Department Policy Manual Force De-Escalation (Santa Monica, CA)
- Seattle Police Department Manual (Seattle, WA)
- Stockton Police Department Use of Force General Order (Stockton, CA)
- Virginia Beach Police Dept. General Order (Virginia Beach, VA)

PART 4: COMPARISON MEMO SUMMARY

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We have evaluated the de-escalation provisions of numerous other model policies, use-of-force guidelines, and state law mandates and compared them to the Model De-Escalation Policy. The following memo reflects a summary of our opinions about the key differences or similarities between the reviewed policies and the Model De-Escalation Policy.

The national, state, and local policies we compared⁴¹—and the comparisons derived from them—provide a general opinion on differences in use-of-force options. We will continually review and update these comparisons. We present this Comparison Memo Summary in draft form as a part of the Model Policy Beta Release. Some of the information provided may be subject to change.

DE-ESCALATION

- Many policies do not have De-Escalation as a central focus and have only minimal provisions on De-Escalation. Examples include Lexipol, New York, and Texas.
- The Model Policy dedicates an entire chapter to De-Escalation. It also emphasizes the use of De-Escalation in other chapters.
- Many policies do not contain sufficiently comprehensive De-Escalation policies. Examples include Lexipol, IACP, Campaign Zero, Minnesota, New York, Texas, New Jersey, California, PERF, and the NYU Guidelines.
- The Model Policy contains comprehensive provisions on De-Escalation. It elevates De-Escalation to the preferred tool in a broad variety of contexts. The Model Policy requires officers to use available De-Escalation techniques before resorting to force. It also requires officers to use De-Escalation techniques, when available and circumstances permit, before using a more severe level of force. Further, as soon as a subject's behavior no longer justifies an escalated use of force, the Model Policy requires officers to de-escalate force. The Model Policy further lists examples of De-Escalation strategies and techniques.
- Many policies do not make De-Escalation a requirement. Examples include Lexipol, Texas, New York, Texas, California, and PERF.
- The Model Policy makes De-Escalation a part of an officer's duties and responsibilities rather a suggested technique. It includes De-Escalation in an officer's evaluation of whether circumstances justify the use of force and, even if they do, the appropriate level of force. The Model Policy also mandates initial and, at a minimum, annual training on De-Escalation. Making De-Escalation a requirement ensures that officers constantly consider ways to de-escalate a situation.

ENDNOTES

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- ¹ Baltimore Police, Policy 1107: De-Escalation, at 3 (2019).
- ² NATIONAL CONSENSUS POLICY AND DISCUSSION PAPER ON USE OF FORCE 2 (rev. July 2020), *available at* https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf.
- ³ Santa Monica Police Dep't, Policy Manual, Policy 300, at 300.19 (2020); Baltimore Police, Policy 1107: De-Escalation, at 6 (2019).
- ⁴ These examples are largely based on Baltimore Police, Policy 1107: De-Escalation, at 3 (2019) and Santa Monica Police Dep't, Policy Manual, Policy 300, at 300.4.1 (2022).
- ⁵ Baltimore Police, Policy 1107: De-Escalation, at 4 (2019); Police Executive Research Forum, CRITICAL ISSUES IN POLICING SERIES: GUIDING PRINCIPLES ON USE OF FORCE 62 (Mar. 2016), *available at* <https://www.policeforum.org/assets/30%20guiding%20principles.pdf> (“Once on the scene and if circumstances permit, supervisors should attempt to ‘huddle’ with officers before responding to develop a plan of action that focuses on de-escalation where possible.”).
- ⁶ Baltimore Police, Policy 1115: Use of Force, at 6 (2019).
- ⁷ Baltimore Police, Policy 1115: Use of Force, at 7 (2019); Baltimore Police, Policy 1107: De-Escalation, at 5 (2019); Santa Monica Police Dep't, Policy Manual, Policy 300, at 300.4.1 (2020).
- ⁸ Santa Monica Police Dep't, Policy Manual, Policy 300: Use of Force, at 300.4.1 (2020).
- ⁹ Santa Monica Police, Policy Manual, Policy 300, at 300.4.1 (2020); Baltimore Police, Policy 1107: De-Escalation, at 5 (2019).
- ¹⁰ Cynthia Lee, *Reforming the Law on Police Use of Deadly Force: De-Escalation, Pre-Seizure Conduct, and Imperfect Self-Defense*, 2018 U. ILL. L. REV. 629, 673 (2018).
- ¹¹ Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 39.
- ¹² Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 40.
- ¹³ Brandon Garrett and Seth Stoughton, A Tactical Fourth Amendment, 103 VIRGINIA L. REV. 211, 252 (2017).
- ¹⁴ Garrett & Stoughton, *supra* note 13, at 258 – 263.
- ¹⁵ Baltimore Police, Policy 1115: Use of Force, at 7 (2019); Baltimore Police, Policy 1107: De-Escalation, at 4 (2019).
- ¹⁶ Baltimore Police, Policy 1115: Use of Force at 7 (2019).
- ¹⁷ Garrett & Stoughton, *supra* note 13, at 253.
- ¹⁸ Garrett & Stoughton, *supra* note 13, at 256, 257.
- ¹⁹ Garrett & Stoughton, *supra* note 13, at 265.
- ²⁰ The language in this section is largely based on Baltimore Police, Policy 1107: De-Escalation, at 5 (2019).
- ²¹ The language in this section is largely based on Baltimore Police, Policy 1107: De-Escalation, at 6 (2019).
- ²² NATIONAL CONSENSUS, *supra* note 2, at 2. While no uniform definition of de-escalation exists, authorities have cited the definition used by the National Consensus Policy and Discussion Paper on the Use of Force (a collaborative effort among 11 law enforcement leadership and labor organizations in the United States), which was originally published in October 2017 and revised in July 2020.
- ²³ Robin S. Engel et al, *Assessing the impact of de-escalation training on police behavior: Reducing police use of force in the Louisville, KY Metro Police Department*, 21 CRIMINOLOGY & PUBLIC POLICY 199, 200 (2022).
- ²⁴ See Police Executive Research Forum, CRITICAL ISSUES IN POLICING SERIES: AN INTEGRATED APPROACH TO DE-ESCALATION AND MINIMIZING USE OF FORCE iii-iv (2012), *available at* https://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf.
- ²⁵ See, e.g., International Association of Chiefs of Police & Center for Police Research & Policy, DE-ESCALATION: GUIDELINES FOR HOW TO BEGIN EVALUATING YOUR AGENCY’S DE-ESCALATION PRACTICES 11 (2020), *available at* <https://www.theiacp.org/sites/default/files/Research%20Center/Combined%20v3.pdf> (“However, while de-escalation is incredibly important in the context of mental health disorders crises, de-escalation is also applicable to a wider variety of contexts.”); Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 40, 54, 56 (Guiding Principle Nos. 4, 17, 18).
- ²⁶ See, e.g., Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 40; International Association of Chiefs of Police & Center for Police Research & Policy, DE-ESCALATION GUIDELINES, *supra* note

25, at 1; *see, e.g.* Aurora Police Dept. Directives Manual §5.03; District of Columbia Metropolitan Police Dept. General Order § IV(A); New Orleans Police Dept. Operations Manual § 1.3(3); Omaha Police Dept. Policies and Procedures Manual § II(A); Phoenix Police Dept. Operations Orders §§ 4I(1), 4H(1); Portland Police Dept. Directives Manual § 1010.00.1; Sacramento Police Dept. General Orders § 580.02;); San Francisco Police Dept. General Order §§ 5.01; (I)(C), (III)(C); Santa Monica Police Department Policy Manual Force De-Escalation; Seattle Police Dept. Manual § 8.100; Virginia Beach Police Dept. General Order §5.01

²⁷ Engel et al, *supra* note 23, at 199-233; *see also* International Association of Chiefs of Police, University of Cincinnati, and Center for Police Research and Policy, EXAMINING THE IMPACT OF INTEGRATING COMMUNICATIONS, ASSESSMENT, AND TACTICS (ICAT) DE-ESCALATION TRAINING FOR THE LOUISVILLE METRO POLICE DEPARTMENT: INITIAL FINDINGS 80 (updated Oct. 30, 2020), *available at* https://www.theiacp.org/sites/default/files/Research%20Center/LMPD_ICAT%20Evaluation%20Initial%20Findings%20Report_FINAL%2009212020.pdf.

²⁸ Lee, *supra* note 10, at 669.

²⁹ Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 40 (“Agencies should adopt General Orders and/or policy statements making it clear that de-escalation is the *preferred, tactically sound* approach in many critical incidents.”) (emphasis added).

³⁰ Baltimore Police, Policy 1115: Use of Force, at 6 (2019).

³¹ Baltimore Police, Policy 1107: De-Escalation, at 4 (2019).

³² Baltimore Police, Policy 1107: De-Escalation, at 5 (2019); Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 57 (“Officers must be trained in how to recognize people with mental health issues and deal with them in a safe and humane manner.”).

³³ Baltimore Police, Policy 1115: Use of Force, at 7 (2019); Baltimore Police, Policy 1107: De-Escalation, at 5 (2019); Santa Monica Police Dep’t, Policy Manual, Policy 300, at 300.4.1 (2020).

³⁴ Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 54 (“Agencies should train their officers on a comprehensive program of de-escalation strategies and tactics designed to defuse tense encounters.”).

³⁵ *We asked 155 police departments about their racial bias training. Here's what they told us*, CBS News, Aug. 7, 2019, <https://www.cbsnews.com/news/racial-bias-training-de-escalation-training-policing-in-america/>.

³⁶ *Id.*

³⁷ *Id.*; *see also* Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 9 (2016) (“[W]hile agencies spend a median of 58 hours of recruit training on firearms and another 49 hours on defensive tactics (much if it state-mandated, they spend only about 8 hours of recruit training on topics of de-escalation, crisis intervention, and Electronic Control Weapons A similar imbalance was noted with in-service training.”).

³⁸ Santa Monica Police Dep’t, Policy Manual, Policy 300, at 300.19 (2020); Baltimore Police, Policy 1107: De-Escalation, at 6 (2019).

³⁹ Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 21.

⁴⁰ *Cf.* Police Executive Research Forum, GUIDING PRINCIPLES, *supra* note 5, at 52 (“The content of police training and the training academy culture should reflect the core values, attributes, and skills that the agency wants its personnel to exhibit in their work in the community.”).

⁴¹ Selected policies include:

- Lexipol National Use of Force Policy
- International Association of Chiefs of Police National Consensus Policy on Use of Force
- Campaign Zero Model Use of Force Policy
- Minnesota Use of Force and Deadly Force Model Policy
- New York Use of Force Model Policy
- Texas Police Chiefs Association Use of Force Model Policy
- New Jersey Office of the Attorney General Use of Force Policy
- Santa Monica Use of Force Policy
- Police Executive Research Forum Guiding Principles on Use of Force
- NYU Policing Project Police Use of Force Policy Guidelines