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## De-escalation: A Necessity for the Survival of Law Enforcement

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**De-escalation: A Necessity for the Survival of Law Enforcement**

by

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### **Abstract**

The topic of de-escalation has gained a great deal of attention in recent years due to a high number of high-profile tragic events that involved great bodily harm or the use of deadly force. De-escalation tactics are nonphysical skills used to prevent a potentially dangerous situation from escalating into a physical confrontation. There is no shortage of news stories highlighting the conflict between law enforcement officers, law enforcement agencies, and the general public. Many times, conflict can be eliminated or reduced by breaking down barriers that may exist between law enforcement agencies and the communities they serve. Many agencies have community outreach programs designed to involve diverse members of the community to act as a conduit to a better law enforcement/community relationship. Today's law enforcement officer has to be functioning at a high level at all times while making sound ethical decisions. Society expects officers to enforce laws in an attempt to keep order and discipline, while at the same time being morally sensible with strong values. By having sound code of conduct policies and handling ethics complaints appropriately, agencies will build trust externally as well as within their agencies. Critical incidents in law enforcement that receive widespread attention have a way of impacting how peace officers perform their official duties. In an attempt to influence peace officer's conduct, behaviors, or actions, federal laws provide guidance and state statutes are often amended or created to facilitate compliance and promote de-escalation. This paper will attempt to examine the topic of de-escalation in its many forms as it relates to the law enforcement profession.

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## **Chapter 1: Introduction and Background**

The topic of de-escalation has gained a great deal of attention in recent years due to a high number of high-profile tragic events that involved great bodily harm or the use of deadly force. De-escalation tactics are nonphysical skills used to prevent a potentially dangerous situation from escalating into a physical confrontation. Professional peace officers handle millions of calls for service successfully every day, by utilizing valuable de-escalation tactics and skills that benefit the officer, the subject, and society. By training, exposure to, and participation in active de-escalation, many officers, agencies, and citizens are benefiting from the tactic. The law enforcement profession and individual officers have often been judged on the very last call handled which received widespread attention. Harsh judgement from society may be cast regardless of the officer's, or department's, entire body of work. Many believe that de-escalation is the responsibility of the officer, as well as the other involved person. Additionally, a peace officer's role is ever evolving to meet the rapid rise of calls for service involving mentally ill subjects.

There are no shortage of news stories highlighting the conflict between law enforcement officers, law enforcement agencies, and the general public. Conflict can be eliminated or reduced by breaking down barriers that may exist between law enforcement agencies and the communities they serve. Those barriers to communication and conflict resolution may exist in the area of community inclusion, community involvement, and community investment which can lead to dramatically reducing tension or conflict. Many agencies have community outreach programs designed to involve diverse members of the community to act as a conduit to a better law enforcement/community relationship. Best practices have been identified that can promote

agency success which can help reduce conflict between communities and the law enforcement agencies who serve them which can act as a form of de-escalation.

Today's law enforcement officer has to be functioning at a high level at all times while making sound ethical decisions each and every time. It truly is a profession that is continuously attempting to operate between the two worlds of doing too much and too little. Society expects officers to enforce laws in an attempt to keep order and discipline while at the same time being morally sensible with strong values. In a profession that is authorized to use force while performing essential functions, there is often debate on the use of force and the topic of de-escalation. By having sound code of conduct policies and handling ethics complaints appropriately, agencies will build trust externally as well as within their agencies.

Critical incidents in law enforcement that receive widespread attention have a way of impacting the way peace officers perform their official duties. Tragic incidents involving force that led to a death or great bodily harm has forced law enforcement professionals to examine their conduct or best practices. In an attempt to influence peace officers conduct, behaviors, or actions, federal laws provide guidance and state statutes are often amended or created to facilitate compliance. In addition to changes in laws or statutes, critical incidents have also led to certain types of mandated training; the requirements or thresholds officers must meet while involved in certain circumstances may also change. It is clear legislators and society is demanding that peace officers attempt to use sound de-escalation tactics when safe and feasible while handling calls for service.

## **Statement of the Problem**

The importance of the topic of de-escalation in its many forms related to law enforcement cannot be overstated. For many years, some in the general public have viewed peace officers as heavy-handed individuals who are unreasonable and lack empathy. By attempting to use de-escalation tactics, when a viable option, peace officers may significantly reduce the need for the use of force, which may benefit all of those involved. Use of force events where officers had the opportunity to de-escalate dynamic encounters have led to widespread distrust between peace officers and the communities they serve. There needs to be a concentrated effort where the focus on de-escalation is paramount, the very fabric of our society may depend on it.

Due to a historical lack of connecting with communities as a form of de-escalation, many law enforcement agencies are looking for creative opportunities to foster relationships with community members. Rather than waiting for a conflict to arise, agencies create numerous programs that help to reduce tension and facilitate open lines of communication and trust. By engaging in positive interactions with community members in settings outside of traditional police contact, agencies are participating in a different form of de-escalation.

There have been numerous accounts of peace officers behaving poorly both on and off duty. While holding a position of such authority, it is paramount to make sound moral judgments, place a high value on what is right, and commit to doing what is right at all times. Unfortunately, there are accounts where unethical events have taken place where law enforcement codes of conduct policies were not followed or investigated appropriately. Failure to do so can be disastrous to the agency, officers, and the profession as a whole. Additionally, critical incidents have a way of impacting the way peace officers perform their official duties. Tragic incidents involving the use of force that have led to a death or great bodily harm has



forced law enforcement professionals to examine their conduct or best practices and legal and legislative changes have occurred in an attempt to influence officer conduct.

### **Conclusion**

The use of sound de-escalation tactics by peace officers is a valuable tool to peacefully resolving calls for service, which are often dynamic. Often, peace officers and the communities they serve are at odds with others due to perceived elevated levels of use of force encounters. By embracing de-escalation tactics in their many forms, peace officers and law enforcement agencies can connect with their communities on numerous levels to build relationships and strengthen community bonds. By performing their duties ethically, law enforcement officers will earn the trust of the citizens they serve which can act as a form of de-escalation. When poor conduct is observed, known, or reported, it is paramount for law enforcement agencies to investigate the matter appropriately as not to erode the public trust. Critical events involving the use of force where great bodily harm or death has occurred, there have often been legal or legislative actions that have taken place in an attempt to influence officer conduct or further promote de-escalation.

## **Chapter 2: Review of the Literature**

### **An Examination of De-escalation**

Police Officers, or the profession in general, are often judged by how their last critical incident was handled (Force Science Institute, 2019). Many in the general public feel that peace officers are heavy-handed, use excessive force as a rule, or attempt to use force as the primary method to resolve a call for service. Many citizens fail to realize that the use of force, especially the use of deadly force does not always mean that the use of force was excessive. Peace officers are trained to use the amount of force necessary to control a situation as to preserve life and maintain the safety of other officers as well as innocent bystanders. The use of deadly force by a peace officer while handling a call for service is rare.

De-escalation tactics are nonphysical skills used to prevent a potentially dangerous situation from escalating into a physical confrontation or injury. De-escalation may be an officer's first attempt at resolving a call for service if it is a viable option and appropriate for the encounter. The use of de-escalation tactics among the police profession has gained a great deal of traction in recent years as if it was not already a resource widely used every day in law enforcement. Officers do and should attempt to use proven de-escalation tactics and strategies when appropriate, but not at the risk of harm to officers or innocent bystanders.

In recent years the police profession has been negatively criticized, often without merit, in recent years for the use of force encounters that ended in great bodily harm or death. Much of the criticism may be unwarranted; some research suggests that blame can be placed both on the responding officer as well as the other involved parties. Another point of confusion attends the very concept of what "deadly force" means. After an officer-involved shooting, citizens and media pundits often express an outraged sense of puzzlement that goes something like this: "All

right, I understand that if an officer's life is truly threatened, he has to defend himself, but did it really take all those bullets? (Miller, 2015). Many who are not familiar with deadly use of force encounters fail to realize that the average police officer, during a stressful encounter, will miss the intended target as much as hitting the intended target. There are many factors or variables to consider during a deadly force encounter including accuracy, the caliber of the weapon, tactical proficiency, and many factors related to the other involved party.

Police response to calls for service involving a mental health component is on the rise, and the police professional's role is ever evolving to meet the needs of the mentally ill. Today's peace officer has taken on new roles when it comes to handling calls for service involving individuals who may have a mental illness. Individuals that were once treated in facilities by those with advanced degrees and a greater understanding of how to deal with a mental illness now have regular encounters with peace officers, with often unfortunate outcomes.

### **De-escalation Tactics and Best Practices**

It is evident that numerous high-profile tragic use of force encounters involving peace officers and members of the public have strained police-community relationships. In communities where these relationships were already fragile, these tragic events have put both law enforcement and the public on notice to the fact that more needs to be done to foster better working relationships. Additionally, it is paramount that both sides make realistic, genuine attempts to restore public trust in those communities that have been impacted. The division between law enforcement officers and members of the public seems to be usually surrounding use of force encounters, especially when the involved individual was not armed.

It is the police response to these types of circumstances has 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 have sparked outrage, concern and has forced law enforcement to critically reflect on how they respond to certain police calls for service. In these types of incidents, officers should be trained in a broader array of options, including opportunities to “slow the situation down” in order to avoid the need for use of force. 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. This fact may be 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 (PERF, 2016).

De-escalation tactics and techniques are actions used by officers, when safe and feasible that attempt to stabilize an incident and attempt to reduce the need for the use of force. The term de-escalation refers to a wide range of strategies and tactics used by peace officers to lower a dynamic situations intensity. The goal of de-escalation is to reduce the necessity of force or to decrease the level of force required to resolve a potentially volatile situation.

Responding peace officers should as soon as possible conduct a threat assessment of the event so as not to promote an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy. This step is the starting point for the responding officers by collecting information from dispatchers and intelligence should be an ongoing process as the nature of police calls for service are often dynamic. This process involves the digestion of information from the time an officer receives a call, resolving the call, completing all required documentation, and debriefing in an attempt to identify any lessons that can be applied to future situations. Additionally, officers should be aware that they may be held

responsible under the premise of state-created danger. State-created danger is a legal doctrine where officers can be held liable for injuries or deaths that occur because of a danger that the officer or officers created. If the responding officers did something or failed to do something they knew would increase the likelihood of injury to the other involved party they can be held responsible for the harm that was created (Daigle, 2018).

Officers who are responding to a call for service which can be dynamic in nature, should be asking themselves numerous questions that may help them resolve the call by to determining if de-escalation is a viable option. Some of the critical questions officers ought to be asking themselves are: “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 does my training and experience tell me about this type of incident? Responding officers should also attempt to seek out information from others, including dispatchers, supervisors, other officers, as well as agency computer networks that may contain valuable information related to the person/persons, the address, or previous calls for service. This process most often begins while the officer is responding to the call.

Further questions officers should be asking themselves or others may include: Who called the police, and what prompted the call? Who is at the location who may be able to provide live updates? What prior information do we have about involved parties? What is the physical environment at the call that may provide valuable response insight? Are there weapons at the scene? Are there issues of mental illness or substance abuse involved? By asking these crucial questions, officers will have a better idea of the nature of the call, response needs, and the possible pooling of additional resources. While many of the questions that should be asked may be done by dispatchers or call takers, officers should be asking themselves what legal authority

they may have related to the call for service. Responding officers need to consider if the matter is police-related that has statutory considerations, if it is a civil matter, and what department considerations may be involved. It is also paramount that officers pay close attention to department policies related to handling certain calls for service, relevant state statutes, constitutional considerations, use-of-force policies, as well as agency de-escalation expectations.

Using communication intended to gain voluntary compliance should be the goal. This voluntary compliance may be obtained by verbal persuasion and giving clear instructions. Individuals cannot be expected to comply with officers if they are being bombarded by numerous officers giving conflicting commands. Warnings given as a threat of force against an individual are not considered part of de-escalation and should be avoided. Using verbal techniques, such as listening, explaining why officers are there and what they want to accomplish, is an important part of de-escalation (Dayley, 2019). Treating an individual with as much equity and dignity to calm an agitated subject and promote rational decision-making will promote de-escalation. Responding officers should avoid using language that is insulting and taunting in nature, which could lead to escalating the situation.

Another important factor to consider when using de-escalation as a tactic would be to rely on an officer's emotional intelligence traits. Those traits are self-awareness, self-regulation, social skills, empathy, and motivation (Goleman, 2010). Goleman indicated that self-awareness is the ability to know one's strengths and weaknesses, drives, values, and goals and recognize their impact on others. Goleman further explains that self-regulation involves the controlling or redirecting of disruptive emotions/impulses and adapting to changing circumstances. Officers who successfully manage their emotions to get along with others using social skills will better be able to use de-escalation as a viable tactic. Peace officers must also be able to show empathy,

which is the ability to consider other people's feelings, especially when making decisions if they are genuinely attempting to use de-escalation. Additionally, peace officers must be aware of what motivates them at all time while handling a call for service and adjusting themselves if necessary.

By deploying sound de-escalation strategies, an officer can improve their ability to manage people or a situation that helps establish contact, build rapport, positively influence an individual, to peacefully achieve a resolution to the call for service. The traditional police training model that equated resistance with intentional defiance which led to an increased use of force is outdated and can be detrimental to the individual officer and the profession in general. De-escalation should be attempted when feasible but not at the risk of foregoing officer safety. De-escalation helps officers stay focused and calm during a dynamic situation to bring chaotic moments to as peaceful a resolution as the suspect will afford. Do not risk officers' safety or the subject by not attempting de-escalation when the option exists (Daigle, 2018).

According to Daigle, who cites case law from *Roell v. Hamilton* (6<sup>th</sup> Circ, 2017) "No caselaw prohibits officers from using any physical force against a person before first attempting alternative de-escalation techniques" (Daigle, 2018). With that being said, by attempting to use de-escalation tactics, the officer genuinely seeks to gain voluntary compliance during a call for service using several proven techniques. When safe and feasible under the totality of the circumstances, officers should attempt to slow down or stabilize a situation so that more time, options, and resources are available for incident resolution. Time and distance are proven strategies that aid the officer as well as the involved party during a dynamic event. Additionally, when there are more officers on scene to assist, it is more likely that less force will be used due to the ability to physically control the involved party by using less force.

Common de-escalation tactics used are the communication techniques that attempt to reduce barriers to communication and to further advance communication as the primary problem solver. As soon as possible, officers should try to determine whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to, medical conditions, mental impairment, or physical limitations (Force Science Institute, 2019). It is paramount for responding officers to determine if the individual can comply with lawful commands or even possess the ability to communicate. If an individual is simply not responding to officers, it does not immediately mean that force should or can be applied. There are many individuals in society that may not have the ability to hear or have an injury that may contribute to their inability to respond to officers. Additionally, individuals that may be going through a mental health crisis may have lost the ability to communicate with officers during their time of crisis.

Peace officers must also be aware that physical non-compliance does not automatically mean resistance. While taking in the totality of the circumstances, officers should attempt to determine if an individual has physical limitations that may be limiting their ability to comply. Physical limitations could be the inability to speak, hear, walk, or even move their limbs. Awareness by the individual officer or others on scene may help to eliminate confusion that may lead to unnecessary force being applied.

Additionally, responding officers should attempt to determine if an individual has developmental disabilities, a possible language barrier, drug or alcohol use that may limit their ability to comply or communicate, or a possible behavior crisis involving fear or anxiety. Some developmental disabilities may be obvious, but others may not be. Officers should attempt to gather information about the situation. Attempting to reduce the desire to resolve the situation as



fast as possible is also a valuable technique in de-escalation. Responding officers should attempt to use distance and effective cover when necessary to slow down an event, promote officer safety, and to foster the ability to use de-escalation if possible.

### **Perceived Versus Actual Use of Force**

According to The Force Science Institute, deadly force is used in 0.00003% in reported police calls for service (Force Science Institute, 2019). Deadly force encounters with police officers are rare events and represents only a fraction of police use of force incidents, which are themselves only a minor fraction of police interactions with citizens. Much has been said, presented, and written on de-escalation and some research suggests that the actual use of force is significantly lower than the perceived use of force by the general public. Research into the use of force by The Force Science Institute reported that research has shown that any use of force at all during police interactions with the public during a call for service was at 0.30%, well below what some have led others to believe (Force Science Institute, 2019). Peace officers do use force to control an event or to affect a lawful arrest. Although force is used, it is used well below the level that some perceive it as being used. Research presented by the Force Science Institute indicated that when peace officers had to use force during any arrest, it was used in only 1.50% of those arrests (Force Science Institute, 2019).

The use of any kind of physical force is by far the exception in most police–citizen interactions, and deadly force encounters are rarer still. Police officers use deadly force when they believe they have no choice in order to protect human life, their own or that of other citizens. Any force, however mild or severe that goes beyond the level necessary to preserve life, prevent injury, or safely control the scene constitutes excessive force (Miller, 2015). Miller also suggests that deadly force encounters represent a small subset of police use of force incidents,

which are themselves only a minor fraction of police interactions with citizens. Many believe that peace officers use excessive force, which can lead to deadly force, but the research does not seem to back up that perception and there is substantial research that indicates that the average annual rate of deadly force used by peace officers is about 360 cases per year. Keeping in mind that those tragic events are spread over millions of police calls for service handled annually.

Another possible way to look at the matter would be to look at how peace officers themselves are treated when dealing with the general public during a police officer call for service. There is no doubt that being a peace officer can be a hazardous occupation. Peace officers in the United States reportedly suffer over 60 thousand reported cases of citizen assaults each year, approximately 11 thousand of those assaults involve the use of a lethal weapon (Miller, 2015). Additionally, up to 80% of officers are assaulted in the line of duty. Over the course of their career, officers will be the victim of an assault roughly seven times if the statistics hold true. According to research analyzed by Miller in an article titled *Why cops kill: The psychology of police deadly force encounters* FBI data was collected which revealed that approximately 85% of officers killed in the line of duty never discharged their service weapons (2015).

Unfortunately, there are calls for service that tragically end in death or great bodily harm to either the peace officer or another individual involved during a call for service. Minnesota State Statute 609.066 defines the authorized use of deadly force by peace officers. Peace officers in Minnesota are required to know that intentionally discharging a firearm at another person, or a vehicle, does create a substantial risk of causing death or great bodily harm and does constitute the use of deadly force (Sec. 609.066 MN Statutes). Fortunately, the use of deadly force is rare when it is compared to all interactions between peace officers and the public they encounter. In

2019 The Star Tribune indicated that there were fourteen deadly force police encounters in 2019 (Hargarten, J., Bjorhus, J., Webster, M., & Smith, K. 2019, April 18). Although that number is tragic and seems like a high number to many, in Anoka County, a county in the Minneapolis metropolitan area, there were roughly 330,000 calls for service in 2019 (Anoka County Sheriff's Office, 2019). One could argue that peace officers are routinely using proven de-escalation tactics and skills to handle the vast majority of calls for service where force is never or rarely used, especially the use of deadly force, which only occurred in one incident in Anoka County in 2019.

### **Who is Responsible for De-escalation**

If one solely rely on mainstream media and social media reports a very unfair and uneducated view would be absorbed and presented as the truth. With few exceptions, law enforcement professionals receive exemplary training in legal matters, uses of force, communication techniques including de-escalation and decision making, and tactical skills associated with the profession (Newman, 2017). There is no doubt that some high-profile tragic events have occurred in recent years that have cast officers and the profession in a bad light, but some believe that the general public must share some of the blame.

There appears to be a pattern that emerges when officers interacted with a member of the general public that ends in great bodily harm or death. During the call for service, there is an exchange of dialogue between the officer and the individual where one of the parties does or says something that triggers a negative response by the other (Miller, 2015). The citizen may feel that they are being unfairly targeted, and the officer is abusing their power and the officer may feel that the citizen is non-compliant and guilty of contempt of cop. Contempt of cop is a feeling or emotion where the officer perceives that they are being disrespected as well as not having their

authority recognized. Contempt of cop is not an actual offense that exists as a law or statute. When both involved parties let emotions, possible peer pressure, better judgement, or other external factors get in the way there is no way that they will be able to effectively resolve the matter and de-escalation has lost its foothold.

What many citizens fail to realize is that state statutes or federal laws require civilians to follow a legitimate lawful command from a peace officer. Failure to obey a lawful command by a licensed peace officer engaged in their official duties can end in numerous ways. An offender may be cited then released, cited, and transported to a detention facility for a book and release, or held for a criminal complaint depending on the severity of the incident. Officers come to expect this compliance from the public, and most citizens are reasonably respectful or at least have learned to avoid confrontations by complying with what appears to be a lawful command when dealing with a peace officer. If an individual does comply with a peace officer's lawful commands, then that individual has taken steps to de-escalate the situation. With that being said, when compliance is gained, it is the officers' responsibility to keep the event from escalating by continuing to use proven de-escalation techniques.

There appears to be a belief by many that peace officers single out individuals based on their race and many in the black community reportedly feel targeted. It is widely believed by many that officers are quick to use force, and therefore do not attempt to use de-escalation as a way to resolve differences. Miller suggest that there are factors that can shed light on the disconnect between peace officers and minority populations where de-escalation may not be applied. The following factors were identified as: (1) higher likelihood of violent criminal conduct by community members, especially young males; (2) lower level of overall community cooperation with law enforcement; (3) greater likelihood of residents to be armed with a firearm;

(4) high population urban area with low socioeconomic status of the community; and (5) the perception by community members that the police are already biased and invested in the continued repression and subordination of residents, creating a vicious cycle of hostility and recrimination (Miller, 2015). One thing appears certain, peace officers who work in communities with a minority population which does not trust that their police force is in place to protect and serve them, violent confrontations will continue, with each side condemning the other for not de-escalating the situation. Public trust should be established and both sides must commit to using valuable de-escalation communication tactics to foster a better working relationship.

In a recent editorial it was stated that “A simple rule to live or die by - Literally every so-called "controversial," high-profile officer-involved death case bears example of this one simple fact. People who do not make stupid life decisions; are compliant with police when contacted; and who do not resist detention or arrest; almost never have problems with police; or end up hospitalized or in a morgue. It's just that simple” (Martinelli 2016, para.13). In addition to a backlash against the police for high profile tragic events, there has been some backlash against the media, activist groups, and segments of society that solely blame the police for these events. Many believe that there is much blame to go around and that all involved parties should share in it. Those who argue the suspect has an obligation to comply with lawful commands blame the suspect and those that blame the police argue that the police are here to protect and serve and de-escalation is the sole responsibility of the officer.

The author of the editorial, *It's Citizens, Not Police Who Need De-Escalation Training* further states, “There is never an apology or even a concession to police that the media, race-baiters, or the Black Lives Matter surrogates were wrong. That is not the way the "New America" works these days. No, today it is all about #journalism instead of vetted, investigative

reporting. It is all about assigning blame rather than accepting responsibility for a wrongdoing. That is the do-nothing, bring nothing to the table, cowardly society police are forced to work with. It is far easier to yell, scream and criticize the brave men and women of law enforcement than to put on a badge and police their own troubled, violent communities. That seems to be beneath them” (Martinelli, 2016, para. 20).

It is clear there is much work, partnership, and communication that needs to take place before trust and peace will reign over tension and skepticism. Often it does appear that each side has valid points to their argument but may have biases that get in the way of critical thinking and are barriers to the communication that needs to take place. Progress will be limited if passionate, or unreasonable stubborn stances are taken on who may be responsible for de-escalation.

### **De-Escalation and Mental Health**

Beginning in the early 1970’s, criminal defendants who suffered from mental illness were becoming a problem for law enforcement, courts, local jails, and prisons. The root of the problem was due to the fact that many mentally ill individuals were being released in large numbers from mental health institutions. The desire to release individuals who often suffered from mental illnesses were directly related to the treatment, or lack of, they were receiving in many of the institutions they were held in. The movement to challenge traditional practices related to dealing with the mentally ill in the criminal justice system stemmed from the civil rights movement in the 1960’s, which challenged many institutional practices. News stories and exposés emerged that exposed the treatment and living conditions many patients were subjected to. As a result of the often-warranted negative attention received, numerous laws were changed based on the changing views and attitudes toward mentally ill individuals coupled with an

emphasis on civil rights. With this change it became increasingly difficult to place individuals who were suffering a mental illness in an institution and extremely challenging to keep them there for an extended period of time (Stojkovic et al., 2015, p. 413). This shift created a system that was not ready to deal with mentally ill individuals in a law enforcement setting in general and police officers specifically.

Police officers are responding to a more significant number of calls for service each year that have a mental health component. Author and attorney Eric Daigle, who is heavily involved in the field of de-escalation, states that “each year, 2 million jail bookings involve a person with mental illness. Approximately 15% of men and 30% of women in local jails have a serious mental illness. 1 in 4 people killed in officer-involved shootings has a serious mental illness. These numbers just begin to show some of the relationships—and consequences—of a sad truth: With our failing mental health system so inadequate, law enforcement agencies have increasingly become de facto first responders to people experiencing mental health crisis” (Daigle, 2018 p. 6).

What used to be the sole responsibility of families, mental health professionals, has become a primary function of the responding police professional. Police calls for service involving a mental health component is on the rise and has obviously challenged today’s law enforcement officers. Officers are under a tremendous amount of scrutiny. The workloads have increased, and the profession has become more complex as there appears to be a correlation caused by the failures of other social service systems, including mental health care, education and public health.

The peace officer is being asked to perform many functions that used to be handled by an individual with much more training, and in many cases an advanced degree in the mental health

field. A major shift in the training police officers receive revolves around handling calls for service involving individuals where mental health component is involved. A study conducted in 2016 revealed that approximately seven percent of all police calls involve persons with mental illness (Mulay & Vayshenker, 2016). Since a high number of calls for service involve some form of mental health component, many agencies are engaging in thoughtful, informative, and scenario-based training that help resolve matters in a more peaceful manner. According to a study conducted in 2010, in Canada, 7%-30% of calls for police service involve a person with a mental illness, often experiencing a crisis (Coleman & Cotton, 2010).

In 2015, the Police Executive Research Forum (PERF) surveyed 280 law enforcement agencies to determine the number of training hours recruit academies assigned to use of force topics versus de-escalation topics. The results of the PERF survey found that for every one hour of training devoted to studying de-escalation techniques, there were eight hours of training dedicated to learning about using some type of force (Dayley, 2019). Agencies that continue to train or educate by utilizing an overabundance of use of force training and less de-escalation may be setting themselves up for failure. De-escalation training is a must, and in some states mandated by state statute. A significant amount of time should be dedicated to de-escalation training since most calls are handled without any use of force at all.

Law enforcement is a dynamic and ever-evolving profession that is often swayed by emotions, politics, and social pressures. Today's law enforcement agencies must adapt to an ever-changing landscape and major shortcomings have been identified in the training that most officers currently receive. The research conducted by PERF through a nationwide survey of its 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 (PERF, 2016).

The over reliance on the mechanical application of law enforcement tactics has forced the profession to reevaluate its response to calls for service. In recent years there has been a shift to balance the type of training that officers receive that involve de-escalation best practices and tactics. Officers must be able to quickly evaluate an event while considering the totality of the circumstances and attempt to de-escalate the event by proven sound strategies.

Since the police profession has been often tasked with a larger role in dealing with the mentally ill, training in de-escalation is a valid approach that can aid in a peaceful resolution of a police officer call for service. The Canadian Association of Chiefs of Police outlined, during a study, a proactive police approach to interactions with people with mental illness and with the mental health system and identifies general principles that can be applied by any police organization regardless of size or geographical/demographic factors (Coleman & Cotton, 2010).

Some common assumptions regarding the mentally ill have been identified as helpless, non-violent, law-abiding, compliant, a victim, and undeserving of a use of force response (The Force Science Institute, 2019). The training used by officers to better facilitate a peaceful, non-physical resolution with a mentally ill person includes but are not limited to understanding potential barriers, medical/physical barriers, drug/alcohol use, risk assessment, stabilization, time and distance, understanding behaviors, officer EQ and officer persuasion (The Force Science Institute, 2019).

By attempting to deploy these tactics, which does take time and training, officers will be able to more appropriately deal with a subject who may be mentally ill, if de-escalation was ever a viable option to begin with. De-escalation does not take precedence over officer safety. Realistic scenario-based training is reportedly very beneficial to officers to increase their ability to de-escalate an event they have responded to. According to research conducted in 2015 titled, *How to improve interactions between police and the mentally ill* in *Frontiers in Psychiatry*, revealed that there were key findings that showed that officers received benefits of training utilizing realistic “hands-on” scenarios, which focus primarily on verbal and non-verbal communication, had a beneficial effect on increasing empathy, and de-escalation strategies (Krameddine & Silverstone, 2015). Agencies that have a clear vision, a model policy, partnerships with mental health professionals, and a continued investment in training will be more equipped to respond to calls for service with a mental health component.

### **Administrative Application of De-escalation**

When is it not on the news? A daily view or the reading of the news is often filled with news coverage of law enforcement conflicts with the communities they serve where communication and cooperation could have possibly prevented the tension. “2 Chicago Police Officers Fired Over Chase That Ended with Teenager’s Killing” (Taylor, 2020), “South Bend Officer Will Not Be Charged in Shooting Death of Black Resident”, (Gross, 2020), “Police Officer Charged With Murder in Killing of Handcuffed Suspect in Maryland”, (Vigdor et al., 2020). When reading headlines where tragedy or further police/community tension was the end result, what appears obvious is the fact that sound de-escalation tactics were not initiated or applied. An important part of reducing tragic outcomes and easing tension may rely on relationship building with community members who may have diverse backgrounds, which

could rightly be considered a form of de-escalation as it relates to the handling of police calls for service. Additionally, best practices exist that guide individual officers and agencies so they can better serve the communities in which they provide services for.

### **De-escalation and Relationship Building**

Common sense dictates that it is much harder to treat individuals poorly when an established relationship or partnership already exists. Because of misunderstandings, existing tensions, mistrust, and the presence of wounds from past conflicts, there is a growing trend for law enforcement agencies to invest in their communities in creative and productive ways rather than just responding to police calls for service. All agency members can play a role in community engagement, but patrol officers have unique opportunities because of their high visibility and greater contact with the public (PERF, 2019). Patrol officers who traditionally are responsible for responding to calls for service are the face of the department and are often overlooked for the valuable connections they make within communities but are quick to be judged during a critical incident. Because of the patrol officer's dynamic role, it is crucial that they continue to invest in the community policing aspect of their position to reduce conflict. By doing so it may make their job, as well as their partner's jobs, much easier while dealing with community members during stressful events.

What needs to be understood by all officers who respond to calls for service is the fact that de-escalation is one tool among many that can be used to help maintain some semblance of order and peace in ever evolving, stressful, dynamic events. De-escalation should be thought of as an opportunity to build skills and further develop or enhance trust-based relationships. Peace officers who routinely respond to calls for service are fully aware of the value and importance of positive relationships and ought to be doing everything in their power to maintain them. By

practically applying sound de-escalation tactics like remaining calm, by taking a strong nonaggressive/defensive posture, by speaking slowly with an empathetic tone, and by using short and simple phrases officers will be better able to calm dynamic events and enhance trust within participants in the event. Additionally, officers should be respectful, patient, cool-headed, even tempered, to not take things personal, with the goal of keeping the focus on a peaceful resolution.

### **Community Engagement and De-escalation**

As a form of de-escalation, while attempting to break down barriers, many law enforcement agencies are looking for creative opportunities to foster relationships with community members. With different forms of outreach, many law enforcement agencies have reaped the benefits of investing in and relying on numerous diverse population groups within their communities to reduce conflict between law enforcement and the general public. Rather than waiting for a conflict to arise, agencies are creating numerous programs that help to reduce tension and facilitate open lines of communication and trust. By engaging in positive interactions with community members in settings outside of a traditional police contact, agencies are participating in a different form of de-escalation.

Adding to the confusion or tension between law enforcement and community members is the inundation of news stories involving immigrants, which has led to confusion and mistrust. In recent times law enforcement has been under the microscope for their involvement with these populations and are taking proactive steps to ease tensions. There are daily media reports about topics related to immigration, such as the influx of migrants arriving at the Southern border, the separation of children from their parents, deaths of immigrants in U.S. custody, and arrests of undocumented immigrants at sensitive locations such as courthouses (PERF, 2019). These types of stories have led to an increase in fear and distrust between immigrant populations and the

agencies that serve them. Agencies like the Madison, Wisconsin and Aurora, Colorado police departments, as well as many other agencies, are on the leading edge of law enforcement and community engagement and communication strategies as a way to reduce conflict. These proactive steps involve community outreach programs, enlisting community involvement and investment, have led to members of diverse populations entering the law enforcement profession. Ultimately, this strategy attempts to break down potential conflicts and cultural confusion before a crisis arises and is a valuable form of de-escalation.

A key component to establishing relationships within the community while practically applying sound de-escalation tactics is engagement. Absent any officer or bystander safety concerns, responding officers should immediately attempt to establish rapport. Upon arrival, officers should be mindful of their appearance or how they appear to those they encounter. Stepping out of a marked patrol vehicle with a hand placed on a holstered department-issued handgun while making demands is not a good way to start an interaction. Officers need to remember the basics of good communication skills while attempting to find common ground. Officers should attempt to introduce themselves, ask the other involved party who they are speaking with, and state the reason for the contact in a way that builds trust. 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 (PERF, 2016). Law enforcement agencies who actively participate in and require training on rapport building instead of just handling the call for service in a rapid manner will routinely be more successful during field encounters, which is a form of de-escalation.

Assistant Chief of Police John Patterson of the Madison, Wisconsin police department stated, "We take the stance that we cannot go at this policing thing by ourselves, we need

communities, relationships, their partnership, their trust, their help. That includes every resident in the community, whether they have immigration concerns or not” (WKOW, 2019). The Madison Police Department, along with numerous other agencies, are creating programs, policies, and procedures, and are collaborating with community members/community leaders to foster open lines of communication and operate in a transparent manner. Law enforcement agency leaders would be wise to follow the example of the Madison Wisconsin Police Department as they have recognized the value and the importance of community engagement, regardless of their status within the community, to help reduce conflict and help promote de-escalation.

### **Agency Best Practices and De-escalation**

To help guide and steer agencies to ensure they are doing everything in their power to serve their communities, the International Association of Chiefs of Police (IACP) has produced a detailed checklist of resources and strategies for agencies to use. The checklist helps agencies in conducting reviews of their current departmental policies, current activities, to determine if they align with practices that reflect the interests of the community and promote the values and ethics of the policing profession (IACP, 2019). By taking advantage of this valuable resource, law enforcement agencies are actively initiating proactive approaches to de-escalation. Highlights of the IACP resource consist of five different categories. Those categories are Community Policing, Bias-Free Policing, Use of Force, Leadership and Culture, and Recruitment and Hiring. Law enforcement agencies around the country currently have programs, model policies, and best practices which appear to be directly aligned with information provided by the IACP.

Under the Community Policing category, the IACP makes numerous sound suggestions for agencies to follow to ensure they are taking advantage of opportunities to be proactive in

enlisting the help of the community to help ease tensions and potentially de-escalate events before they occur. Agencies would be wise to create mission statements where community policing is a fundamental practice, an important part of the departmental planning practices, as well as a component to interdepartmental leadership growth or development. Additional guidance provided by the IACP checklist considerations as it relates to community policing also consists of, embracing procedural justice by providing the community opportunities to understand and share their perspective on policies and procedures as well as giving communities direct, ongoing opportunities to give feedback and respond to input (IACP, 2019). Agencies who subscribe to the guidance provided by the IACP will be taking decisive steps in their attempts to de-escalate by investing in the communities they serve.

In the Bias-Free Policing area of the IACP recommendations, the guidance provided rests on three pillars, fair and impartial treatment, compliance, and training. As a form of de-escalation, officers ought to be providing sound quality services to all community members regardless of differences they may have with the citizens they serve. Complying with biased-free policing is mandatory for officers who respond to calls for service and assisting officers ought to intervene if inappropriate biased incidents are observed. Agency personnel who witness or are aware of instances of biased policing shall report the incident to a supervisor (IACP, 2019). The failure to intervene during a biased policing event does not serve agencies, communities, and goes against all sound de-escalation tactics. Additionally, agencies should provide basic or initial training on biased-free policing as well as continued education or training on the subject. Agencies that fail to effectively train, monitor training outcomes, or fail to provide continuing education on the subject matter may set themselves up for failure, which can come in many forms.

There may be no other area in law enforcement that receives more attention as use of force related incidents. To aid agencies in the area of use of force, the IACP also has a category dedicated to and titled Use of Force. Part of the duties of a peace officer responding to calls for service may involve the use of force. Officers are permitted to use force only when reasonable and must be able to clearly articulate the need for the use of force to protect themselves or others from death or great bodily harm. Direction provided by the IACP recommends that agencies develop policies and training practices that focus on de-escalation and the application of force only when necessary, while maintaining the “objectively reasonable” standard set forth in *Graham v. Connor* (IACP, 2019). Additional direction and recommendations to aid agencies in their attempts to promote de-escalation, the IACP provides information on the use of electronic control weapons, officer-involved shootings, and use of force reporting. No other area in law enforcement receives the attention and criticism that the area of use of force does. By following best practices and guidance, agencies can promote the tactic of de-escalation or use of force reduction as a primary way to help resolve a call for service.

In the Leadership and Culture area, law enforcement agencies should prioritize diversity and create a culture of equity and inclusion by working to eliminate racial, ethnic, and gender bias in the workplace and ensure that field training incorporates core values and communicates them to new officers (IACP, 2019). By doing this routinely as a matter of dedicated genuine practice, individual officers and agencies can transform themselves and put bad past practices or bad acts in the past. Additional language and guidance to help promote de-escalation is also provided in the form of model policies on arrests, body worn cameras, retaliatory conduct, and standards of conduct. There may be no other area, besides use of force related conduct, that could further raise or sink a law enforcement agencies stock within the communities they serve



by allowing poor leadership and a toxic culture to exist. By taking the sound advice and guidance provided by the IACP, law enforcement agencies can make strides to promote de-escalation in an attempt to serve their communities better.

In the final category in the Checklist of Community Trust Policy Considerations for Law Enforcement Leaders, the area of Recruitment and Hiring highlights the importance of hiring qualifications, background investigations, diversity, recruitment efforts, as well as critical thinking and ethical decision-making skills. By subscribing to and following the advice of the model policies and support from the IACP, agencies will further their ability to promote de-escalation from the very beginning of an officer's career or even save themselves from hiring an undesirable candidate. Law enforcement agencies should consider establishing a system for tracking and reviewing incidents of risk to the agency and the involved employees. To this end, an Early Identification System (EIS) can be used as a means to identify and assess employee performance indicators that may be associated with potential risk and to intervene where appropriate (IACP, 2020) as well as information available to identifying and handling officers who may be involved in misconduct. Agencies with highly ethical hiring standards will be providing a valuable service to their citizens and this should rightly be considered a form of de-escalation.

### **Community Outreach and De-escalation**

The programs initiated by the Madison Police Department include Community Policing Teams, Neighborhood Officers, and Patrol Officer Liaisons, Community Outreach and Resource Education (CORE) Team, and The Law Enforcement and Leaders of Color Collaboration (PERF, 2019) are examples of guidance provided by the IACP. These programs are designed to connect with the communities they serve are developed to establish clear lines of

communication, build trust amongst groups, which will hopefully translate to a reduction in conflict which is a form of de-escalation. There are best practices or key components of these programs that will help them become established and more successful if followed. By getting creative with funding, enlisting the input from agency members, the community in general, the chances that a program will succeed will be greatly improved. A key component of the IACP guidance was allowing agency members the time to communicate and engage with community members to solve community problems, the Madison Police Department is obviously embracing that philosophy.

Best practices, not all-inclusive, have been identified as the following: Establishing dedicated units to focus solely on community policing engagement initiatives, especially within communities of color. The unit should be comprised of officers who are well-suited to work with immigrant and refugee communities. For example, select officers who reflect the diversity of the community (e.g., bilingual, first-generation Americans, and officers who are immigrants themselves) or officers who have a creative approach to community engagement (PERF, 2019). Additionally, other key components have been identified to help a program to succeed and reduce potential future conflict. In a 2019 PERF, Police Executive Research Forum, study revealed that agencies that can provide flexibility in scheduling, so patrol officers can attend community events. All police department members can have roles in community engagement, but patrol officers have unique opportunities because of their high visibility and greater contact with the public (PERF, 2019).

To reduce conflict and promote de-escalation, many agencies have recognized the value of promoting positive interactions between police officers, young people, and the general public outside of an interaction from a traffic stop or a call for service. Agencies have for many years

adopted programs as part of its overall community policing philosophy. The Aurora Colorado Police Department has created programs that encourage personal, one-on-one interactions with police can improve attitudes of youths towards police and vice-versa. By promoting positive interactions between police and youths outside of the criminal justice system, police agencies can build lasting relationships with youths and potentially reduce future criminal activity (PERF, 2019) which should rightfully be considered a form of de-escalation.

In Blaine, Minnesota, the Blaine Police Department, and the City of Blaine participates in many programs that help establish cooperation, fosters good working relationships within the community, which will hopefully translate to a reduction in possible conflict and distrust. Some of the events are the Blaine World Fest, Hero's and Helpers, Coffee with a Cop, Cone with a Cop, Bark in the Park, Citizens Academy, Safety Camp, School Safety Patrol, Senior Outreach, providing assistance to the homeless populations, and many other outreach programs or events (City of Blaine, 2020). Many members of the Blaine police department also participate in reading programs at local elementary schools, squad car and K-9 demonstrations for Park and Recreation programs, and even surprise visits to children's birthday parties. These types of programs and community interactions and involvement is beneficial in the reduction of conflict between the police department and the community and should serve as a form of de-escalation.

The programs mentioned and highlighted shows the dedication to truly serving the public outside of the traditional role of law enforcement. An agency that does not commit to this type of community involvement is setting themselves up for failure and will not reap the benefits of a strong law enforcement bond with the communities they serve. The Blaine Police Department mission statement sums up their dedication to the citizens of the City of Blaine, "*As proud members of our community, we, the members of the Blaine Police Department, strive to enhance*

*the quality of life in Blaine by serving with integrity, respect, and professionalism"*(Blaine Police Department, 2017).

### **Ethical Application of De-escalation**

Regardless of how law enforcement officers represent themselves and the profession, judgment is often cast by how the last critical incident that received widespread attention was handled. Professional peace officers handle millions of calls for service annually where the use of force is the exception, especially the use of deadly force which is extremely rare when compared to the number of calls for service that law enforcement officers have to respond to. By law, peace officers are authorized to use force when necessary, and when force is used it does not necessarily mean the amount of force that was applied was excessive. It is and always should be the goal of the police officer to attempt to use proven de-escalation tactics if at all possible.

There are many values, ethics, and ethical systems that apply to the law enforcement profession which aid officers in making sound ethical decisions which are directly related to the use of de-escalation. Creating a sound code of conduct policies and demanding strict adherence to ethical conduct is a primary responsibility, or duty, of every criminal justice system leader. Additionally, criminal justice leaders have a responsibility to investigate all reported ethical violations complaints thoroughly, with vigor, and in such a way as to not further erode the public trust. As a leader in a criminal justice agency, actions and steps would be taken to ensure that officers are trained in de-escalation, comprehensive code of conduct policies would be created, there would be demanded adherence to ethical practices, and all ethical violations would be investigated thoroughly.

Unfortunately, the general public seems to believe or has been led to believe that police officers are inherently dangerous by the very nature of their occupation. Because use of force

encounters are dynamic, filled with emotion, and often have tragic endings, it is suggested that peace officers are quick to use force. According to The Force Science Institute, deadly force is used in 0.00003% in reported police calls for service, any use of force used was reported in 0.30% in reported police calls for service, and in 1.50% of calls where an arrest occurred involved the use of any force (Force Science Institute, 2019). Regardless of how people feel about police conduct, it is obvious that the vast majority of police calls for service are handled by the sound use of de-escalation tactics, therefore demonstrating that many officers are applying a form of peacemaking justice. Pollock (2019) defines peacemaking justice as an ancient approach to justice that includes the concepts of compassion and care, connectedness, and mindfulness.

De-escalation tactics and techniques are actions used by officers, when safe and feasible, that attempt to stabilize an incident and attempt to reduce the need for the use of force. The term de-escalation refers to a wide range of strategies and tactics used by peace officers to lower the intensity of a dynamic situation. Responding peace officers should as soon as possible conduct a threat assessment of the event so as not to promote an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy. While doing this, officers are able to use the utilitarian principle which can be defined as, the principle that all decisions should be made according to what is best for the greatest number (Pollock, 2019).

Officers ought to not rush in to solve the immediate law enforcement need but should take time an attempt to solve the problem for all involved parties. By being patient and utilizing sound de-escalation tactics, this appears to fall in line with Concordia Universities principle of Responsible Stewardship of Resources where accountability and the effective use of resources are valued and used to guide those who desire to conduct themselves ethically (Concordia University, St. Paul, n.d.). As a leader of a criminal justice agency, actions and steps would be

taken to ensure that all officers were thoroughly trained in de-escalation as a primary way to resolve a call for service as well as place a great importance on individual officer accountability.

When viewed statistically and compared to the hundreds of millions of calls for service handled each year, it is clear that officers are using de-escalation. Today's police officer recognizes the value of de-escalation as well as the consequences for not doing it. Many in the public seem uninformed or simply do not know what the facts are regarding use of force encounters. The dilemma for law enforcement is the fact that some do not know or want to know what the actual facts are. The media has not helped in this matter and has quite frankly been very damaging as the reporting has often been inflammatory, are void or dismissive of facts, and has taken on an extremely divisive approach to reporting on law enforcement matters. If one were to rely on mainstream media or social media posts, they would be convinced that the law enforcement profession is dangerous to society which is a very unfair and uneducated view.

The law enforcement officer of today is different than that of their predecessor. Officers spend a considerable amount of time training and participating in continuing education, while trying to adjust to legislation or best practices. Attitudes and beliefs seem to suggest that law enforcement officers are uncompassionate, poorly trained individuals who are bent on destroying the lives of those they encounter. There is no doubt that high-profile tragic events, where officers could have made better decisions, have contributed to the poor attitudes many have about peace officers or the profession. There appears to be much blame to go around and many officers believe that the general public must share some of it. Many in law enforcement believe that they are not being treated fairly, with equality, or impartially, the same concepts they are rightfully demanded to extend to the communities they serve. As the leader of a criminal justice agency

steps and actions would take place to vigorously defend the agency if unfairly attacked in the media, produce all facts related to an incident, present the truth, and move forward.

### **Leadership Impacts on De-escalation**

As leaders in the criminal justice system, it is paramount to the profession's success that the pursuit of ethical conduct be a primary mission of any law enforcement agency. By having sound comprehensive code of conduct policies and handling ethics complaints appropriately, it will be apparent to many that ethics in law enforcement is alive and well. The desire to use sound de-escalation tactics coupled with ethical conduct while handling police calls for service, law enforcement agencies appear to directly align themselves with areas in the Concordia University, St. Paul, Stewardship Principles. Having code of conduct policies, mission statements, and ethical benchmarks to strive for should be common. What may even be more important is the modeling requirements of criminal justice leaders, as their conduct must be exemplary. It is the leader's duty to raise the standards of the organization by their own personal conduct, not just as the individual who drafts policy and punishes those who deviate from it.

Few events disrupt the organizational culture of a law enforcement agency more than an ineffective leader, one who does not make ethics or good conduct paramount to the agency's success will sink it. All members of an organization are under the influence, positively or negatively, of its leaders therefore the importance of ethical conduct is once again highlighted. A low bar set by poor ethical conduct will result in low standards, and low character will lead to poor conduct. A workplace culture is often shown by its principles, beliefs and what is considered accepted behavior. Good leaders' question, probe, assess, validate, and challenge on a regular basis. When the culture is positive, it encourages individuals to adopt appropriate activities that promote respect of others. In contrast, the toxic leader often creates an atmosphere

of negativity and dissention, as opposed to inspiration and camaraderie (Neal, 2014). A criminal justice leader must commit to ethical conduct at all times, on and off-duty, they must set the standard as all eyes are on them, and they must serve as the model for the agency. By doing so, this is a form of de-escalation. Ethically accountability will be accounted for by properly demonstrating appropriate conduct and demanding it by all under those within an agency. Ethical conduct by criminal justice leaders, and demanding that it be adhered to, is a form of de-escalation, not in the practical application sense, but in the tone it sets for officers while in the performance in the official duties as well as off-duty. As the leader of a criminal justice agency, actions and steps would be taken to model ethical conduct, set conduct benchmarks, and demand strict adherence to policies by personal conduct.

### **Code of Conduct and De-escalation**

Today, more than at any other time in history, the law enforcement profession is being judged and scrutinized for acts committed by officers engaged in their official duties. Whether on duty or off duty, society as well as law enforcement agencies expect peace officers to conduct themselves in such a way as to serve honorably, lawfully, ethically, morally, and to not bring discredit on themselves or the profession in general. Law enforcement agencies have code of conduct policies that lay out rules, policies, and procedures which describe in great detail behavioral expectations as well as prohibited conduct. Society has expectations for the way law enforcement agencies and individual officers conduct themselves. Not only does society have these realistic expectations, so do the individual members of the profession. Code of conduct policies are documents that contain guidelines, principles, and behavior expectations that attempt to outline conduct that is expected of officers and describe conduct that is prohibited. The creation and implementation of a comprehensive code of conduct for a law enforcement



organization is vital to an agency's success and the services they provide. These policies or codes serve as a form of de-escalation as well as a form of utilitarian justice. Pollock defines utilitarian justice as the type of justice that looks to the greatest good for all as the end (Pollock, 2019).

Code of conduct policies are nothing new in law enforcement. These policies are living documents that evolve and change over time, they require ongoing training, as well as strict oversight to ensure that officers and agencies are serving in a proper and appropriate manner. Code of conduct policies, as well as comprehensive use of force policies, help provide officers with the foundations needed to successfully navigate this challenging career and aspects or components of de-escalation are often mentioned in them. Pollock indicated that According to the International Association of Chiefs of Police (IACP), most law enforcement codes of ethics or codes of conduct policies have as a foundation four basic themes. Those themes are fairness, service, importance of law, and personal conduct (2019). Law enforcement agencies are wise to mirror these themes in their policies, which they do, and are closely related to the Concordia University, St. Paul principle of Responsible Stewardship of People as they relate to treating people with respect and upholding their dignity (Concordia University, St. Paul, n.d.). If code of conduct policies where ethics should be at the forefront are not properly developed, trained on, and insisted upon, trouble will undoubtedly follow. Ongoing administration and reinforcement of code standards embeds an organization's values into its culture, which stimulates ethical reflection and action, and encourages compliance so that employees speak up when they see others engaging in unethical behavior (Peterson, 2016). Ethics and code of conduct policies are paramount to an agency's success and migrating away from them will surely be detrimental and could be contagious within a law enforcement agency.

The areas where law enforcement agencies often find themselves under scrutiny are in the areas of use of force, failure to train, and failure to supervise. Once again, law enforcement agencies will find themselves served well if officers are thoroughly exposed to ethics, receive training on ethics, supervised with ethics in mind, and investigate all ethical violations appropriately they may be able to relieve themselves of unwanted critical scrutiny. Concordia University, St. Paul has also elaborated on this very subject in their principle of Responsible Stewardship of Decisions as it relates to being mindful of the unintended consequences of decisions, especially when it may concern the vulnerable among us (Concordia University, St. Paul, n.d.). There has been a significant increase in calls for service where individuals in a mental health crisis, the vulnerable among us, is a significant factor. “ With our failing mental health system so inadequate, law enforcement agencies have increasingly become de facto first responders to people experiencing mental health crisis” (Daigle, 2018). Ethically, law enforcement agencies would be neglectful in their duties to not attempt to deploy sound de-escalation tactics when dealing with an individual in crisis. De-escalation, ethical training, the consequences of not insisting on high standards of conduct, or not thoroughly investigating incidents appropriately, may result in unintended and far-reaching negative consequences. Conversely, effectively doing it may lead to significant positive outcomes. As the leader of a criminal justice agency, actions and steps would be taken to ensure that comprehensive code of conduct polices were created, understood, followed, and that deviation would not be tolerated. Members would be trained, supervised effectively, and be exposed to ethical standards expectations.

### **Ethics Complaints and De-escalation**

Few events, like blatant inappropriate or criminal behavior, shake the public trust in law enforcement more than gross ethical violations. As an administrator or leader of a law enforcement agency, at some point a member of the public may file a formal complaint against a peace officer for an ethical violation that must be dealt with. If this alleged ethical violation is not taken seriously and investigated; with vigor, it will only further erode the bond law enforcement has with the citizens it serves. Pollock indicated that officers engaged in unethical behavior are a minuscule portion of the more than a million law enforcement professionals, but their actions damage the credibility of all (2019). There are numerous factors that have to be considered during this type of investigation, adjustments in the agency may have to be done, there may be limits to agency communication on the matter, and media or public perception may have an impact. When dealing with an ethical crisis in a law enforcement agency effectively, lawfully, and appropriately, it could be considered a form of de-escalation to do it right. There is too much to lose by going down the wrong path while reviewing or investigating a violation or ethical complaint, by doing so would only inflame or escalate an already unstable police/public relationship.

If an ethical violation or criminal incident occurs within a criminal justice agency, or if a complaint is received, it would first be required to determine if it were a criminal matter, a policy violation, or something that could be handled internally by informal means within the agency. By determining the nature of the event, it would direct the course of action. If the alleged violation were a serious criminal matter or a significant ethical violation the matter would obviously demand immediate attention so as to not potentially further expose the agency, an individual, or the general public. Enlisting the assistance from of outside agency, it would clearly show that transparency was important and serve as another form of de-escalation. There have

been numerous examples where events were not investigated thoroughly or properly that led to escalating tensions or public mistrust.

In an attempt to further de-escalate a crisis or event and provide proof of transparency all relevant information related to the alleged incident must be secured. Body-worn camera footage, squad camera footage, written reports, supplemental reports, statements, witness information, schedules, global positioning system (GPS) data from cell phones/squad cars must be properly obtained and secured. In addition to securing all available evidence, officers or witnesses who may be able to provide relevant information must be interviewed. Video has been an incredible tool to support allegations of brutality and abuse of authority (Pollock, 2019). Pollock (2019) also indicated that camera footage has helped officers defend themselves against false charges of misconduct. It has been suggested that body worn cameras may be a contributing factor in de-escalation and the improvement of ethical conduct by officers while engaged in their official duties. By investigating ethical conduct complaints vigorously, thoroughly, and demanding the use of all available technology to record incidents or conduct will prove valuable in an agency's effort to de-escalate situations on many levels, and ought to serve as a way to restore the public trust in law enforcement. As the leader of a criminal justice agency, steps and actions would be taken to ensure that all complaints of ethical violations were investigated on their merits, where transparency would play a significant role, and all available resources would be used to come to an informed conclusion.

### **De-escalation and Ethical Decision Making**

When performing law enforcement duties, officers are often faced with dilemmas both professionally and personally, which must be overcome to make sound ethical decisions. While holding a position of such authority, it is paramount to make sound moral judgments, place a

high value on what is right, and commit to doing what is right at all times. Failing to do so can and does have disastrous consequences for the law enforcement profession. There are obviously numerous ethical and moral considerations when it comes to the use of force and de-escalation.

There are many desired values or virtues that officers must, possess when handling calls for service while using de-escalation tactics. Pollock (2019) has identified several that apply such as courage, good temper, truthfulness, friendliness, trustworthiness, respect, responsibility, fairness, and caring. Many of these virtues can and must be applied daily as a peace officer. They must govern an officer's actions while on a call for service, while dealing with peers, while writing reports, in court proceedings, while using force or not using it, and the equal application of the law. Additionally, peace officers must be willing to accept that a natural law does exist, a natural law is the idea that principles of morals and rights are inherent in nature and not human-made (Pollock, 2019). Treat everyone you can with, dignity, kindness, and respect regardless of how you are treated. Just because the use of force is authorized it can still be viewed as lawful but awful. This only proves that attempting to de-escalate serves the officer, the subject, and society in general. This attitude once again aligns with Concordia Universities principle of Responsible Stewardship of People where the desire ought to be to treat people with respect and dignity is paramount (Concordia University, St. Paul, n.d.). As the leader of a criminal justice agency steps and actions would be taken to ensure that all agency members were informed and trained on ethical decision making and the importance of it. Members would know importance of sound moral character and judgment through policies/training.

### **Moral Dilemmas, Decision Making, and Ethical Systems**

Police officers are routinely asked to make difficult decisions during stressful situations, knowing that they will be judged critically in slow motion over a long period of time. This is another reason why officers must remain steadfast in their commitment to making sound and just decisions as it relates to the use of force and de-escalation. During these dynamic stressful encounters, patterns between the involved parties seem to emerge that lead to escalation of the event. During these contacts where emotions are high, where intoxicants may also be involved, words are exchanged that elicits a response which may then catapult the event to a place where it should have never progressed to. This escalation unfortunately, seems too often end poorly ending in great bodily harm or death. To combat this, responding peace officers must not take things personal and display an *enlightened egoism* which Pollock defines as each person's attempt at long term welfare (Pollock, 2019). By remaining professional, the enlightened egoism will aid in self-preservation and reduced use of force, which will benefit society and the law enforcement profession. The immediate need for the officer is always to de-escalate if at all possible, but not to the point of compromising sound officer safety practices which could put themselves or the general public at risk.

What seems to be often overlooked or not discussed at all is the fact that many citizens seemingly fail to grasp that state statutes or federal laws require them to obey a legitimate lawful order from a peace officer. By failing to obey a lawful order given by a licensed peace officer in their official duties can result in the incident ending in numerous ways. It would seem to greatly benefit the other involved party, as well as the officer, greatly if they complied. In this case the citizen is faced with their own dilemma that they must wrestle with. The immediate need for the citizen is that they ought to comply with reasonable lawful orders, or face consequences. With that being said, when or if compliance is gained, it is the officers' responsibility to keep the event

from escalating by continuing to use proven de-escalation techniques and cease all use of force. By self-regulating and de-escalating in stressful encounters, Pollock (2019) suggested that an officer who does this values moral identity. Moral identity involves intent, the anticipation of consequences, self-regulation, and moral efficacy, which is the belief that one can successfully decide to act in a moral way.

There are numerous ethical systems that have a place in law enforcement in general, and de-escalation specifically. Pollock (2019) has identified numerous ethical systems such as natural law, religious ethics, teleological systems, the ethics of care, and egoism that can be guiding principles for law enforcement and its relationship with de-escalation. Today's law enforcement officer must make decisions from a balanced point of view while attempting to take into consideration how their decisions will be viewed from all angles, especially when it comes to the use of force and the lack of de-escalation tactics.

### **Impacts on Law Enforcement and De-escalation**

Recent current events have shown that virtually anyone or anything can be impacted by law enforcement activities. Negative views and attitudes of law enforcement appears to be at an all-time high, stemming from a use of force encounter that ended tragically and created a catastrophe for an incalculable amount of people where de-escalation could have played a vital role. There are numerous constitutional, federal laws, state statutes, policies, and best practices that are or are will be impacted by the use of force and the topic of de-escalation. There appears to be gaps and needs for an ethical culture adjustment and positive leadership in law enforcement agencies as it relates to use of force and de-escalation. It would be safe to assume that it has migrated to the top of the list for every law enforcement agency in America.

Positive leadership will have a major impact on the future of law enforcement and those leaders must establish unwavering ethical conduct expectations for their agencies, themselves, their officers, which will hopefully aid in restoring the reputation of the profession. What may be needed is to adopt a more service-based model of law enforcement instead of solely pursuing a crime fighting and crime prevention model. Pollock indicated that a human rights based policing approach focuses on and recognizes that police as servants of the public good; although crime control is important, protection of civil liberties is the fundamental mission (2019). By taking Pollock's advice, law enforcement would be served well by this approach as it does seem to be another form of de-escalation which may portray law enforcement in a more positive light. A light that shines on protecting liberties, not taking them away. As a leader in the criminal justice system, it will be vital to attempt to take this public servant approach to create a unified partnership that would be beneficial to all. As the leader of a criminal justice agency, an attempt would be made to display positive leadership traits, as well as adopt all best practices in standards and training related to de-escalation and ethical conduct. A more service model would be striven for.

### **Legal and Legislative Application of De-escalation**

On May 25<sup>th</sup>, 2020, Minneapolis police officers responded to an incident where it was reported that a male was attempting to purchase cigarettes with a counterfeit twenty-dollar bill. Responding officers reportedly located the male suspect, later identified as George Floyd, from the description and details provided by the reporting party. As the involved officers began their investigation into the incident, Floyd was eventually ordered to depart the vehicle he was located in which was near the incident location. Officers at the scene reportedly indicated that Floyd began to physically resist, appeared to be under the influence, he was restrained by having



handcuffs placed on his wrists, and suggested that the male appeared to be in some sort of medical distress. Officers who were on scene ordered an ambulance to respond to the location due to their observations of Floyd's actions and behaviors during their interactions with him. Floyd was eventually placed into the rear seat of a marked police vehicle in after what appeared to be a minimal use of force situation.

After being placed in the squad car, Floyd reported to officers that he could not breathe, complained he was claustrophobic, and was removed from the squad car. Floyd was placed stomach down on the ground while restrained with handcuffs placed behind his back, eventually ending with an officer applying force with his knee placed on Floyd's back and near his neck. Bystanders urged the involved officer to get off of Floyd while they were video recording the event with cell phones; involved officers seemed to not take into considerations their requests or demands. Paramedics eventually arrived at the location and began to check on Floyd. He was eventually placed into an ambulance and was later pronounced dead.

According to the New York Times (2021) who referred to the charging documents, the medical examiner's report indicated that the preliminary results from an autopsy found that Mr. Floyd did not appear to have died from strangulation or asphyxiation. "Mr. Floyd had underlying health conditions, including coronary artery disease and hypertensive heart disease," prosecutors said in a criminal complaint, which also listed "potential intoxicants" where the combined effects of his conditions and the way the police restrained him "likely contributed to his death" (p. 3). What happened next as a result of the interactions between the responding police officers and Floyd which resulted in a tragic death shook the world.

While in police custody, Floyd's death led to widespread civil unrest, calls to defund the police or reform police conduct were abundant, there were demands for changes in training or

best practices and laws or statute changes took place. What seems obvious at this point is that law enforcement officers should have attempted to use sound de-escalation tactics and treated this incident like a medical event earlier and not a criminal event. The criminal component of this encounter could have come at a later date as there was no immediate risk to police officers or the public if Floyd was not immediately arrested. The crime Floyd was being arrested for was a property crime not a crime against a person and although Floyd may have resisted being arrested, it did not appear that he was actively combative towards officers. Due to the nature of the crime and the lack of combative resistance, this would have been a perfect opportunity for de-escalation.

### **Legislative Impacts and De-escalation**

During the George Floyd incident, there were a total of four police officers who responded to the initial encounter. At some point during the confrontation with Floyd, one of the officers was restricting Floyd's movements by placing his knee on his back near his neck while Floyd was in the prone position while restrained which is obviously considered a use of force. In Minnesota, the League of Minnesota Cities Insurance Trust provides a legal definition of force which includes language that specifically addresses the type of force used during that tragic encounter with Floyd. The language states that force is an intentional, direct, or indirect bodily contact that causes pain or injury or restricts someone's movement (2021). In the case of Floyd, officers did not have an initial significant use of force encounter but did note that he appeared to be under the influence of something and had already requested medical assistance to the area. In retrospect, this would have been a great opportunity to de-escalate the event by treating it like a medical situation instead of a law enforcement encounter where the primary concern should have been on the health and welfare of Floyd instead of a reported criminal event.

To keep peace officers in Minnesota abreast of current, pending, or changing case law, many law enforcement agencies rely on training formats outside of interdepartmental training to remain informed. In a memorandum of law from the League of Minnesota Cities, guidance was offered to peace officers in Minnesota on what officers need to consider when dealing with individuals similar to the position, prone, Floyd was in. To address concerns that lawmakers had, as well as the collective consciousness regarding potential positional hazards that individuals may be placed in, language in current legislation exists. In Minnesota §609.06 it specifically states that officers are prohibited from the application of pressure to a person—not just to a person’s neck—to make it impossible or more difficult to breathe (Minnesota Legislature, 2020). What this means for peace officers in the field is to obviously avoid the neck area when using force, unless deadly force is authorized, and avoid applying pressure on a person who is in any position which may compromise their ability to effectively exchange oxygen.

There have been numerous accounts where use of force encounters have a similar pattern of exhibited behaviors or facts. The police are called to an event, there is a physical confrontation with a suspect and numerous law enforcement officers involved, where tragically there was a loss of life, and at some point the involved individual indicated that they could not breathe. Unfortunately, officers involved in use of force encounters like in the George Floyd incident may have mistaken an individual’s ability to talk with the ability to breathe effectively. Officers would be wise to keep detained or restrained individuals out of the prone position by not placing downward force or weight on them, all while taking cues from the other party in an attempt to de-escalate events before they get to the point of no return.

## **Objective Reasonableness and De-escalation**

There is clearly established case law on when the use of force is available to peace officers, how much ought to be used, and under what circumstances. One of the benchmark cases used to direct officers' conduct while determining the need for the use of force is *Graham v. Connor*, 490 U.S. 386 (1989). In *Graham* the court determined that officers ought to consider the immediate threat to officers or others, the seriousness of the crime, and active resistance. By taking into consideration this three-part test, officers are guided into a thought process to determine reasonableness. The Fourth Amendment "reasonableness" inquiry 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. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene (*Graham v. Connor*, 490 U.S. 386 (1989)). It could be argued that officers involved in the Floyd incident knew the seriousness of the crime, knew that Floyd was not a significant threat to them because he was restrained, and should have known that the use of force being used against Floyd may have been viewed as unreasonable. This would have been a great opportunity for de-escalation and the intervention of assisting officers.

In Minnesota §609.066, state legislators changed language to the existing statute to include language on reasonable officer standards as well defining exactly when officers can apply the use of deadly force after certain thresholds are met. Going forward, officers in Minnesota are unmistakably limited to using deadly force only when a reasonable officer in the same circumstances would believe it to be necessary (League of Minnesota Cities, 2021). An interesting component to the language change that officers in Minnesota must take into consideration while performing their official duties revolves around the use of deadly force

where the statute reads, it is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law (Minnesota Legislature, 2020). The new language or changes to existing statutes will take effect on March 1, 2021 and is no doubt a direct result of the interactions that Minneapolis police officers had with George Floyd.

Like in the Floyd incident, numerous peace officers often respond to the same call for service. There are numerous factors that may have an influence on how many officers respond to a call, which ought to bode well in the responding officers' favor. It would stand to reason that with multiple officers at the location at least one of them would be emotionally removed from the event, who was thinking more clearly and capable of making sound decisions for the group once the event was static. In the Floyd incident, there were reportedly at least four officers at the location, at least one who suggested that Floyd be moved off of his stomach, on to his side, and specifically mentioned he was concerned about the position Floyd was placed in. While expressing his concerns, one of the officers specifically stated, "I am worried about excited delirium or whatever" (Minnesota Attorney General's Office, 2020). While communicating to his peer about the position Floyd was in, the officer who seemed to be on the right path did not pursue his line of thinking into the form of a sustained verbal or physical intervention. This would have been a perfect opportunity for a persistent attempt at de-escalation, and because there was a lack of it, change was warranted and demanded.

### **Duty to Intervene and De-escalation**

Society has behavior expectations for peace officers while they are performing their official duties. In light of the tragic circumstances surrounding the George Floyd incident, the

Minnesota legislature has enacted significant changes to its deadly force statute, as well as statutes governing the conduct of other involved officers during critical incidents. Instead of just performing duties from a strictly law enforcement lens view, there are expectations for officers to actually serve and protect those they have sworn to do so. The expectation of service demanded, which is often unquestionably warranted, of law enforcement officers can come in many forms. Due to the lack of an apparent intervention by officers on scene during the Floyd incident, the Minnesota State Legislature decided to create a state statute that would specifically address this behavior. Previous court decisions have concluded that when possible peace officers who are present where force is being used against another by a peace officer have a legal obligation to intervene if excessive force is thought to be occurring. In 2020, the Minnesota legislature addressed this behavior in the Duty to Intercede and Report statute § 626.8475.

The message to officers in Minnesota is abundantly clear with this new statute that governs behaviors by officers who are in a position to intervene. The statute specifically states, regardless of tenure or rank, a peace officer must intercede when: present and observing another peace officer using force in violation of section § 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and physically or verbally able to do so. An officer who observes another employee or peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer (Minnesota Legislature, 2020). By the creation of this new statute, it is obvious that officers must do more, show some moral and ethical courage, step in and attempt to de-escalate events if undesirable acts are observed and to report them to their highest authority within their agency.

This statute enacted by the Minnesota legislature appears to reinforce what it means to serve and protect.

### **Mandated Training Related to De-escalation**

No other area in law enforcement seems to capture the attention and scrutiny as much as events involving the use of force, the type of training, or the presumed lack of training that law enforcement officers receive. The use of force by police officers is often a necessary function of providing sound law enforcement services to communities. Even when applied appropriately, use of force events carry a significant risk to the public as well as the officer, legally expose the agency as well as the individual officer to liability, or reduce public support and trust. Because of the dynamic nature of police work, peace officers in Minnesota are mandated to participate in many areas of training related to the use of force and other subject matter areas deemed to be critical while in the performance of their duties. Much of the required training appears to have some form of de-escalation as a major component of the curriculum, or at least at the root of it.

Along with required annual use of force training, it is mandatory for licensed peace officers to receive continuing education and training during their professional license periods, which is three years. Peace officers risk having their professional license revoked if they do not receive approved or accredited mandated training within the licensing period. In Minnesota, peace officers have a licensing and governing body which is the Minnesota Board of Peace Officers Standards and Training, commonly referred to as the POST Board. Every active and inactive peace officer and active part-time peace officer must complete a minimum of forty-eight hours of continuing education within the three-year licensing period in order to maintain and renew their license (Minnesota Department of Public Safety, 2018). Topic areas consist of de-

escalation and persuasion, implicit bias, critical incidents, duty to protect, to serve and protect, as well as ethics and professional conduct.

The Minnesota Department of Public Safety, through the POST Board, has determined that training in areas in de-escalation, in its many forms, is so vital that in 2018 it made it mandatory that the chief law enforcement officer of every state and local law enforcement agency will have to provide in-service training in these three areas: crisis intervention and mental illness crises, conflict management and mediation, recognizing and valuing community diversity and cultural differences to include implicit bias (Minnesota Department of Public Safety, 2018). By requiring this valuable training in these important areas, the legislature and the POST Board appear to obviously place a high value in training which places great importance on treating individuals well, with dignity and respect, regardless of one's position in society, while placing great importance on conflict management or de-escalation.

In an attempt to provide further training and exposure to sound de-escalation tactics, in Minnesota there was newly created legislation to describe training that will not be supported or approved. In 2020, state legislators appeared to have the Floyd incident fresh in their minds, created § 626.8434. The state statute addresses the topic of "warrior-style training" which the state legislature defines as training for peace officers that dehumanizes people or encourages aggressive conduct by peace officers during encounters with others in a manner that de-emphasizes the value of human life or constitutional rights, the result of which increases a peace officer's likelihood or willingness to use deadly force (Minnesota Legislature, 2020). What is clear by mandated training, newly created state statutes, peace officers must practically apply some form of de-escalation and place it at the forefront of the way they perform their duties.



## **Conclusion**

The topic of de-escalation, as it relates to a police officer call for service, has gained a great deal of attention due to high profile incidents that tragically ended in great bodily harm or death. Most studies indicate that the amount of force that is actually used by officers while handling a call for service where any force is used, is significantly less than the perceived use of force by many in the general public. The use of force that involves deadly force is obviously much less, but some believe that officers are using an alarming amount of deadly force, but the research clearly shows that is not the case. Numerous media sources, activist groups, and social media outlets cast blame on the police profession for not de-escalating an event, but others suggest that those involved in the incident have the responsibility of de-escalating as well.

By attempting to use de-escalation tactics, officers may significantly reduce the need for use of force, which may benefit all those involved, and the profession in general. Tactics used are techniques to reduce barriers to communication, while making attempts to determining the ability to comply based on numerous factors. Those factors are, but not limited to, medical conditions, mental impairment, physical limitations, language barriers, drug or alcohol use, or a mental health component. Attempting to reduce the desire to resolve the situation as fast as possible, while using empathy and reasonable compassion are also key components. De-escalation should not take the place of officer safety, and officers should make proper use of time, distance, and cover.

The role of the police officer is ever-expanding. Today's professional peace officer is being asked to perform many functions that used to be handled by an individual with much more training, and in many cases an advanced degree in the mental health field. A major shift in the training police officers receive revolves around handling calls for service involving individuals

where a mental health component is involved. By using sound de-escalation techniques and tactics, officers may be able to reduce the need to use force while dealing with those in crisis.

One must only watch the news or read an online story daily to realize that law enforcement is often in the news for a conflict within a community. To build lasting trusting relationships many law enforcement agencies are designing programs that enlist and involve many factions of the community to reduce potential conflicts or institutional confusion. Agencies are creating and involving themselves in outreach programs so that officers can engage with diverse population groups to reduce fear, enlist the trust of, where the goal is to present a positive side of law enforcement outside of its traditional role. Agencies that fail to do so could result in continued tension or conflict, which could lead to a greater misunderstanding of the profession. Law enforcement agencies that make community policing an essential component of their crime prevention and public safety platform will reduce conflict by the very nature of the relationships that are created and can act as a form of de-escalation. Best practices have been identified by the IACP that agencies ought to adopt which can promote de-escalation by applying them in their many forms.

It is and always should be the police officer's goal to use proven de-escalation tactics if at all possible. De-escalation is a set of tactics or practices used by peace officers to defuse dynamic events by using verbal and non-verbal skills, along with the addition of other clearly established techniques. By attempting to use de-escalation tactics, officers may significantly reduce the need for use of force, which ought to benefit all those involved, and the profession in general. When performing law enforcement duties, officers are often faced with dilemmas both professionally and personally, which must be overcome to make sound ethical decisions. While

holding a position of such authority, it is paramount to make sound moral judgements, place a high value on what is right, and commit to doing what is right at all times.

Critical incidents in law enforcement which receive widespread attention have a way of impacting the way peace officers perform their official duties. Tragic incidents involving the use of force which have led to a death or great bodily harm has forced law enforcement professionals to examine their conduct or best practices. In the Spring of 2020, Minneapolis police officers were involved in such an incident. While in custody, handcuffed and placed in the prone position, a police officer applied pressure with his knee to the area near the back of George Floyd's neck. Other involved officers on scene stood by and did very little to intervene. Paramedics responded to the location and began to treat Floyd who had become unresponsive. Floyd was eventually placed into an ambulance and was later pronounced dead. Few events in law enforcement history have shocked the senses, sparked outrage, which have led to such widespread changes in the way peace officers perform their duties on numerous levels.

In an attempt to influence peace officers' conduct, behaviors, or actions, federal laws provide direction and state statutes are often amended or created to facilitate compliance. In addition to changes in laws or statutes, critical incidents have also led to certain types of mandated training, and the requirements or thresholds officers must meet while involved in certain circumstances may also change. To address concerns law makers had regarding potential positional hazards individuals may be placed in, language in current legislation exists. In Minnesota, statute language makes it clear that officers must not make it impossible or more difficult for any individual to breathe. Legislators in Minnesota also changed language to the existing statute to include language on reasonable officer standards as well as defining exactly when officers can apply the use of deadly force and only after certain thresholds are met. Due to

the lack of intervention by additional officers on scene during the Floyd incident, the Minnesota State Legislature created state statute that would make it mandatory for officers to intervene in dynamic use of force encounters.

The use of force by police officers is often a necessary function while performing their official duties. Even when applied appropriately, use of force events carry a significant risk to all involved. In Minnesota, peace officers are mandated to participate in many areas of training related to the use of force as well as training where de-escalation or conflict management is a major component of the curriculum. Training in de-escalation and persuasion, implicit bias, critical incidents, duty to protect, to serve and protect, as well as ethics and professional conduct are mandatory.

The tragic death of George Floyd sparked world-wide outrage, which have led to significant changes in legislative actions and law enforcement training practices. What is clear by newly created state statutes, as well as mandatory training, peace officers must practically apply some form of de-escalation while in the performance of their official duties. Peace officers must do more to serve their peers and their communities by placing great importance on treating individuals well, with dignity and respect, regardless of one's position in society, while placing a high value on conflict management or de-escalation. The survival of law enforcement in a civilized society may depend on it.

### **Chapter 3: Implications, Recommendations, and Conclusions**

The topic of de-escalation has gained significant attention recently due to a number of high-profile events with tragic outcomes. This crisis inspired many agencies to renew their dedication to protecting human life and fostering good relationships with the public (Todak & James, 2018). Because of the often-adversarial relationship with the communities they serve, law enforcement officers should be, whenever possible, attempting to use de-escalation in its many forms to serve their communities better. The importance of using sound de-escalation strategies and tactics cannot be overstated. Professional peace officers, the profession in general, communities, and society in general will benefit from the use of de-escalation in whatever form it comes in.

In the United States, peace officers handle millions of calls for service annually and the data indicates that use of force events are lower than many believe, deadly force encounters are even rarer. In an attempt to diffuse often dynamic encounters, peace officers are encouraged, compelled, or even mandated by state statutes to use sound de-escalation skills and tactics. De-escalation tactics are nonphysical skills used to prevent a potentially dangerous situation from escalating into a physical confrontation. Although peace officers are encouraged or compelled to use de-escalation, some argue that de-escalation is also the responsibility of other involved parties in a police call for service. The citizen, of course, is not a passive actor in these events, and invariably enters into an encounter with his or her own expectations (Rojek et al., 2010). Using sound de-escalation tactics is also paramount when dealing with individuals where intoxication is obvious, a disability is suspected, or where mental health is a factor.

Many law enforcement agencies are looking for creative ways to foster relationships with the communities they serve. The notion that community residents are key players responsible for

the well-being of the larger society has become a cornerstone of approaches to modern policing in democratic societies (Nalla et al., 2016). With different forms of outreach, many law enforcement agencies have reaped the benefits of investing in and relying on numerous diverse population groups within their communities to reduce conflict between law enforcement and the general public. Taking a proactive approach instead of waiting for a conflict to arise, agencies are creating numerous platforms for community engagement that help to reduce tension and facilitate open lines of communication and trust. By engaging in positive interactions with community members in settings outside of a traditional police encounter, agencies are participating in different forms of de-escalation.

There are many values, ethics, and ethical systems that apply to the law enforcement profession which aid officers in making sound ethical decisions which are directly related to the topic of de-escalation. Creating sound code of conduct policies and demanding strict adherence to ethical conduct is a responsibility, or duty, of every criminal justice system leader.

Additionally, criminal justice leaders have a responsibility to investigate all reported ethical violation complaints thoroughly, with vigor, and in such a way to not further erode the public trust.

Legal or legislative changes have taken place due to officer conduct while in the performance of their official duties. In the wake of events like the George Floyd incident, there have been calls for sweeping changes aimed at governing officer conduct with expectations of accountability. These tragic incidents have shaken the core of society and morally injured those inside and outside of law enforcement. Think of a collective moral injury as lasting emotional and spiritual impacts on a community when authorities commit actions that violate core moral values and expectations of righteous behavior (Barbot, 2020). The expectation is that peace

officers do more than just respond to calls for service where enforcing laws is the primary motivation, they are expected to serve those in their custody, as well as policing up their peers.

### **Practical Applications**

The topic of de-escalation has obvious impacts and practical applications in the Criminal Justice Field. The term de-escalation refers to behaviors or actions that are intended to prevent or deter conflict. Since the role of law enforcement has been or is often times adversarial in nature, the conduct of peace officers must change from a strictly law-enforcement lens view to a more community service approach. Responding peace officers should as soon as possible conduct a threat assessment of the event so as not to promote an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy. Using communication intended to gain voluntary compliance when appropriate should be the goal. Ask, tell, make, is no longer an option.

Significant shifts in the type of training must also take place where a more balanced approach is sought. The traditional model of police training that relies on duty belt applications which equated resistance with intentional defiance which may led to an increased use of force is outdated and can be detrimental to the individual, the peace officer and the profession in general. Fortunately, many agencies and state legislatures understand the value of de-escalation and are promoting or requiring related training. De-escalation training in many its forms is offered and required of officers in many formats to better equip them so they can practically apply best practices.

Responding officers should be trained regularly to avoid using language that is insulting and taunting in nature that could lead to escalating the situation. Peace officers need to understand and embrace that warnings given as a threat of force against an individual are not

considered part of de-escalation and should be avoided if possible. Treating an individual with as much equity and dignity to calm an agitated subject and promote rational decision-making will promote de-escalation which should be demanded of officers. Officers who successfully manage their emotions to get along with others using social skills will better be able to use de-escalation as a viable tactic. Peace officers must also recognize the value of and show empathy, which is the ability to consider other people's feelings, especially when making decisions if they are genuinely attempting to use de-escalation.

### **Recommendations for Further Research**

It would be interesting to participate in future research to determine how recent high-profile events impacted law enforcement use of force encounters, in an attempt to determine if de-escalation was a factor in peaceful resolutions.

### **Conclusion**

Use of force encounters involving great bodily harm or death have attracted widespread criticism of peace officer conduct. In the wake of that criticism, more is expected of law enforcement agencies and individual officers alike. Although statistically low, use of force encounters, more can be done to further reduce conflict between peace officers and the communities they serve. Connecting with communities on numerous levels goes a long way to restore public trust, which leading to more cohesive community/police relationships. By conducting themselves ethically and honorably, individual officers and agencies will more likely be seen as allies in their communities instead of adversaries. New laws and conduct expectations are guiding the way many peace officers perform their official duties. By training on and embracing sound de-escalation tactics, peace officers will be better able to serve themselves and their communities. Society and the law enforcement profession is depending on it



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