

Carlsbad Police Department

Policy Manual Special Order 2021-08

Pursuant to Carlsbad Police Department Policy 204, this Special Order becomes effective October 23, 2021.

New Policy 303: De-escalation

De-escalation

303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines on de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible. The overall goal of this policy is to promote thoughtful resolutions to situations and reduce the likelihood of harm to all persons (Government Code § 7286).

303.2 DEPARTMENTAL EXPECTATIONS AND DEPLOYMENT PRIORITIZATION

Law enforcement is guided by the overarching principle of the sanctity and reverence for human life. This philosophy is supported by policy, law, and the department's organizational culture. To uphold this standard, law enforcement officials must exhibit professionalism, civility, equality, and transparency in all interactions with members of our diverse community. Accordingly, the Carlsbad Police Department is committed to providing members with the training, equipment, and resources necessary to encourage peaceful resolutions with the expectation that members adopt this philosophy in such a way that its values can be observed in action.

The department recognizes that some situations require an immediate response, while other situations may allow members the opportunity to communicate with the individual, refine tactical plans and, if necessary, call on additional resources. When a reasonable opportunity exists, members shall consider the concepts of pre-engagement, de-escalation, and disengagement consistent with the definitions provided in this document.

303.3 DUTY TO INTERCEDE

It is expected that all department members should employ the best practices contained in this policy as reasonably appropriate under the circumstances. Any officer present and observing another department member acting in a manner that is clearly inconsistent with this policy, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to further compliance with de-escalation best practices.

303.4 DEFINITIONS

Feasible: Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Pre-Engagement: Pre-Engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component of the decision-making process.

De-escalation: De-escalation is the use of strategies and/or techniques to gain voluntary compliance from an individual to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

Criminal Suspects: Criminal suspects are identified as individuals who, based on their actions, statements, or other conduct appear to be voluntarily engaged in criminal behavior. While crisis individuals often require time and distance for successful resolution, criminal suspects may use that time to escape or further resist law enforcement efforts.

Person in Crisis: A person whose level of distress or mental health symptoms have exceeded the person's ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Engagement: Engagement occurs when contact is initiated with the individuals involved in an incident. Engagement may represent the first moment the involved parties are aware of police involvement.

Disengagement: Disengagement is a method designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others or resistant offenders who may later be apprehended under safer conditions.

De-escalation is reviewed and evaluated under the totality of the circumstances as reasonably known, understood, or reasonably available to be known at the time of the incident. De-escalation is not static; it is fluid and can be started, paused, restarted, or stopped at any time. The most effective law enforcement professionals possess the mental dexterity to lawfully modify or adjust their approaches to situations under circumstances that are tense, uncertain, and/or rapidly evolving. This policy recognizes that there are occasions where the use of force serves a de-escalating purpose and can result in safer outcomes than using no force at all. This policy recognizes that sometimes the use of force is necessary to safely resolve an incident.

303.5 PRE-ENGAGEMENT (INCIDENT PREP/PLANNING)

Pre-Engagement: Pre-Engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component to the decision-making process.

300.5.1 COMMUNICATIONS CENTER STAFF'S RESPONSIBILITIES

The responsibility of the Communications Center is for the call taker to obtain critical information regarding incidents and for the radio dispatcher to relay the information to officers as early as possible, which will allow the officers to plan their response. Call takers should make every effort to ascertain if the actions or behaviors of a person involved in an incident indicate that the person may be in crisis, and not only criminal in nature. Indicators of a crisis may include, but are not limited to:

- The presence or a history of mental illness, psychiatric treatment, or psychiatric medications.
- The presence or a history of suicidal ideations or attempts, or of self-harm.
- The presence or a history of substance abuse (drugs, alcohol, etc.).
- The presence or a history of aggressive behavior or violent rage.
- A history in CAD of prior police responses for the individual or the location address.

When any of these or other indicators of a crisis are present, the call taker should thoroughly document the pertinent details into the CAD notes, using clear and concise language, and the radio dispatcher should communicate that information to the officers as soon as reasonably possible. Crisis events might be caused by (or result in) a medical emergency, which could potentially be life-threatening, so the involvement of paramedics as part of the response should be considered. The radio dispatcher should also assign additional resources if the situation dictates, including adding more officers and requesting a supervisor as reasonably available.

303.5.2 OFFICER RESPONSE

The concept of de-escalation often begins before officers arrive at a call for service or initiate proactive enforcement. De-escalation may begin at the first moment an officer knows they will be engaging and interacting with the subjects of an investigation. De-escalating a situation often includes mitigating the ability of a situation to escalate by taking the appropriate precautions and preemptive measures prior to initial contact. When feasible, preemptive measures and precautions should include:

- Conducting an initial assessment of the incident and attempt to identify the nature of the situation.
- Determine if the nature of the incident requires an immediate response or permits staging or waiting for the appropriate resources and personnel before proceeding to engage a situation or individual.
- Request the appropriate equipment and resources such as less-lethal weapon systems, air support, drone operators, medical assistance, PERT, etc.
- Developing a plan of action (pre-briefing) which should include objectives, contingencies for possible outcomes and officer actions.

- Establishing officer roles such as primary officer, contact, cover, less-lethal, handcuffing, etc. Officers should request a supervisor as needed or appropriate for the incident.

Age, physical or cognitive disabilities as well as language barriers and cultural norms should be taken into consideration when handling incidents. Some individuals may have limitations in their ability or willingness to comply, understand directions or recognize the consequences of their actions. (Policy 370).

303.5.3 CRISIS / CRIMINAL SUSPECTS

Criminal Suspects- Criminal suspects are identified as individuals who, based on their actions, statements, or other conduct appear to be voluntarily engaged in criminal behavior. While crisis individuals often require time and distance for successful resolution, criminal suspects may use that time to escape or further resist law enforcement efforts.

Person in Crisis

A person in crisis is one whose level of distress or mental health symptoms have exceeded the person's ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Members should be alert to any of the following possible signs of mental health issues or crisis. Members should be aware that this list is not exhaustive. The presence or absence of any of these indicators should not be treated as proof of a mental health issue or crisis.

- A known history of mental illness
- Threats of or attempted suicide
- Loss of memory
- Incoherence, disorientation, or slow response
- Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- Social withdrawal
- Manic or impulsive behavior, extreme agitation, lack of control
- Lack of fear
- Anxiety, aggression, rigidity, inflexibility, or paranoia
- Presence of drug or alcohol impairment

It should be recognized that individuals in crisis can commit criminal offenses. Officers should balance the individual's behavior and actions with their capability and willingness to comply with directions, and the danger posed by the subject to others.

When danger to others is reasonably mitigated, Officers should evaluate that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

303.6 ENGAGEMENT

Engagement occurs when contact is initiated with the individuals involved in an incident. Engagement may represent the first moment the involved parties are aware of police involvement. When choosing to engage with a subject, officers should act within the following considerations:

Mindset: Engagement should occur with a mindset of striving to minimize risk and increase safety for all persons.

Adaptability: It is important to recognize that situations requiring de-escalation are dynamic and may change without notice based on the actions of the person or the circumstances of the situation.

Incident Management and Continuous Assessment: Effective engagement requires an ongoing assessment of cause-and-effect factors from multiple perspectives. Attempt to identify the cause(s) which have resulted in the effect, or the situation requiring de-escalation. Implement strategies designed to manage behaviors, conditions, and circumstances contributing to the need for de-escalation. Strategies should attempt to mitigate escalating factors to achieve a more desirable effect and resolve the situation. Some examples of continuous assessment may include:

- Ensuring that those subjected to the use of force are provided with timely access to medical care.
- Evaluating the necessity of the position and level of restraint applied to the subject.

303.6.1 COMMUNICATIONS

Communication is a primary method used to accomplish de-escalation. Communication should be used to gain voluntary compliance when safe, feasible, and without unreasonably compromising law enforcement priorities. In many cases, effective communication will be the method in which successful de-escalation is accomplished. Communication can be both verbal and non-verbal. Mirroring or matching your non-verbal communication with your verbal communication can help reduce confusion by the subject.

Some effective methods that may be utilized to accomplish successful communication:

- Attempt to explain your intentions and provide clear expectations.
- Engage in active listening techniques.
- Attempt to build rapport.
- Recognize that many disabilities, mental illness and/or drug/alcohol use may inhibit an individual's ability to communicate or follow directions.

- Avoiding profanity when interacting with individuals.

303.7 DISENGAGEMENT

Disengagement is a method designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis where the danger of further police interactions outweighs the risk posed to others. Disengagement may also be a viable option for criminal offenders where the risk posed to others outweighs the benefit of immediate apprehension.

Any time peace officers intend to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident. Peace officers should attempt to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, and they are aware that officers will no longer be present to protect the safety of the involved persons.

Officers should consider special relationship concerns with respect to the handling of an incident, and subsequent decisions to disengage. Reasonable efforts should be made to notify the involved parties and affected community members of our disengagement as appropriate. Officers should also look for opportunities to communicate with bystanders, or the general public regarding police actions and resolutions as appropriate.

303.8 SUPERVISOR RESPONSIBILITIES

If available, a supervisor or designee should respond to all critical incidents and occurrences that have a reasonable likelihood of resulting in the use of force or the implementation of tactical or incident command. Such incidents include, but are not limited to, persons in crisis who are engaged in violent behavior, high-risk vehicle stops and the conclusion of pursuits, events involving persons with weapons, or those in crisis that represent a threat to the public or officers, barricaded individuals, or any other event that would benefit from additional training, experience, or formal incident command structure. When time allows, a supervisor shall ensure the following objectives:

- **Notification:** Upon notification of a critical incident in progress, a supervisor will acknowledge the incident on the radio and maintain awareness of officer activities. Supervisors will ensure that officers are engaging in appropriate pre-engagement considerations.
- **Incident Management:** Supervisors will ensure that each critical incident has an identified Incident Commander. The supervisor does not necessarily need to fill the role of Incident Commander if the responsibility is adequately being filled, however, the supervisor will air their presence and responsibility for the incident.
- **Incident Classification:** As soon as reasonably possible Incident Commanders are responsible for classifying the nature of the incident to allow for a coordinated mindset by all involved personnel. This incident designation may change multiple times during the incident based on the availability of new information.
- **Role Designation:** Supervisors will ensure that individual roles and responsibilities that promote de-escalation and successful outcomes are identified. Supervisors should consider the number of officers and resources at an event and how they may

positively or negatively influence the incident. Role designation enables officers to focus on specific tasks and responsibilities, encourages the coordination of the incident and individual actions and ensures that appropriate resources are available for deployment as needed. Role designations may include:

- Less lethal
- K9
- Contact officer
- Designated Handcuffing and Cover Officers

Authorization and coordination of pre-planned actions: As Incident Commander, the supervisor has operational control over pre-planned actions taken during the event. Supervisors should take advantage of discretionary time by pre-planning with officers and establishing contingency plans in response to anticipated suspect actions. The supervisor must also ensure that pre-planned events are communicated to others assigned to the incident to ensure deconfliction and to guard against potentially compromising activity. (Blue on Blue events).

Allied Agency Involvement: Mutual aid requests and allied agency activity simultaneously allows for additional available resources and personnel, but can complicate incidents as varying policies, organizational cultures and mindsets are introduced to the incident. Supervisors should ensure that expectations and deployment parameters are communicated to allied agency representatives. Time permitting, supervisors should solicit from allied units, such as responding allied agency K9 units, unique restrictions or policy considerations that may impact the incident.

Disengagement: Supervisors shall consider strategic disengagement absent an imminent threat to the public. This may include removing or reducing law enforcement resources or engaging in passive monitoring.

Communication: Supervisors are responsible for communicating the circumstances surrounding incidents to agency leadership and other impacted units/squads. Supervisors should also look for opportunities to communicate with bystanders, or the general public regarding police actions and resolutions as appropriate.

Debriefing: Thorough incident debriefs can benefit those officers involved in the incident, as well as provide organizational experience to those personnel who did not respond to the event. Supervisors should conduct an informal debrief as close in time as reasonable to the conclusion of the incident to identify learning opportunities and areas of needed development. These debriefs also encourage employee wellness as they enable officers to decompress and communicate their experiences.

Incidents with significant areas of development or that present beneficial unit improvement should be reviewed during daily briefings. Supervisors should ensure that these meetings both identify challenges represented in the incident and focus on individual and unit learning and development.

303.8.1 WATCH COMMANDER RESPONSIBILITIES

Watch Commanders carry the responsibility for the overall conduct of police personnel during their assigned shifts. Watch Commanders must confirm that individual incidents are handled appropriately while ensuring operational effectiveness is maintained city-wide.

Watch Commanders shall ensure compliance with Supervisor responsibilities noted in this policy.

Watch Commanders are responsible for the incidents, personnel, and actions taken under their command, and shall take a proactive leadership role as appropriate.

Watch Commanders must balance the specific need of individual incidents with overall operations and city-wide responsibilities. Watch Commanders shall:

- Ensure proper and necessary information is communicated to department and city leadership.
- Coordinate pertinent communications with the Department's Public Information Officer.
- Ensure debriefing is conducted to encapsulate all elements of the incident.
- Shall ensure an After-Action Report is completed as appropriate.
- When the decision is made to disengage, Watch Commanders shall be responsible for ensuring that the related investigation is pursued to its appropriate conclusion or until responsibility is adopted by another division.

303.9 TRAINING

Effective, consistent, and intentional training must be maintained to ensure officers are prepared to comply with this policy. Department training should work toward incorporating multiple disciplines of training to a cohesive field application.

All ongoing department training should be consistent with the principles outlined in this policy emphasizing the importance and practices of de-escalation and crisis management when reasonably possible and appropriate.

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10.14.21
Date