

CRITICAL ISSUES IN POLICING SERIES

# An Integrated Approach to De-Escalation and Minimizing Use of Force



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**An Integrated Approach to  
De-Escalation  
and  
Minimizing Use of Force**

August 2012



POLICE EXECUTIVE  
RESEARCH FORUM

This publication was supported by the Motorola Solutions Foundation. The points of view expressed herein are the authors' and do not necessarily represent the opinions of the Motorola Solutions Foundation or individual Police Executive Research Forum members.

Police Executive Research Forum, Washington, D.C. 20036  
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Printed in the United States of America

ISBN: 978-1-934485-20-0

Photos by Tam Vieth and James McGinty.

Cover and interior design by Dave Williams.

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# Acknowledgments

ABOUT 10 YEARS AGO, I HAD A MEETING WITH San Diego Police Chief Bill Lansdowne. PERF and the San Diego Police Department have enjoyed a long-term working relationship, and I wanted to build on the work we had done together on problem-solving policing. I asked Bill what he considered the defining issues for police chiefs. And he said, “If you take on the issue of police use of force, it will resonate with every chief in the country. It is what keeps chiefs up at night.”

I took Chief Lansdowne’s advice to heart, and it is no accident that the report you are holding is the fifth in the Critical Issues in Policing Series to address police use of force.<sup>1</sup>

This report addresses a key force-related issue: avoiding the unnecessary use of force against persons with mental illness, post-traumatic stress disorder, alcohol or drug addictions, disorders such as autism, or other issues that can cause them to behave erratically.

Across the country, police are being trained to *recognize* these situations when they happen, and then to *de-escalate* the encounter whenever possible. The goal is to prevent injuries to everyone—the subject, the public, and police officers.

When we decided to conduct a Critical Issues project on de-escalating encounters with mentally ill persons and others who present special challenges to the police, I knew that many police chiefs would be interested in participating. This is an issue that police executives talk about often. But even so, I was a bit surprised when, shortly after announcing the project, we received so many registration requests

that we had to close registration and arrange for a standing-room-only crowd.

So first of all, I’d like to thank all of the PERF members and other experts who came to our Summit and shared their expertise about this difficult topic. (A list of participants is included as an appendix to this report.)

And once again, I want to thank the Motorola Solutions Foundation for supporting the Critical Issues in Policing Series. Without this generous backing, PERF would be unable to take on so many of the most important issues that we have addressed in this series—issues like the innovations in technology that are transforming policing... best practices for managing major events such as political conventions...the impact of the economic crisis that has been battering police budgets since 2008... the role of local police in immigration enforcement...gun crime and gang violence. In short, I believe that PERF’s partnership with the Motorola Solutions Foundation has produced some of the most important research and policy development ever conducted by PERF.

I am grateful to Greg Brown, Chairman and CEO of Motorola Solutions; Mark Moon, Senior Vice President, Sales and Field Operations; Karen Tandy, Senior Vice President of Public Affairs; Jim Welch, Senior Vice President, North American Sales; Rick Neal, Vice President, Government Strategy and Business Development; and Matt Blakely, Director of the Motorola Solutions Foundation.

And I’d like to acknowledge the work of the people who make everything happen at PERF, starting

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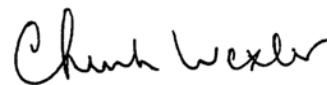
1. See *Exploring the Challenges of Police Use of Force; Strategies for Resolving Conflict and Minimizing Use of Force; Police Management of Mass Demonstrations; and Managing Major Events: Best Practices from the Field.*



with my Chief of Staff, Andrea Luna, who managed this project and helped to shape the content and agenda of the Summit. Deputy Chief of Staff Shannon Branly, Research Associates Megan Collins and Sunny Schnitzer, and Project Assistants James McGinty and Balinda Cockrell conducted background research and phone interviews of presenters at the Summit, and helped organize the logistics of the meeting. Communications Director Craig Fischer and James McGinty deserve special recognition for pulling this report together and making it a coherent and useful document. They do great work and I am grateful for their painstaking efforts. My Special Assistant, Tam Vieth, also contributed to the success of the Summit, in part by taking the excellent photographs in this report. Our Graphic

Designer, Dave Williams, produced this report in online and print versions. A special thanks to our lead consultant (and former Senior PERF Associate), Melissa Miller Reuland. Melissa provided advice and guidance to PERF in assimilating the vast information on this topic and in shaping the agenda for the Summit. She was critical to distilling the recommendations from the Summit and, as always, she was a pleasure to work with and stepped in at just the right times.

The importance of this document is that in the 30 minutes or so that it will take a chief to read it, you can quickly learn of some of the most promising practices in the area of use of force and de-escalation. I hope you will find it interesting and useful.



Executive Director  
Police Executive Research Forum  
Washington, D.C.



Hussein Al-Majali, Director General of the Public Security Directorate of Jordan, gave the luncheon address at the PERF Summit on De-Escalation and Minimizing Use of Force. General Majali, who directs a national police force with 57,000 employees, described his department's efforts to adopt a strategy of "soft policing" in handling demonstrations in Jordan. Unlike other nations that have responded to Arab Spring protests with tanks, Jordan has "decided to use reason to absorb such activity," he said. "We try to bridge the gap by establishing credibility. We build the gap by showing the public that we are there to serve them." For example, he said, his officers offered water and juice drinks to demonstrators, sending a message that helped result in peaceful demonstrations.



# Introduction

PERSONS WITH MENTAL ILLNESSES, DRUG OR alcohol addictions, or disorders such as autism can present police officers with difficult challenges. In some cases, a person may brandish a weapon or otherwise appear to pose a threat to the public, to the police, or to himself or herself. The threat may be a real one, or the situation may be less dangerous than it appears, and often it is difficult to assess the level of danger. These situations often are complicated when, because of their conditions, persons cannot communicate effectively with police officers. In some cases, they may appear to be threatening or uncooperative, when in fact they are unable to understand an officer's questions or orders.

Many police agencies have recognized the special challenges they face in dealing with these populations of persons with various conditions, and have undertaken specialized training programs designed to teach officers to understand these situations when they happen, and to make special efforts to de-escalate the situations when that is possible.

As one recent news report expressed it, "With that mind-set, the officer can use alternative tactics: words instead of guns, questions instead of orders, patience instead of immediate action. The method may not only defuse a tense situation, authorities say, but [also may] result in treatment at a screening center for the suspect rather than weeks in jail."<sup>2</sup>

When police fail to understand that they are dealing with a person with a special condition, the result is sometimes a use of force that may be legally and morally justifiable, especially if the person appeared to be threatening the safety of others, but which produces a very unfortunate outcome—a

situation that some observers call "lawful, but awful." For police departments, the challenge is to adopt policies and training programs that are designed to improve the handling of these difficult encounters and reduce the chances of force being used unnecessarily.

This report summarizes the findings of PERF research on this topic and presentations made at a PERF Summit in Washington, D.C. in February 2012 on "An Integrated Approach to De-Escalation and Minimizing Use of Force." At this one-day meeting, police chiefs and other experts described their experiences on issues such as the following:

- How "slowing the situation down" and getting a supervisor to the scene can reduce the chances of violence;
- How Crisis Intervention Teams (CITs) and other partnerships with mental health officials can result in more effective handling of encounters with members of special populations;
- Identifying "chronic consumers" of police resources and helping them to avoid crisis situations;
- Special considerations in dealing with veterans in crisis;
- Avoiding overreliance on weapons, such as Electronic Control Weapons, as opposed to hands-on tactics and verbal skills;
- Recognizing the real threats to officers that can be posed by persons with mental illnesses or

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2. "N.J. Police Training Officers to Deal with Mentally Ill," *The Record*. July 15, 2012. [http://www.northjersey.com/news/162499056\\_LOCAL\\_ISSUE\\_\\_training\\_POLICE\\_to\\_deal\\_with\\_mentally\\_ill\\_Defusing\\_tense\\_situation.html?page=all](http://www.northjersey.com/news/162499056_LOCAL_ISSUE__training_POLICE_to_deal_with_mentally_ill_Defusing_tense_situation.html?page=all)

- other conditions, and the anxiety that officers feel about such situations;
- Training officers in “tactical disengagement”;
  - The importance of training for officers in these encounters, and practicing strategies to de-escalate volatile situations;
  - Use-of-force continuums and other tools for discussing use-of-force options;
  - The defunding of mental health care, and the “cycling” of mentally ill persons through lockups, jails, and prisons; and
  - The negative impact on a police agency’s “legitimacy” that can occur from a “lawful, but awful” event.

As in other reports in the Critical Issues Series, we present the discussions from our meeting in the police chiefs’ and other experts’ own words, in order to convey their insight and experience.



LEFT TO RIGHT: Richmond, CA Captain Mark Gagan; Sparks, NV Commander Brian Miller; and Kathryn Olson, Director, Seattle Police Department Office of Professional Accountability

# The Nature of the Challenges

PARTICIPANTS IN PERF'S EXECUTIVE SESSION described challenging situations that have occurred in their jurisdictions involving the use of force against members of "special populations"—individuals with behavioral health problems, including mental illness and/or substance use, medical concerns, or developmental disabilities such as autism. The outcomes of these situations can be tragic and can have a far-reaching impact on the community and the police.

Encounters that end tragically often happen rapidly, with the use of force occurring less than five minutes after the first officer arrives on the scene. Often there is a misunderstanding of the nature of the encounter. For example, officers may believe that an individual is willfully disobeying their commands, when in fact the person is unable to comply because of illness or disability.

Following are comments made by participants at PERF's Executive Session regarding the nature of these situations, as well as examples of encounters that occurred in their jurisdictions:

**Philadelphia Commissioner Charles Ramsey:**  
*Moving Up the Use-of-Force Continuum Is Easy, But the Hard Part Is Ratcheting It Back Down*

I can't think of a topic more important than use of force. And it's one that's going to always be on our front burner. One of the things that I've discovered during my time as a police officer is that it's easy for us to go up the use-of-force continuum, but the hard part bringing it back down, and de-escalating situations effectively. These are dynamic events that are taking place. An officer may be justified in using a certain level of force at one moment in time, but that doesn't necessarily mean that the same window is open three, four, five seconds later in an unfolding event.

This becomes more and more of a challenge as we get new types of "less lethal" technology available to us. Sometimes our policies on new technology

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Philadelphia Commissioner and  
PERF President Charles Ramsey



RIGHT: Minneapolis  
Chief Tim Dolan

FAR RIGHT: Charlotte-  
Mecklenburg, NC  
Deputy Chief  
Katrina Graue

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don't keep pace with how we instruct officers to apply the new technologies within the use-of-force continuum. So I think we need to spend more time focusing on training.

Another thing to consider is that some of the police officers coming on now don't have the same social skills as in the past. The new officers are comfortable with things like texting messages, but not so much with looking people in the eye and talking to them. It's a whole new generation. These are the kinds of "little" things that are important, because these skills can help you avoid resorting to high levels of force.

Finally, we can talk about another part of the problem that I've seen: that police officers can be on solid ground in terms of using force, but they don't know how to explain what they did in a written report. And if you can't put it on paper and it's second-guessed, you're going to have a problem.

#### **Minneapolis Chief Tim Dolan:**

##### ***A Mentally Ill Addict Died After Being Tasered***

We had a situation in which two officers responded to a call at the local YMCA gym because an individual was hanging around the basketball court and frightening people. One officer was carrying a Taser with a camera mounted on it. He also had a body

camera. In addition, there was a YMCA security camera. As a result, we have the entire incident on video. The individual didn't respond to the officers' verbal commands when they arrived. He also didn't show classic signs of excited delirium, but it is now clear that mental health was an issue and drug use was also a factor. The officer used his Taser, and when that was unsuccessful, they wrestled him to the ground and handcuffed him. It was a tough fight. The smaller officer, 170 pounds, knelt with one leg on the arrestee's shoulders as the officers try to catch their breath. The officers realized over four minutes later that the man was not breathing and they immediately started CPR, but the man died. Both the department and a grand jury found the officers' actions to be reasonable. This incident has caused some backlash in our community. We have added more training and a new policy to address positional asphyxia.

#### **Charlotte-Mecklenburg, NC Deputy Chief Katrina Graue:**

##### ***We Had Two Deaths After Use of Electronic Control Weapons***

In March of 2008, two units responded to a complaint from a grocery store that a 17-year-old male employee had stolen property from the store and was being disruptive. When the first officer arrived,





FAR LEFT:  
Greensboro, NC  
Chief Ken Miller

LEFT: Houston Chief  
Charles McClelland

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the young man threw an umbrella at the store manager. The officer approached the man and told him to calm down. We have video from the grocery store that shows that the young man is very agitated. In a very short period of time, the officer discharged his Taser, which seemed to have no effect. The officer continued to discharge the Taser until the man dropped. That young man died, and this case resulted in a \$10-million judgment against the manufacturer and a \$625,000 settlement with the City of Charlotte.

The verdict for this case came out on the afternoon of July 20, 2011. Coincidentally, later that night we had another Taser deployment when an officer responded to a call of a man assaulting a woman at a light rail station. When the officer arrived, he interacted with the subject, the situation escalated, and the officer deployed a Taser for five seconds. Although the subject did go down, he remained noncompliant. Before a back-up could arrive, the officer used another five-second Taser deployment. Unfortunately, that man died. The ruling on the case in 2008 and our second death related to the Electronic Control Weapon happened within a few hours of each other.

#### **Greensboro, NC Chief Ken Miller:**

#### ***Officers Must Take into Account Whether the ECW Is Having an Effect***

While I was with them, the Charlotte-Mecklenburg Police Department had a fatal situation in which an officer who discharged his Electronic Control Weapon was waiting for a person to react to it, and the reaction never came. Instead of adjusting his technique to touch the subject in a different place to expand and close the electrical circuit, the officer stood by and continued to discharge the ECW, hoping the subject would go to the ground. It ended up being a 37-second stun, and it was ruled as the proximate cause of death.

The way officers use the ECW and continually assess how well it is functioning are critical to situational assessment and decisions about the actions they need to take. If the ECW is not having any effect, officers need to move to a different weapon or a different method of subject control. To not do that creates additional unnecessary risk for everyone involved.

**Philadelphia Commissioner Charles Ramsey:**

*It Was a Disservice to Our Officers  
When We Called ECWs “Less Than Lethal.”*

We did a disservice to our men and women 10 years ago when we started using this technology and referred to it as “less than lethal” or “non-lethal” force. “Less lethal” is a more accurate term. We all know there are consequences whenever you have to use any level of force. And we need to make sure that our people understand so that they’re not cavalier in the way in which they apply force, because any force we use can have devastating consequences.

**Prince William County, VA Chief Charlie Deane:**

*We Train All Our Officers About  
Risks When Arresting a Combative Person*

Like other chiefs, I’m concerned about these issues of positional asphyxia and the use of Electronic Control Weapons when your officers are trying to arrest someone who is combative. Often the person is high on drugs, and they may have an underlying medical condition such as a heart problem. And they’re not only threatening the police and EMS people and other people at the scene, but they may be at risk of harming themselves—for example, they take off running and may run into traffic. So the officers are trying to get the person handcuffed and under control while also protecting themselves and

also avoiding any positional asphyxia that could cause the person to lose consciousness. Sometimes a Taser is effective, but other times it doesn’t have the desired effect. We have trained all of our officers to be particularly careful in these situations, because they can be very difficult to handle.

**Houston Chief Charles McClelland:**

*Consider a Slow Roll-Out Process  
When Issuing Tasers*

We issued Tasers to all of our police officers at one time. It turned out that this was too ambitious and didn’t give us the necessary time to refine our policies before these tools were in the hands of every police officer. We learned quite a bit as we went along, for example, that younger officers are more likely to use the electronic control weapons because they aren’t as experienced in de-escalation, while older officers use verbal commands more and the device less.

**Sheriff Doug Gillespie,  
Las Vegas Metropolitan Police Department:**

*The Community May Question  
Officers’ Judgment Even When  
Shootings Are Found To Be Justified*

We had an incident involving a West Point graduate who went to a store under the influence of some



RIGHT: Prince William County, VA Chief Charlie Deane



FAR RIGHT: Las Vegas Sheriff Doug Gillespie

substance and was carrying two guns. Store personnel became concerned and called the police. When the officers got there and were interacting with the suspect in the parking lot, he pulled out one of his guns and pointed it at one of my officers. Three officers fired their weapons and killed him. There was a huge outcry in the community from the family of this young man when his life was taken. At the coroner's inquest, it was confirmed that the man was under the influence of substances, and 37 independent witnesses testified that he pointed a gun at the police officer. Despite this evidence, to this day the community is still focusing on this incident.

**Newport News, VA Chief James Fox:**

*The Military Is Moving People Off Military Bases, So We Have More People In the Community With Mental Health Issues*

In our area of Virginia, we have a lot of military personnel from the Navy, Army and Air Force. I don't know if many people are aware of this, but the military is getting out of the housing business. They're moving as many people as they can off post. So people with post-traumatic stress or other issues are living in our communities, and we're facing more issues. I have heard generals say that there are simply not enough doctors to keep up with the issues that they're having with people coming back from the battlefield.

**Elspeth Ritchie, Chief Clinical Officer, Washington, DC Department of Mental Health:**

*We Don't Know If There Is an Increase in Violence Among Recently Returning Veterans*

I retired from the Army a year ago after 24 years on active duty as an Army psychiatrist. I am very familiar with the issues around post-traumatic stress disorder, traumatic brain injury, pain, disability, and substance abuse. For example, back in 2003 Fort Bragg had a spate of homicides and suicides and I was part of the investigating team there, as I've done at Fort Carson and a number of other places.

One question we ask is, if there is an increase in violence among veterans, how much has it increased? By violence, I mean the combination of events that you all are talking about—suicide, domestic abuse, homicide, in some cases sexual assaults. Certainly it is in the news. But nobody really knows if there is an actual increase among recent veterans. We do know that, based on a review of suicides, individual acts of violence appear to be related less to the number of individual deployments, and more to chronic exposure to violence, desensitization, and a sense of fatalism.

As a police officer, it is important, when you are approaching a veteran in some type of crisis, to be very conscious of how proud they are of their status, and be aware that they don't like to be talked down



FAR LEFT: Newport News, VA Chief James Fox

LEFT: Elspeth Ritchie, Chief Clinical Officer, Washington, DC Department of Mental Health



to. Frankly, most of them would rather do anything than go see a psychiatrist. So there is an issue that there are not enough doctors, that's certainly true. But it is more important that veterans are very reluctant to seek help. When you're approaching them, you need to take that into account. Treat them with respect.

And finally, if you're trying to establish a connection with a veteran who is barricaded or in some kind of difficulty, if you have a veteran who's a member of your police force, that may be the most appropriate person for the job.

**Fayetteville, NC Assistant Chief  
Katherine Bryant:**

### *The Military Community Presents Unique Challenges to Law Enforcement*

Fort Bragg has the Warrior Transition Battalion, which provides medical care and direction to approximately 600 servicemen and women who have suffered an injury while serving. When those folks are being transitioned from living on-post to living off-post, they don't have reporting responsibilities and they are not monitored. We don't know where within the city limits those folks are living or what challenges we'll encounter when we do respond to situations they're involved in. There is a disconnect between the military and the law enforcement agencies in the surrounding communities, largely because of the limitations on sharing medical information. A good many of these soldiers are dealing with psychological issues more so than they are with medical issues.

The challenges we face in serving our military community aren't related only to mental health problems; we also see domestic violence. These situations have resulted in the suspect barricading him or herself, forcing us to deploy many officers.

Last year was a rough year; one-third of our suicides were military-related, and four of our homicides involved military suspects. Three of the homicides were domestic violence situations.

I see this as a symptom of the strain on police resources. With budget cuts reducing the availability of beds for mentally ill people, our police officers

spend an inordinate amount of time transporting mentally ill persons to hospitals.

**Chief Constable Ian Arundale,  
Dyfed Powys Police, UK:**

### *We Are Seeing Similar Problems With Ex-Military Personnel*

In the United Kingdom, we are seeing things that are remarkably similar. For the first time ever, a large number of ex-military personnel are engaging in self-harming behavior in our communities and public spaces. We're the only agency in our area



TOP: Fayetteville, NC Assistant Chief Katherine Bryant

БОТТОМ: Chief Constable Ian Arundale, Dyfed Powys Police, UK

that's available 24 hours a day, so we're getting the calls for all these incidences as a matter of course.

**Salt Lake City Chief Chris Burbank:**

*Cases of Simple Noncompliance are Difficult*

We run into problems when dealing with persons who simply refuse to comply with a police officer's order. The situations in which an officer uses force because someone charged at him, struck him, or attacked him are relatively rare. Most of those cases are not the problematic ones in terms of excessive force. Our problems come with the simple



TOP: Salt Lake City Chief Chris Burbank

BOTTOM: Seattle Sergeant Kevin Grossman

noncompliance incidents. I don't think that pepper spray or a Taser is the proper response to noncompliance. There have got to be other skills that we teach our officers, some other avenue, before they make that jump.

**Seattle Sergeant Kevin Grossman:**

*Excited Delirium Seemed to Be Increasing, So We Developed A Protocol for Responding to It*

Anecdotally, our department was noticing more behavior that looked like excited delirium, and an increased use of Tasers in interactions with those individuals. So our department worked with the University of Washington Medical Center and the Seattle Fire Department to develop a protocol for addressing those events. We focus on recognizing the symptoms and then treating it more as a medical problem than a law enforcement problem.

**Ian Arundale, Chief Constable, Dyfed-Powys Police, UK:**

*UK Avoids Term "Excited Delirium"*

What we have done in the UK is to identify good practices in Canada and the United States and incorporate those into all of our training. One difference, though: We haven't used the term "excited delirium" and we deliberately are not training our staff to try and understand it. We refer to these citizens as emotionally and mentally distressed (EMD) individuals. This term covers a whole range of issues, from people who are mentally ill to people who are drunk or on drugs. Every single officer in the UK gets training to recognize the symptoms of an EMD individual as quickly as possible to determine whether the call is a "health event." Our goal is to bring in paramedics or treatment providers straight away.



TOP: Los Angeles County Assistant Sheriff Cecil Rhambo

BOTTOM: San Bernardino Chief Robert Handy

**Los Angeles County Assistant Sheriff Cecil Rhambo:**

*We Have Seen an Increase In “Perception” Shootings*

In Los Angeles County we have 5 to 15 shootings in a year due to what we call perception issues. These have become a bigger problem in the last five or six years. These are also called “cell phone shootings.” Typically what happens is that a deputy has contact with an individual, and a short foot pursuit occurs. During that foot pursuit, the individual either makes an affirmative movement, such as a tossing motion,

or produces something from their clothing that the officer mistakes for a weapon. The officer responds to this perceived threat by firing his weapon. After the shooting occurs, we discover a cell phone lying nearby or on the person’s body. The circumstances in which the shooting occurs (such as a “shots fired” call, armed robbery call, or “man with a gun” call) may provide context for the officer’s state of mind.

Unfortunately, these shootings have been common for us over the last few years.

**San Bernardino Chief Robert Handy:**

*We Also Have Had Perception Shootings*

We also have had several perception shootings over the last couple of years. Many people in the community are very, very upset; some community members and organizations have called for DOJ investigations and civilian review. The suspects involved who were shot were all from the minority community. These perception shootings have generally involved armed robbers or felons running away from a stolen car or something similar.

**Albuquerque Chief Ray Schultz:**

*People with Mental Illness Cycle Through Our Jails*

We have talked about jails being the number one service provider for dealing with people who have mental illness. When a person is released from a city or county facility in New Mexico, they usually are given just three days’ worth of medication. Often they don’t have the money to get a prescription filled, even if they could get a doctor’s appointment within three days. So unfortunately, they tend to get into trouble, we put them in jail, we get them stabilized, we get them back in treatment and on the right course, but then we release them, and three days later the cycle repeats itself.

The thing that most of these people have in common is prior contacts with law enforcement. More than a third of them have at least 20 documented contacts. They have documented mental health issues that are not being treated appropriately.



**Sheriff Doug Gillespie,  
Las Vegas Metropolitan Police Department:**

*At Times a Considerable Percentage  
Of Our Jail Population  
Is Under Psychiatric Care*

Mental health services have been cut back considerably for a number of years in the state of Nevada. One consequence of this is that the ability of the mental health system to house and to treat people in crisis is very limited. I believe that Las Vegas—a city of almost 2 million people—has only 191 mental health hospital beds, with a good portion of these not being utilized due to budget cuts. Consequently, on average, 15 to 20 percent of our jail population is under psychiatric care, and it has been as high as 24 percent. This is particularly true in the winter, when we see more people with mental illness come into our community and the number of interactions increases.

**Austin Chief Art Acevedo:**

*Most Improper Uses of Force  
Stem from Officers  
Abandoning the Tactics We Taught Them*

We don't have a "Use-of-Force" policy; we have a "Response to Resistance" policy, because in most of the cases, that's exactly what an officer is doing. I really believe that the vast majority of improper uses of force, especially deadly force, are a direct or indirect result of officers abandoning the tactics that we spent a lot of time and money training them on. And consequently, what I've done in my department is develop a discipline matrix that says that if you abandon your tactics and you're involved in a critical incident, you will be indefinitely suspended, which is the equivalent of being fired.

Officers endanger themselves as well as the public when they abandon their tactics like this. So I think that one of the conversations we need to have is about making a commitment to hold officers accountable for their tactics. When they abandon their training, there has to be a consequence.



TOP: Albuquerque Chief Ray Schultz

BOTTOM: Austin Chief Art Acevedo

And when we see these situations [as in a video clip shown at the PERF meeting] where an officer uses a Taser on someone who is handcuffed and running away, we need to ask how fit these officers are for duty. Instead of using a Taser, an officer should be able to catch up to that person. I just suspended an officer for five days for using a Taser against a handcuffed person.



Joshua Ederheimer, Principal Deputy Director,  
COPS Office

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**Joshua Ederheimer, Principal Deputy Director,  
COPS Office:**

*Training Must Also Recognize  
The Threats to Officers*

I think that one thing to remember is that effective tactical and use-of-force training incorporates recent trends and pressing issues that are on the minds of police officers working in the field. Sometimes training has been prompted by a lawsuit or championed by an advocacy organization, and fails to adequately address police officer concerns.

For example, the fact that 71 police officers were shot and killed last year and shooting ambushes of police have increased is what's on the minds of officers today.

In fact, as we speak, I just received an alert from the National Law Enforcement Officers Memorial Fund regarding a Washington State Trooper who was shot and killed on a traffic stop this morning. Today's officers get these alerts via e-mails, tweets, Facebook, and the web. Police training today must recognize that such dangers are on the minds of officers, and those concerns are going to affect how

they use their skills as well as their capacity to de-escalate and minimize use of force.

**San Diego Chief Bill Lansdowne:**

*Policy and Training  
Should Also Emphasize Officer Safety*

If your department is like my department, 80 percent of your officers do an exceptional job every single day, and you don't want to have so many tightly restrictive regulations that the officers are more worried about the response from us than about protecting themselves. This is a dangerous job, and I think it's getting more dangerous. So the policy and training should include an appropriate emphasis on officer safety.

**Philadelphia Commissioner Charles Ramsey:**

*Dealing with Violence Every Day  
Does Affect Officers*

One thing that we haven't talked about is the fear and anxiety that a lot of police officers have when they're out in some of these neighborhoods. We don't talk about that because, you know, cops aren't supposed to be afraid of anything. But that's a lot of BS.



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San Diego Chief  
Bill Lansdowne

When you ride around all day long and you're dealing with shootings, you're dealing with robberies, you're dealing with all this violent crime that's constantly going on, that's going to also influence how you respond in certain situations. And we have to take that into account in our training. We teach our officers to try to interact with people and realize that not everybody in a given neighborhood is a thug or a criminal, they're not all out to hurt you. These are important things that I think we've got to face head on.

**Austin Chief Art Acevedo:**

*Use of Force Policies Vary Considerably Around the United States*

I think that the biggest problem we have in this country is that we have 18,000 police departments with 18,000 set of policies and 18,000 ways of doing business. We should come together and develop model policies. It's a matter of holding people accountable for their actions and having some consensus on model policies.

**Chief Matthew Torigian,**  
**Waterloo Regional Police Service**

*Canada Has Use-of-Force Standards Issued by the Provinces*

In Canada, we're dealing with a lot of the same things as you are here in the U.S. One difference I notice is that we have established standards across

many of our provinces. Nationally we are using the same terminology to articulate our use-of-force responses in similar situations. The training we give our officers is uniform and mandatory. In most cases, the guidelines come from the province, and we have policies and oversight in place to ensure we're doing it properly.

**Sheriff Doug Gillespie,**  
**Las Vegas Metropolitan Police Department:**

*Police are Reactive on Use-of-Force Issues*

We have become reactive to the problem and we don't do a good enough job of being proactive and analyzing data on situations prior to them becoming an issue. We've demonstrated that we do a very good job of analyzing data proactively from a crime-fighting standpoint. We've seen the benefits of an analytical approach to help us pool resources and deal with crime issues. I believe that the issue here with use of force is that we just don't have the data that can help us be more proactive about preventing mishandlings of use-of-force situations.



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Waterloo Regional Police Service Chief  
Matthew Torigian

# Solutions and Promising Practices

PARTICIPANTS AT PERF'S SUMMIT DISCUSSED strategies—including partnerships with community organizations and specialized training—that are effective in de-escalating encounters and minimizing use of force against persons who are in mental health or medical crisis.

## San Diego Chief William Lansdowne:

### *Immediately Dispatch a Sergeant, A K9 Unit and Two Officers To All Potentially High-risk Calls*

Years ago, the public was concerned after we had 19 officer-involved shootings in one year in San Diego. We took an in-depth look at those incidents and discovered that typically, from the time the call comes in to the time the shots are fired, only 15 minutes elapse. Second, these incidents can be identified as “high risk” calls—for example, if the 911 caller reports that a person is armed and apparently under the influence of drugs.

To develop better practices in high-risk calls, we brought in our most senior people and others we believed had the best insight into what we could do as an organization to reduce injuries to the suspects and injuries to our officers.

We learned that we need to come up with a way to manage these incidents in 15 minutes—and that's 15 minutes from the time you dispatch that call until those shots might be fired. We started by training all of the 911 dispatchers to be able to identify

high-risk calls. The dispatcher protocol was then developed. Dispatchers now first alert a supervisor, usually a sergeant, as well as a K-9 officer. The next call goes out to two patrol units who have special less-lethal weapons such as beanbag guns or the pepper ball guns.

**Our goal is to bring whatever resources are needed to slow the situation down.** If the sergeant is on the air and gets to that call within 15 minutes, the chances of it resulting in an officer-involved shooting or a serious injury or death is reduced considerably. Also, the need to manage it with SWAT or bring out special operations begins to diminish. The key is having the sergeant on the radio to slow down the situation and manage the call.

## COPS Office Director Bernard Melekian:

### *Qualifications and Training Are Key To Handling Difficult Encounters*

I'm reminded of a discussion at a PERF conference some years ago on the issue of mass demonstrations. One of the most intriguing ideas came from the Association of Chief Police Officers in the UK.

The idea was that when you are putting personnel in charge of major events, it's important that they have gone through certain training and have met certain qualifications for the task. The issue of their rank is less important than the idea that they have demonstrated qualifications for the job at hand. I think that kind of approach should not get lost.





Bernard Melekian, Director of the  
U.S. Department of Justice COPS Office

### Crisis Intervention Teams

*The Crisis Intervention Team (CIT) model was first developed in Memphis in 1988 following a tragic incident in which a Memphis police officer shot a mentally ill man. The police department teamed up with local mental health experts, advocates, and academics to design a comprehensive plan for police training and policies for managing individuals with mental illness. The model was successful, and other police departments began implementing their own CIT programs. Today law enforcement agencies across the country have established CIT in their own jurisdictions. Executive Session participants discussed the use of CIT programs in their own agencies.*

#### **Philadelphia Captain Fran Healy:**

#### *CIT in Philadelphia Is a Bridge Between Two Worlds*

It's interesting; you have to look at CIT from a global perspective. Crisis Intervention Team training is not a curriculum only for police; CIT is a bridge between two worlds. The police get the de-escalation training and the awareness training, but CIT is also the connection with the mental health industry.

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Philadelphia Captain  
Fran Healy

In Philadelphia we have a mental health coordinator, so officers on the street have direct access to the entire mental health system. When we come across people in crisis, we de-escalate. We do what we need to do in a particular incident, but the larger goal is to ensure that we won't keep coming across them again and again. So we need to get them into the system so they can get the help they need. Our CIT coordinator is not a Police Department employee per se; she works between the Department of Behavioral Health and the Police Department. Our officers in the field directly contact her, provide whatever information is needed, and she can activate the services that anybody would need if they are missing medication, or have homelessness issues or veteran's issues. It can all be accessed from the mental health world, and we work as a team to solve the problem.

#### **Chicago First Deputy Superintendent Al Wysinger**

#### *We Aim to Have CIT-Trained Officers On All Three Watches Throughout the City*

The Chicago Police Department implemented its Crisis Intervention Program directive in May of 2010, to address dispatched calls for service identified as mental health-related calls. Currently, the department has approximately 1,300 police officers





Chicago First Deputy Superintendent  
Al Wysinger

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more quickly and safely than if there were only one or two officers responding. And we have an ambulance on hand for any medical treatment that is needed immediately.

#### **Indianapolis Deputy Chief Lloyd Crowe:**

##### *“Cross Over” Technique with Four Officers and a Supervisor Prevents Compression of the Chest*

Indianapolis is doing something that sounds very similar to Dallas. Last year we trained all 1,600 of our officers on a technique called the cross-over technique, which is when you have four patrol officers and a supervisor come in to deal with a subject. This essentially prevents responding officers from piling on in a way that causes compression on the subject’s chest. This crossover technique removes that pressure from the chest and it enables the officers to slow the situation down and get control of the incident.

And, as with any situation, it is essential for us to have to have the right officer with the right mindset going into these situations. So I think the importance of hiring and selection should not be understated.

trained to recognize incidents where intervention is needed as it relates to mental health. We try to ensure that these specially trained officers are on all three watches throughout the entire city. There’s also an on-call roster of Crisis Intervention Trained (CIT) officers available in our operations command center, to ensure a CIT officer can readily respond to a crisis, if CIT officers are not available in a particular area or district.

#### **Dallas Assistant Chief Vincent Goldbeck:**

##### *For All Crisis Intervention Situations We Immediately Send Four Officers and a Supervisor*

We have a crisis intervention signal that we use to automatically send two two-person teams along with a sergeant. Being a bigger agency, of course, we have the luxury to leverage additional officers in the field. So we have the four officers and one sergeant, along with Dallas Fire and Rescue. Having the sergeant on scene allows our supervisors to make plans based on what they see going on in the field.

And if there is a need for officers to take physical control of a person, by deploying four officers to every scene, we ensure that we would have one officer for each limb, which helps resolve the situation



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Dallas Assistant Chief  
Vincent Goldbeck

**Albuquerque Chief Ray Schultz:**

*Communities Need  
A Comprehensive Approach*

Electronic control weapons alone are not the answer. CIT alone is not the answer. CIT needs to be multi-layered and must include follow-up. We've had a lot of success with hiring civilians, who are all master's degree level or higher, to work in our Crisis Outreach And Support Team, called COAST. They help field officers to bridge the huge gap between people who are self-medicating or trying to deal with the problems themselves and long-term service providers. COAST is the resource we have made available to bridge that gap and we've seen them have huge successes. They have also been helpful in identifying some of the shortcomings in the system.

**Houston Chief Charles McClelland:**

*We Actively Intervene  
With "Chronic Consumers"*

*Note: Chief McClelland discussed the Houston Police Department's Chronic Consumer Stabilization Initiative (CCSI), which is a joint program with the county mental health agency designed "keep individuals with serious and persistent mental illness from continually going into crisis." The program identifies 40 or more persons with mental illness who have the largest numbers of encounters with the Police Department, and works with those persons and their families to*



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Indianapolis Deputy Chief  
Lloyd Crowe

*actively manage the conditions that lead to crises. The program won a Community Policing Award from the IACP in 2010.*

We started our Crisis Intervention Team (CIT) training in 1999, after we had some of the "lawful but awful" types of incidents that will be discussed here today. Since then, we have required all our officers to have at least 40 hours of training in this. And every other year, you go back for an eight-hour refresher training.

We also have advanced CIT training, and we have at least eight units per day on all three shifts where officers with advanced CIT training are riding with a mental health clinician. Dispatchers and paramedics also have to be trained to recognize these incidents.

Under the Chronic Consumer Stabilization Initiative, when these people are not in crisis, we do proactive follow-up with them and their families, to make sure that they're still on their medication and so on. And we keep accurate records on them, so officers will know what type of mental health issues they have, and they know what type of de-escalation techniques to use when they come on the scene of an incident.

**Ron Honberg, Director of Policy and Legal Affairs, National Alliance on Mental Illness:**

*Police Are Doing Better Than Ever,  
But Budget Cuts Are  
Hurting Mental Health Care*

I've been with NAMI for close to 25 years, and I remember when the "Memphis Model" of crisis intervention first evolved. Today, CIT exists in more than 2,000 communities around the country. So a lot of police departments are doing CIT; you all have really stepped up to the plate. Officers that I've talked to around the country have said that CIT



RIGHT:  
Ron Honberg,  
Director of Policy  
and Legal Affairs,  
National Alliance on  
Mental Illness



FAR RIGHT:  
Blake Norton,  
Director, Local  
Initiatives, Council of  
State Governments  
Justice Center



helps make them feel safer, because these are some of the most difficult, unpredictable situations that they can imagine. The normal rules of the game don't apply to somebody who's psychotic. And where CIT really works is where the mental health system is on board and where there's a true partnership with the police.

Unfortunately, over the last three years, we've cut billions of dollars from the public mental health system. And I know that there are a lot of police jurisdictions that are very frustrated right now. They're still doing CIT, still training their officers, but are more and more often seeing the same people back out in the streets that they have to respond to over and over again. So I hope that we can use the political capital that many of you have to reverse that trend.

I don't mean to give you a negative message here. Overall, things are so much better than they were 20 years ago, and that's a credit to all of you. I hope that every community in the country will be doing CIT soon, and we're moving in that direction. But the mental health system and vital support services must be there right there with you if it's going to work.

**Blake Norton, Director, Local Initiatives,  
Council of State Governments Justice Center:**

### *Specialized Police Responses Are Key To Responding to These Populations*

At the Council of State Governments Justice Center, we spend a fair amount of time looking at both sides of the equation—both the criminal justice and

the behavioral health perspectives. We see the specialized police-based responses, like CIT, as a key element of community policing strategies for law enforcement agencies. When police are engaged in these specialized responses and partner with mental health agencies, it reduces the number of problematic incidents and the severity of those that do occur.

We're very focused on understanding the promising practices already out there and have identified six agencies—Houston; Salt Lake City; Madison, WI; Portland, ME; Los Angeles; and the University of Florida—as “learning sites” that can provide peer-to-peer learning and help other law enforcement agencies focus on these tough issues. This learning site project is funded by the Bureau of Justice Assistance, and four of our learning site chiefs are at this session, which further demonstrates that this is a priority issue for them.

### **The Legal Standard for Evaluating Use of Force: Objective Reasonableness**

*In the 1989 case Graham v. Connor, the Supreme Court decided that an “objective reasonableness” standard should apply to claims of excessive use of force by police officers. The decision states that “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.”*



FAR LEFT:  
U.S. Senate Sergeant  
at Arms Terry Gainer

LEFT:  
Los Angeles  
Assistant Chief  
Sandy Jo MacArthur

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*As a result, when officers use force, they must be able to articulate why they made the decisions they did in clear language that meets the test of objective reasonableness.*

**U.S. Senate Sergeant at Arms Terry Gainer:**

***Supervisors Should Teach Officers  
To Articulate Their Reasons for Using Force***

We have talked about how important the sergeant is during the on-scene response. I think the sergeant is also important after the action, to guide the officer in describing how the event unfolded and what contributed to their use-of-force decisions. I emphasize that the sergeants are not creating the facts; they are only helping officers describe them.

Because *Graham v. Connor* requires the actions to be objectively reasonable, not merely reasonable in the officer's own mind, this decision makes these situations a bit more complicated for us. Advances in technologies, such as audio and video recording, also make it easier to second-guess what the police officer did in some cases. It is very important for officers to get support in learning how to clearly explain why they did what they did.

**Los Angeles Assistant Chief  
Sandy Jo MacArthur:**

***We Teach Officers  
To Evaluate the Entire Situation***

In 2009 we implemented a major change in our use-of-force policy so that it was infused with the concept of an objectively reasonable standard. Although some people see the potential for flexibility in use-of-force continuums, unfortunately, there is a tendency for officers to look at a continuum and think, "If the subject does X, I use force option Y." This is the danger in our continuums.

We still use a continuum in our training, but it is not part of our policy. We emphasize teaching officers to properly respond to suspects' behavior, rather than simply prescribing a formula. This has helped us tremendously in getting officers to understand how to articulate their reasonable response to the incident. We have had this in place since 2009, and it's been very successful.

**Frederick, MD Chief Kim Dine:**

***The Officer on the Street  
Is the First Responder***

For me, this conversation highlights the incredible combination of traits that are needed to be a police officer today. For decades we have focused on getting crime rates down and locking up offenders. And now, rightly so, we also want officers to respond

to people with problems and be sensitive and problem-solve, so we can't forget how important it is to be able to talk to people. Policing is a people business, and we ought to spend as much time teaching our officers how to talk to people as how and when to use force. There's no piece of equipment known to mankind that's going to replace the ability to communicate with people on the street.

I think the challenge for the officer on the street is they're the first one on the scene. You can't always call for someone else, you can't even always call for the supervisor. The officer is the first responder, the one who is faced with the dilemma of what to do and how to determine what type of person they're dealing with.

And the statistics about people suffering from mental illness are huge. One-in-four or one-in-five, that's the way the mental health advocates talk about it. So a lot of people out there are suffering from different crises, and we need to know how to talk to them.

A couple years ago, we started a mental health task force with a few of the agencies in Frederick County. We meet every couple of months, and now essentially every agency comes to the meetings. We've retrained everybody in the Police Department, and then we turned around and did training for the mental health workers, so they are safer and more comfortable on the street and will know how to work with the police officers better.

**New York City Deputy Commissioner  
James O'Keefe:**

*Focus on Tactics to Buy Officers  
Time in a Crisis*

We are talking about the importance of being able to make split-second decisions. But what we need to talk about more are the tactical decisions we could make to buy us more time. Sometimes we won't have to make split-second decisions if we make better decisions before that point.

**Cambridge, MA Commissioner Robert Haas:**

*Tactical Disengagement is an Essential Tool*

Traditionally, we haven't trained our officers to walk away from a situation. We haven't trained them to think, "If I make a decision to walk away and nothing happens, I've resolved the situation."

We have spent a lot of time talking about this idea inside our department. Today, our officers are trained to think about finding a way of disengaging from a situation and not escalating it. This goes back to what Chuck Ramsey was talking about in terms of how easy it is to ramp things up, but much harder to bring them back down. We need to be thoughtful about how officers can de-escalate a situation to get it to a peaceful resolution.

RIGHT: Frederick, MD  
Chief Kim Dine

FAR RIGHT:  
New York City Deputy  
Commissioner  
James O'Keefe





I think the concept of “tactical disengagement” is working remarkably well for us. It initially caused a bit of consternation in the department, but we generally find that when the officer is thoughtful about a situation, it slows things down. The officer can then assess whether nothing will happen if he or she walks away, and whether the situation may be resolved that way.

We need to train our officers to understand that calming a situation down and getting out of it can often be better than winding up with an arrest.

**Professor Dennis Rosenbaum,  
University of Illinois at Chicago:**

*Officers Come Out of the Academy  
With a Bias Toward Using Force*

I’m working on a study that is following the life course of new recruits, and one of our findings is related to this theme of officers being able to walk away from things. We have found that by the time officers leave their academy training, they’re already more prone to want to use force to resolve any kind of situation rather than talk to people.

They’re less likely to want to engage in active listening and more machismo about how to interact with people. They haven’t even hit the road yet.

So I think it is part of the police culture that is being instilled at our training academies and something to think about.

**San Diego Chief William Lansdowne:**

*Supervision of Patrol is Essential*

If your department is like mine, your best and brightest want to be homicide detectives or work in robbery, vice and narcotics. But your very best people, I think, should be in the uniform patrol division. That’s where everything’s going to happen. There’s almost never any public outcry because of something that a narcotics detective or homicide detective does. When people get upset with the police, it’s usually because of something that happened in the patrol division. That’s why nothing is more important than the supervision of these officers.

I’ve changed the promotional process so that if you’re going to be a lieutenant or a captain, you have to “volunteer” to go back to patrol and put the uniform back on and remember what it’s like to do the everyday job. The specialized jobs, like homicide, are self-motivated. But in patrol, you get whatever is out there. Lots of patrol officers are very young officers who need a lot of supervision. This is why we need to focus on our supervisors and make sure they’re available to patrol. Once they’re there, we need to hold them accountable for each and every one of their people.



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FAR LEFT:  
Cambridge, MA  
Commissioner  
Robert Haas

LEFT: Prof. Dennis  
Rosenbaum,  
University of Illinois  
at Chicago



**Philadelphia Commissioner Charles Ramsey:**

*De-escalate Tensions in the Community  
After an Incident*

There is another type of de-escalation we all often have to manage in use-of-force situations. We need to know how to de-escalate tensions in the community after we have a use-of-force incident. That, to me, is just as much a part of handling these volatile situations as the officer's response is.

**Arlington, TX Assistant Chief Will Johnson:**

*A Strong Sense of Legitimacy  
Will Help Police  
Weather Unavoidable Crises*

*In recent years, there has been increasing discussion of the concept of “legitimacy” in policing, which is generally defined as the extent to which the public trusts the police and believes that police actions are morally justified and appropriate to the circumstances*

**Philadelphia Captain Fran Healy:**

*Officers Must Learn  
How to Shift Out of “Cop Mode”  
And Into “Social Worker Mode”*

In Philadelphia, the whole purpose of our Crisis Intervention Team (CIT) training is to give officers practical experience on how to de-escalate situations involving people in crisis. The process of de-escalation we use in Philadelphia is called the E.A.R. model, which stands for “Engage, Assess and Resolve.” Our scenario training helps the officers identify the circumstances in which they will need to “shift gears.” We reiterate to our officers that they need to shift out of “cop mode” in these situations. The training gives the officers an awareness of when they have to change their approach and shift more to “social worker mode.”

The reason we focus on this is because the tactics we are taught in the academy often are not the best tactics for dealing with someone in crisis. We preach officer safety at the academy, but we do not always do a great job of teaching officers the safest tactics for dealing with people in crisis. Confrontational tactics, such as boxing a suspect in or making direct eye contact, can actually get officers into a lot of trouble when dealing with a person in crisis, as opposed to a criminal suspect.

However, officers instinctively react to situations in “cop mode”—this is what we are all taught and do instinctively. This is why the ability to distinguish a person in crisis from a criminal and to immediately change tactics is so critically

important. Officers best understand this concept by way of analogy. During firearms qualifications, when required to shoot with the weak hand, officer all know that they must also change eyes; otherwise the shots will be off-target. The same theory applies when dealing with a person in crisis. When dealing with a person in crisis, the tactics must also change.

In our CIT program, we use people who have gone through crises to assist with our scenario training. They have told us that the instinctive behaviors they encountered by police, such as boxing in or staring, have actually escalated situations, placing officers in incredible danger. We hear from these individuals how the “cop mode” tactics have increased the pressure inside these individuals, causing them to feel like a volcano ready to explode. Nonetheless, the officers are often completely unaware that it is their actions that were creating the pressure or danger. This is a very eye-opening moment for many officers. Most people in crisis have no intent to harm the police, but officers are routinely injured when people in crises just seem to “explode.” All the signs of a pending explosion are there to be seen, but it takes an officer who can quickly shift gears to see these clues and to immediately change tactics. Officers are most often completely taken off guard when a person in crisis “explodes.” Knowing the signs that the pressure is increasing within a person in crisis, and having the ability to quickly change tactics, can often be the difference between life and death for all parties involved.

Arlington, TX Assistant Chief  
Will Johnson

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*of the situation. If people believe that the police are legitimate, they are more willing to defer to police authority, and to obey the law regardless of whether an officer is nearby.*

In Arlington, we really stress building the legitimacy of our role in the community. We want this topic to be on the forefront of our officers' minds. They need to ask themselves: What have I done today, in this encounter, on this traffic stop, on this call, to earn the right to police this community?

If we have established our legitimacy in the community, we are in a better position to serve our community during the worst type of crisis situations—incidents where de-escalation options are not available. The reality is that there are situations when an officer has to make a quick judgment regarding the use of force and the whole thing is almost over before it even starts. By building legitimacy in the community beforehand, we are able to maintain open dialogue and the trust of the community after the event. This can be key in controversial use-of-force incidents, and it can vastly improve supervisors' ability to alleviate community tensions.

**Professor Dennis Rosenbaum,  
University of Illinois at Chicago:**

*Obtain Community Feedback  
On Police Encounters*

Some of you have mentioned that the bottom line is how the community perceives and responds to your use-of-force practices. As part of the National Police Research Platform, we've developed a standardized public encounter survey that we're using in a number of cities. Chicago and Boston both participate. The chief sends out a letter saying, "You had a recent encounter with one of my officers. Would you please take a few minutes to evaluate that encounter?" We're hoping this becomes a standard practice that all of you will use down the road.

**Sacramento Chief Rick Braziel:**

*Community Support  
Is a Critical Measure of Success*

You know you're successful if the customers are happy with your department. The perception of customers is an important way for us to measure success in this area.

We've observed a 54-percent increase in use-of-force incidents over the last five years (not including canine incidents, which we classify differently). But our complaints from the community have dropped



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Sacramento Chief  
Rick Braziel



Montgomery County, MD Chief  
Tom Manger

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42 percent over the same time period. We also measured our employee satisfaction, which shows that 80 percent of the employees like coming to work. So we have engaged employees, productivity is up, and public satisfaction is up, but our use of force is also up. This seems like an anomaly, but it may simply mean that the public believes our use of force is appropriate.

**Sheriff Doug Gillespie,  
Las Vegas Metropolitan Police Department:**

***Develop Coordination and Communication  
With Nearby Military Bases***

We are seeing an increase in calls to airmen's homes around Nellis Air Force Base, so we are working to find ways to defuse situations involving military personnel. We developed protocols with the Air Force base for interacting with those individuals. If there is a domestic violence situation, we can alert the base personnel, who know the people and may be able to resolve the situation without use of force.

We have also noted that the widespread availability of medications to armed service members may be causing a spike in veterans who are abusing medications, painkillers in particular.

**Montgomery County, MD Chief Tom Manger:**  
***We're Teaching Officers  
To Take Time to Assess the Situation***

We have had a number of in-custody deaths that were found to have involved excited delirium. So we added a block of training on this to our in-service training, teaching our officers to recognize the symptoms of excited delirium. Sometimes in these situations the person is not particularly aggressive; he's not attacking the officers as soon as they arrive.

We're trying to change the mindset to recognize that some situations do not require immediate action. You know, take a breath, take a moment and try to better assess what the situation is.

**Takoma Park, MD Chief Ronald Ricucci:**  
***I'm Retraining Officers on Defensive Tactics***

Like other people in the room, I saw the use of Tasers going up, so we reviewed the policy and tightened it up. The thing that I saw was that defensive tactics weren't being used. I'm in a department of 42 officers, so I can do certain things that the bigger departments can't do so easily. We are now training once a month on defensive tactics. It's an eight-hour day, and it cost me in my training overtime budget. But I'm getting them to go back to the basics of using verbal skills and defensive tactics, as



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Takoma Park, MD Chief  
Ronald Ricucci

opposed to automatically going to the Taser, which we were seeing. Last year, the use of the Tasers went down, and we also saw injuries go down.

**Minneapolis Chief Tim Dolan:**

*Make Sure Your Trainers  
Are Training to Your Policies*

We set tighter policies on Tasers and other uses of force, but we had a reluctance in our training unit to accept some of the changes. And we'd have very frank discussions with them, saying, "We understand where you're coming from and we understand your argument, but this is going to be the policy of the Police Department, and this is what you're going to have to teach to."

And that didn't go well with some of them, so I ended up bringing in different people and starting it all over. We brought everybody in and put them through new training.

You have to really get inside the heads of your trainers and make sure that they understand exactly what you're doing and why, and make sure they're on your team, because if they're not, they can sabotage the whole thing.

**Fresno, CA Chief Jerry Dyer:**

*We Involve Our Training Unit  
In Everything We Do*

Like Chief Dolan, I think that we sometimes have a disconnect between our training and our policy. So what we have done is make sure that we have



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Fresno, CA Chief  
Jerry Dyer

incorporated our training unit into everything that we do. Our training unit responds to every officer-involved shooting. They're part of the initial walk-through, and they're part of the review that we conduct on every officer-involved shooting.

The training commander also reviews use-of-force reports completed by a supervisor. So they know what types of incidents are occurring out there, and they're better equipped to put together the types of training that we need.

We have found that our best training tool is the force option simulator. Every one of our officers goes through it annually. The simulator provides various incident based scenarios to our officers, and they're realistic. They're stress-induced scenarios, and we can branch out the scenarios depending on how they respond at various points. So if an officer is engaging the individual using appropriate communication skills, then we de-escalate the situation. If the officer forces the issue, then we branch that scenario to where it becomes an escalation of force, and the officer ultimately has to use some type of force that might have been avoided if he had handled it differently at the beginning. And then we critique the officer's handling of the situation.

**Chicago First Deputy Superintendent  
Al Wysinger:**

*We Train Military Veterans  
On the Police Force  
For Situations Involving Veterans*

The Chicago Police Department offers military veterans on the police force advanced training on handling situations involving veterans. The department understands that these officers have more insight on what our veterans are facing when they return from active duty. Officers who have served in the military are initially trained in basic Crisis Intervention and then advanced Crisis Intervention, to address veterans who may be dealing with a mental illness or post-traumatic stress.



We also send our newly promoted sergeants through the basic Crisis Intervention Training and Mental Health Training. Supervisors can be the first to arrive on the scene. They can assess the situation and provide instructions to responding officers, ensuring that everyone uses restraint until they've completely assessed the situation. By doing so, there is no harm to the individual in crisis or to responding officers.

**Winston-Salem, NC Chief Scott Cunningham:**

*We Are Training Officers To Use All Their Skills*

We deployed Electronic Control Weapons to the entire department. We have 570 sworn employees, and every officer is required to carry one and utilize it according to policy. When we first went to full deployment of Tasers, the use of batons and OC fell right off the table. In the last year we had one baton use; almost all other use of force is now with the Taser.

We have not had any adverse outcomes with the Tasers so far. But there is an impression that our officers in some cases are using it in ways that, while authorized and legal, may not be the best choice. And that's one of the issues we're trying to deal with right now, especially with the young officers—trying to ensure that they don't quickly go to the Taser or another weapon instead of trying to talk their way through a situation.

**Dallas Assistant Chief Vincent Goldbeck:**

*Crisis Intervention Training Should Include Dispatchers*

Our crisis intervention training includes communications personnel training. The 911 operators have to be trained. The dispatchers have to be trained to ensure they're doing an adequate assessment on the front end. They have a script to follow with specific questions to make sure the beat officers get all the information they need. The script asks whether

weapons are involved, or if the person has a history of mental illness or developmental disabilities. Anything that gives the officer information upfront will help him or her handle the situation.

We also try to have regular meetings with Dallas Fire and Rescue, almost on a monthly to quarterly basis, depending on the dynamics of what's occurring in the community. We'll talk about how we are working together as a team, especially on the critical incidents involving excited delirium.

**New York City Deputy Commissioner James O'Keefe:**

*Training on Lesser Uses of Force Prevents Problems from Becoming More Serious*

The stakes are so high with the use of deadly force that sometimes we spend all of our time training on the use of deadly force. This means that training sometimes underemphasizes the other things we can do to prevent us from getting to that point in the first place.

In the early 1990s, we increased our training on effective communication skills and open-hand tactics. Unfortunately, when officers started putting their hands on people more often, we saw some deaths due to positional asphyxia. So we then integrated ways to avoid positional asphyxia into the training. But overall, we improved our training on the lower end of the use-of-force continuum, and it resulted in fewer use-of-force problems.



Winston-Salem, NC Chief  
Scott Cunningham

**Chief Constable Ian Arundale,  
Dyfed Powys Police, UK:**

*Our Use-of-Force Model Asks Officers  
To Evaluate the Person*

We don't use a use of force continuum. Instead, we use a situational use of force model. At the heart of it, we're asking all our staff to identify the capability and intent of the individual. Even if a subject has a knife, an officer may determine that the person has no intention of using it. That still hasn't stopped the experience of in-custody deaths, though, as we have seen an increased number of in-custody deaths in the UK.

**Virginia Beach, VA Chief James Cervera:**

*Tighter Policies Prevent Overreliance  
On Electronic Control Weapons*

We recently put out about 300 additional Tasers in our department. It's voluntary; not every officer has to take one. We tightened up on our policy about when they can be used, because we had a big spike in Taser activations. Officers were going for the Taser immediately, as opposed to trying to use verbal techniques and other methods to effect the arrest. We also viewed the use of the Taser as a Department issue and decided that training, or re-training, was the best way to begin the process and shift the culture.

We also get supervisors to the scene a lot quicker than previously, and we have multiple levels of review when a Taser is used: by the supervisor, the lieutenant, the commander, and Internal Affairs reviews all of them. And when we see a case that we feel might not be within the new policy, we go back to the individual command. We're putting the responsibility back on the commanding officer of the precinct. We've seen the usage come down and they're being used more effectively.

We also said that every time an officer unholsters the Taser, a use-of-force form should be filled out. We're finding that the vast majority of times, all the officer has to do is touch the Taser, and the average citizen looks at it, knows what it is, realizes where this is going, and they comply.

So we tightened up our policies on how officers use Tasers, and after the initial spike, it's starting to come down.

We are also up to 25 percent of our sworn members being fully certified in CIT, having completed the 40-hour course, and everyone in the Department will soon complete the 8-hour course.

**Montgomery County, MD Assistant Chief  
Wayne Jerman:**

*We Limit the Number and Length  
Of Electronic Control Weapon Cycles*

We also tightened up our use of force policy regarding the use of Tasers. Officers must articulate when multiple cycles of a Taser are used. We've also



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FAR LEFT: Virginia Beach, VA Chief James Cervera

LEFT: Montgomery County, MD Assistant Chief Wayne Jerman



Elk Grove, CA Chief  
Robert Lehner

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instituted a list of prohibited Taser practices that state when officers *cannot* use the Taser. In certain instances, such as situations when deadly force would be warranted, that restriction is lifted.

**Houston Chief Charles McClelland:**

*We Treat ECW Deployments  
As Serious Incidents*

PERF came down to Houston and held a national meeting on Tasers so we could learn about the policies that would help all of us make situations safer. We realized you need to have many levels of review when these incidents occur, and you almost have to treat them like an officer-involved shooting. In Houston, we look at Taser deployment as a very serious incident.

**Elk Grove, CA Chief Robert Lehner:**

*We Review All Uses of Force*

In our department, we're small enough that every single use of force, whether you twist a guy's arm to take him into custody or use a firearm, is reviewed by the entire chain of command, including the chief. What I need to decide is whether this officer acted within or outside of policy. I want to know what the officer knew and saw, what the suspect was doing, and why the officer chose the tool he did.

Training can't just be about physical tactics; training also needs to include CIT de-escalation techniques to bring the whole picture to our officers. We need to train them well and then trust them to make good decisions. As we all know, 99 percent of the time they're going to make the right decision, but we still have problematic cases.

**New York City Deputy Commissioner**

**James O'Keefe:**

*Remember that in Effect, Training Is Policy*

We want to be careful not to create a false dichotomy; if something is in my training, in my mind that is policy. We use both the continuum and objective reasonableness in our policy and training. We use the continuum as an essential ingredient in our training, especially at the recruit level where you're trying to take a civilian and teach him or her the progressive steps in the use of force. We tend to rely more on the objective reasonableness standard for our in-service training.

**Madison, WI Chief Noble Wray:**

*Emphasize that Officers Should Use  
The Minimum Amount of Force Required*

When we moved away from the use-of-force continuum and started looking at the objective reasonableness standard, which I support wholeheartedly, I noticed that we stopped saying that officers should use the minimum amount of force necessary. But this is an overarching goal that we always want to keep in mind, because that's the humanity of dealing with the use of force. We really need to stress using the minimum amount of force necessary. The objective reasonableness standard is an excellent approach to dealing with issues of use of force.



Madison, WI Chief  
Noble Wray

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**Dr. Elspeth Ritchie, Chief Clinical Officer,  
Washington, DC Department of Mental Health:**

*Police and Mental Health Workers  
Are Taking Care of the Same People*

What has really struck me during the conversation today is how much the mentally ill concern the police and how big the silos are between mental health and the police, despite some very good efforts to break them down. I think we're going to have to continue this conversation, because you and I are taking care of the same people. We need to collaborate on the best way to do that.

**Albuquerque Chief Ray Schultz:**

*An Early Intervention System  
Can Help Monitor Uses of Force*

In 2010, we saw a large increase in the number of deadly force encounters our officers were involved in. Historically, the city has had about six officer-involved shootings per year. We had 14 in 2010, and the majority of those were fatal. When we saw the numbers going outside of the norm, we contacted PERF, which came in and did a thorough analysis and assessment of the department.

In addition to PERF's 40 recommendations, we identified another 18 recommendations. We're in the process of putting them in place and have 85 percent completely implemented. Everybody in the organization knows exactly what the recommendations are and how important they are to the organization.

**MAKE SURE YOUR POLICIES  
ARE BEING IMPLEMENTED**

In some cases, we found that we had good policies but were not adhering to them. For example, regarding high-risk calls, if a caller uses the words "suicide by cop," we are supposed to send a supervisor, but we found we were not always doing that. We

searched the CAD data and found that on average, 21 times every year, someone says to the 911 operator: "I want a cop to kill me" or "I want to commit suicide by cop." It turned out we were only advising the supervisor about the high-risk call, and we were not sending a supervisor to the scene. We were just saying, "Be advised there's a guy with a gun," or "There's a guy threatening suicide." With one simple change, we now dispatch the supervisor to be on-scene.

As several chiefs have said, when the supervisor is at a high-risk incident, he or she can slow things down and help prevent unnecessary escalations of tensions. Across the country, police departments are doing a better job of getting to calls faster, and getting people to the right location at the right time.

We also have a DOJ grant that has allowed us to hire a psychiatrist to do street outreach for our department. We know we are going to continue to have more and more interaction with people in crisis and people with mental illnesses.

We looked back through 2004 and examined the 51 total officer-involved shootings during that time period, and searched for a pattern. We found they were pretty equally distributed by day of the week, area of the city, and among officers with various years of service (everything from three weeks after graduation from the academy to 25 years). There was nothing we could put our finger on, other than histories of mental health or multiple prior arrests.

PERF recommended that we change some things in our early intervention system, starting

Knoxville, TN Chief  
David Rausch

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with the name of it. We now call it an early intervention system instead of an early warning system, because “intervention” more accurately describes what we are trying to do.

#### INCLUDE MORE BEHAVIORS IN YOUR EIS TO GET ALERTS SOONER

Our early intervention system is triggered by several things in addition to use of force incidents, including missed court dates, citizen complaints, vehicle accidents involving the officer, lawsuits or torts against the officer, or notices of intent to sue. We used to flag someone if they had 5 uses of force, but based on the data we examined, we lowered the threshold to three for force incidents. By doing that, the numbers of officers identified by the early intervention system went up significantly for the first six months. After that period, the number of hits has come back down, because the officers know the system is closely monitoring behavior.

Our department’s response to a first trigger (three problems within a rolling 12-month period) is a face-to-face informal meeting with the officer’s commander. We don’t have them talk with their sergeant or lieutenant, because we think those supervisors can be a little too close to the situation. We thought it better to have the commander conduct the review. For the second hit, which could be one more incident within the same rolling 12-month

period, the response is now a formal face-to-face meeting with the commander. If there is a third hit, the response is a formal face-to-face with the department psychologist. The fourth hit gets the officer a face-to-face with the psychologist and an assessment. A fifth hit within a rolling 12-month calendar is a transfer that I make within the department.

The union was strongly opposed when we started talking about moving people around. But everybody that I’ve had to move has come back and said, “Thank you, that was the best thing you could have done for me.” Sometimes the change in environment is enough to bring about change in an officer’s behavior.

#### BUILD COMMUNITY CONFIDENCE BY EXPLAINING YOUR REFORM STRATEGIES

There are groups in our community who think we need to have the Department of Justice come look at our department. We are trying to build community confidence by communicating what we are doing and being transparent about what needs to change. We are trying to show our commitment to the community by adopting the recommended changes. We also have an independent review officer and an independent police oversight board in the city of Albuquerque. All actions of the board are broadcast on the local cable television network.



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Montgomery County, MD Officer  
Scott Davis

# Responding to U.S. Justice Department Consent Decrees

THE PERF EXECUTIVE SESSION INCLUDED A discussion of interventions by the U.S. Justice Department's Civil Rights Division regarding patterns or practices of civil rights violations by local police agencies. Participants included several police officials who have led departments that were the subject of DOJ investigations or litigation, or have undertaken reform plans that can help prevent the need for any DOJ interventions.

**Los Angeles Assistant Chief  
Sandy Jo MacArthur:**

*Our 10-Year Experience  
With a Consent Decree  
Was Costly But Improved the Department*

Beginning in 2001, the Los Angeles Police Department went through a 10-year consent decree process, which cost the agency a tremendous amount of time and money. For example, we spent over \$1 million a year for monitor's fees, and we had more than 300 people working full-time on it in the Auditing and Consent Decree Bureaus alone. We also had people working full-time on this in the Professional Standards Bureau and the Force Investigations Division under Internal Affairs.

I'm going to discuss some of the areas that got us into trouble and initiated the consent decree in the first place, and some lessons we learned along the way.

## CLEAR OUT THE DEADWOOD OF OLD POLICIES

We had every policy under the sun, and some of them were outdated policies that we never went back and fixed. So we had multiple policies giving conflicting guidance. And our biggest problem was that we weren't following our own policies.

When Chief Bill Bratton came to the LAPD in 2002, he helped our department see itself through different eyes. He started asking questions: "Why do you have this policy? Why does it conflict with this other policy? And why can't you follow your own rules? If you can't follow your own rules, something's wrong with the rules."

More importantly, Chief Bratton wanted to ensure that what we were left with would be sustainable and would actually help move our organization forward and incorporate the lessons we learned.

Take a very close look at your high-risk incidents. LAPD has conducted investigations on use of force since the 1980s, for both lethal force and lesser uses of force, but we hadn't been doing it very well. Some of our investigations were not in-depth enough to find out what we were doing right, what didn't go well, and what needed to be changed. When we went into the consent decree, we found this was a problematic area for us.

If the Department of Justice comes in, you can work with them and it'll make you a better organization. But if your agency is getting ready to go into a consent decree, be very careful about what is written about how they're going to assess you. Sometimes the people who write the consent decrees

don't have a lot of experience in understanding how to assess police departments. You need to know up front exactly what's going to be looked at, and how you're going to be measured.

If, when you are examining your department's own actions, you see that all the use-of-force incidents are determined to be "in policy," that's a red flag. If all of your reports on citizen complaints have very similar language, that's a red flag. If your reports seem to be "rubberstamped," that's a problem.

What we should have done right away is send our audit division to experts outside of our department to learn how to conduct a good, unbiased audit. Once we got our audit division squared away, then we were able to frequently review, inspect and audit all our internal practices and all the aspects of the consent decree. But it took us a long time to get to that point.

Initially, we had a hard time working with our monitor. We struggled for a while and it was frustrating for the LAPD and the monitor. I don't think our monitor had taken on a project quite as big as our consent decree before. That was a problem that we couldn't have foreseen.

And when we entered into the consent decree, we were fighting all the way. Our chief of police at the time refused to participate in many of the discussions. Had we worked with the Department of Justice rather than initially battling them, we may have had success sooner.

**Philadelphia Commissioner Charles Ramsey  
(Formerly Chief of Washington, DC  
Metropolitan Police Department):**

### *I Asked the Justice Department To Help in Washington*

In 1998, when I left Chicago and took the chief's job in Washington, the *Washington Post* ran a week-long series on the Police Department's use of deadly force, a series that won them a Pulitzer Prize. They called the MPD the worst department in the country when it came to deadly force, which was probably only a slight exaggeration. It was a bad situation, and it was caused in part because the

department had let the officers down by not having solid training programs in place.

Terry Gainer, who was my deputy chief, and I had a long conversation about how to respond to the *Post* articles. We quickly realized that we could not fix this ourselves, because the MPD lacked credibility as an agency. We came up with the idea of contacting the Justice Department proactively and asking for their help. I felt then, and I still feel now, that the DOJ's obligation is not just to come in and investigate problems; they also have a role in helping police agencies to improve themselves. So I sent a letter to then-Attorney General Janet Reno asking for assistance, and the Justice Department responded by sending Shanetta Cutlar to work with us. Shanetta was head of the Civil Rights Division's Special Litigation Section, which is the unit that investigates local police agencies.

The DOJ assistance made a huge difference in the MPD. I don't think we could have made the changes that we made without the involvement of the DOJ. We were very fortunate that we had a good monitor and other good people from the Justice Department helping us. We were very serious in our effort, and it took about seven years before the department got out from under that consent decree. It's now a much better department.

We met monthly with our monitor to discuss developing issues. It gave us an opportunity to explain why things were the way they were. There was nothing wrong with many of our policies, but policies are of no use if people aren't following them. So in many instances, our discussions with DOJ didn't bring huge changes in policy, but they resulted in better ways to train our officers, hold people accountable, and monitor how things were being done in the department.

By the end of the seven years, the Metropolitan Police Department was a far better department than it was in 1998 when the *Washington Post* articles were written. Looking back, the news media helped us, because they forced us to face the real problems that existed in that department.



**Detroit Chief Ralph Godbee:**

*DOJ Review Is Helping Us to Save Lives*

The DOJ investigation of the Detroit Police Department goes back close to a decade, long before I became chief. But we have made progress during my time as chief. When I began my tenure as chief in 2010, the initial assessment of our compliance with the consent decree was 29 percent. Now we're at 80 percent compliance.

There are two consent judgments against our department. The first is about our use of force, and the second is about conditions of confinement; we still have our own holding cells.

There are two phases to the consent decree process. Phase 1 involves developing policies, which then have to be approved by the Department of Justice, the monitor, or both. We have completed that phase and are now in Phase 2, which involves implementation of policy. In Phase 2, the monitoring team comes in on a quarterly basis to assess if we are actually doing what we have promised to do.

We have accountability mechanisms in place to ensure that not only are we living up to the four corners of the document, but that we are also living up to the spirit of the document.

**YOU MUST BE ABLE TO QUANTIFY  
YOUR USE OF FORCE**

If I had to give advice to another agency—whether you're already having conversations with the Justice Department or maybe you just want to be

prepared—it would be that you must be able to quantify your use of force.

For example, you need to be able to calculate the percentage of arrests in which force was used. We collect this information through a self-reporting mechanism and an early warning system. And this may seem counter-intuitive, but if fewer than 3 percent of your arrests have use of force reported, that should be a warning sign, because it may reflect underreporting of uses of force.

Another thing to look for is “contempt of cop” types of arrests, which may be a sign of a problem with an individual officer or a group of officers. Look at this by shifts, by precincts, by divisions, and look at specialized units. A large number of “contempt of cop” arrests is a hint that officers may not be going in the right direction.

**DEVELOP AN EARLY WARNING SYSTEM  
TAILORED TO YOUR AGENCY**

I would recommend development of an early warning system to any agency that doesn't already have one. DOJ looks at whether an agency has an early warning system as part of their determination to enter into a consent decree.

Detroit had a tough experience developing our early warning system. The paragraphs in the consent decree that dictated the parameters of the system were unique to Detroit. There's no one vendor, there's no single software package that could track the behaviors we were required to track. So we used our internal resources to write programs and develop software. We developed a system that is proprietary to Detroit, and it tracks, as close as possible, about 26 different behaviors across the whole department.

The early warning system you develop in your



Detroit Chief  
Ralph Godbee

agency will only be useful when used properly. We're looking beyond just capturing the information, to include a risk management methodology that governs what we *do* with the information we capture. If the officer is flagged because his or her indicators are high, the system requires a response, usually consisting of a front-line supervisor dealing with the officer directly.

This intervention doesn't necessarily mean that the officer did anything wrong.

For example, we look at the number of arrests officers are making. All other factors being equal, an officer who makes 50 arrests is more likely to use force than an officer who makes 10 arrests in the same period of time.

Another thing to remember is that everything should be documented. The early warning system has caused us to document things that we didn't before. You won't be able to recall three, four, or five years later in a lawsuit when you have to demonstrate whether you handled an alert of the early warning system by training the person, talking to them, or having some other type of intervention. Now that we're forced to document those things, it just makes us, from a risk management standpoint, an agency that's better prepared to deal with situations that will inevitably come up.

When you discover that a policy is not being followed, I believe we need to substitute our judgment for the officer's judgment. That's what they pay us the big bucks for, especially in larger organizations, because if you don't make that critical assessment, it becomes a tacit approval of certain behaviors that will go on in your organization.

#### SEE YOUR MONITOR AS A PARTNER IN POSITIVE CHANGE

One last point for agencies engaged in consent decrees with the Department of Justice: I would urge you to embrace your monitoring team as partners in change, rather than fighting them. Our department lost about five years fighting with the monitor and with the Justice Department. The sooner you view the process as an opportunity for change, the better off you'll be as an agency.

In Detroit we are currently spending \$91,000 a month to be monitored. This fee goes to an

organization that makes sure we are doing what we are supposed to do under the decree. We selected the monitor through a competitive RFP process, and the \$91,000 a month is actually less than what we were paying previous monitors. When you factor in our Civil Rights Integrity Bureau and the number of officers we have working on this, you get an idea about the costs of all this.

But I also keep in mind the benefits, in terms of the lives we are saving by doing this. Detroit has some of the highest violent crime rates in the United States, and yet in 2011 we had only one officer-involved shooting that resulted in the death of a citizen. Since 2003, we have had zero in-custody deaths in our cellblocks.

Even looking at it only in terms of dollar and cents, we've started to look at the consent decree as a "risk mitigation" process, and compare the cost of the monitor with the amounts of lawsuit payouts. The \$91,000 a month we're spending has helped us become a "best practices" agency, which should reduce lawsuits against the department. And we are moving toward monitoring ourselves and preparing for sustainability of our best practices after the consent decree is completed.

#### Oakland, CA Captain Ed Tracey:

#### *You Need to Show that Your Agency Can Be Objective and Self-Critical*

The biggest issues in our settlement agreement have been accountability, internal affairs, use-of-force investigations, and supervision. My advice to police departments is to be mindful of being objective regarding your strengths and weaknesses, from the chief on down to the officer. You should be able to show that your agency can be self-critical, and that you call things as they are.

Our agency is using an early warning system that looks at factors like sick leave usage and citizen complaints as well as use of force. If the system triggers an alert, we put all the information together, sit down with officer, and say: "Look, Officer, you're not in trouble. We're not saying you're doing badly. But we have identified some troubling trends, and we want to help save your career." In our department,

Oakland, CA Captain  
Ed Tracey

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not one officer has been fired as a result of this kind of intervention.

We follow the motto that says, “If you’re going to expect it, inspect it.” You need to measure the things that are important to you. Make sure your auditing is robust and frequent.

And you must invest in your first-line supervisors—whether it’s through schooling, mentoring, or coaching—to help them focus on providing oversight. Teach your supervisors to watch out for boilerplate language in reports about uses of force, such as “the subject took a defensive stance” or “the subject took a fighting stance.” Supervisors should train officers to articulate exactly what they mean.

I also think a good, healthy transfer policy is helpful. This prevents supervisors from managing the same individuals year after year after year. We move our supervisors around, and it can be particularly helpful if you can give them some experience in Internal Affairs.

I recommend looking at Chief Lansdowne’s model where supervisors are dispatched to crisis incidents, because that has been shown to produce significant reductions in use of force.

Finally, it’s important to build a relationship with the monitor. If you go head-to-head with the monitors, guess who will win? It’s essential that you be clear about what their expectations are and how they’re going to measure you. Generally, try to be on the same page as they are.

**Sheriff Doug Gillespie,  
Las Vegas Metropolitan Police Department:**

*Police Department Culture Trumps Policy*

I’ve been Sheriff in Las Vegas for six years. If I had one piece of advice for somebody coming in to take my job tomorrow, it would be that culture trumps policy. You can have the best policies in the world, but if your institutional culture doesn’t support them, they won’t work. We all have policies for so

many things, like officers wearing their seatbelts and not driving too fast; but we know employees won’t necessarily follow these guidelines unless the culture reinforces them.

The second bit of advice is that I think it’s important that we, as the heads of law enforcement agencies, should go visit other agencies to see how they do business. Don’t send subordinates; take the time yourself to see how other people are doing this work, because you will see things that will open your eyes.

In my second year in Las Vegas, I reached out to Chief Bill Bratton in Los Angeles and asked if I could come spend a few days with him. He generously agreed, and when I was out there, I saw a number of checks and balances he had instituted within his organization that, in my mind, provided solutions to problems by holding people accountable. They used CompStat to develop systems for holding people accountable based on hard data.

In my organization, we spend a lot of time on use of force, discipline issues, and problem employees. An investigation by our local newspaper produced some solid statistics indicating that we had more officer-involved shootings than other cities our size.

So I reached out again to Bill Bratton and to other colleagues for advice on handling this issue—people like Chuck Ramsey, Gil Kerlikowske, and the COPS Office. Fortunately for me, COPS Director Barney Melekian called me about the officer-involved shootings issue and told me that the COPS



Sean Smoot, Treasurer,  
National Association of Police Organizations

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Office had a new program in which they could come out and assess our organization. So we're going to take part in that COPS project.

The last thing I'll say is you shouldn't allow the news media, special-interest groups, employee associations, or anyone else outside your organization to force you into making hasty decisions that might be detrimental to the overall health of your organization. On the other hand, when you see a problem, don't take too long about identifying and implementing solutions, because events can overtake you if you don't keep the pressure on yourself and make the changes you need.

**Sean Smoot, Treasurer,  
National Association of Police Organizations**

*Requiring Psychological Evaluations  
As Part of the Union Contract  
Removes Their Stigma*

On the question of mandatory psychological evaluations for officers who are flagged by an early intervention system after being involved in multiple incidents, I have local bargaining units that have negotiated this into contracts. And they've taken

some heat on it from members who think of psychological evaluations as stigmatizing.

But to me, once psychological evaluations are in the contract, there's no longer such a stigma involved. For instance, if the contract requires that every officer involved in a critical incident must see a mental health professional before returning to work, that is a statement—from the union and from the department. Nobody is singled out; everyone involved in the incident must go; and it just becomes the regular practice. Previously, you had officers who would not seek the help they needed because they were afraid of being tagged. Now, hopefully, they get the counseling, because there is no stigma attached. Again, everybody has to do it, and in most cases everybody is put on paid administrative leave for a period of time after they are involved in a critical incident.

I know this has been an issue for police departments in Illinois, because many don't have money in their budgets to deal with these issues. They don't have a psychiatrist within the department, and they don't want to pay to send somebody to go see one, especially if the officer is resisting. Putting it into the contract can make it happen.



# Conclusion

POLICIES AND GUIDEBOOKS ON THE USE OF force by law enforcement agencies have been produced by many organizations, including the National Institute of Justice and other U.S. Justice Department agencies;<sup>3</sup> the Justice Department’s Civil Rights Division;<sup>4</sup> academic institutions; and research organizations such as PERF.<sup>5</sup> And a number of organizations provide specialized information about Crisis Intervention Teams and other model programs for handling encounters with persons with mental illness and other conditions that can be difficult for police to handle.<sup>6</sup>

This report, like others in the Critical Issue in Policing series, takes a rather direct approach to presenting information on use of force and de-escalation from the viewpoint of police chiefs, mental health officials, and other practitioners. We ask these practitioners to “cut to the chase” and tell us about the particular aspects of the issue that they consider most important, most troublesome, or most promising. And then we present their comments just as they made them, in their own words.

Several themes emerged during the discussions among police officials, mental health experts, and other practitioners at the meeting. First, persons with mental illness or other issues can pose extremely complex challenges to police. They may pose a real threat to the public, to police officers, and to themselves, but they may be unable to understand or respond rationally to officers’ instructions. For police, the role of the first-line supervisor is critically important. The sooner that supervisors arrive at the scene, the more likely they can contain it, “slow it down,” and avoid the temptation to feel that immediate action is always required.

Participants also stressed the importance of ensuring that policy and training are in sync with each other. Policy is undermined if trainers do not accept it and instead teach recruits to take a different approach.

Another point that was made by many officials was that police departments should collect, analyze, and act on data regarding uses of force. Early intervention systems can produce important

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3. For lists of documents, see for example, National Institute of Justice topics: Law Enforcement, Officer Performance and Safety, Use of Force: <http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/welcome.htm> and National Criminal Justice Reference System topics: Law Enforcement, Use of Force: <https://www.ncjrs.gov/App/Topics/Topic.aspx?topicid=178>

4. U.S. Department of Justice, Civil Rights Division, Special Litigation Section, Cases and Matters: <http://www.justice.gov/crt/about/spl/findsettle.php#police>

5. See, for example, the PERF/COPS Office document, *2011 Electronic Control Weapon Guidelines*. <http://www.policeforum.org/library/use-of-force/ECWguidelines2011.pdf>

6. See, for example, National Alliance on Mental Illness, CIT Resource Center: <http://www.nami.org/template.cfm?section=cit2>; Memphis Police Department, Crisis Intervention Team: <http://www.memphispolice.org/crisis%20intervention.htm>; and CIT International: <http://www.citinternational.org/>

information about individual officers' records of using force, as well as patterns across shifts or by particular commands or specialized units. As with other issues in policing, measuring a problem is the first step to addressing it.

Finally, there was agreement that this is an area in which partnerships between police agencies and other organizations are essential. Mental health officials and other experts can not only help police resolve particular incidents peacefully, but also establish more permanent solutions to the “revolving door” of police encounters with members of special populations.

Following is a summary of information provided by police chiefs and other leaders in the preceding pages:

### **The Nature of the Challenges**

- In practice, de-escalating tensions during an encounter can be more difficult than raising tensions.
- Speaking generally, the current generation of police officers may be less skilled than past generations at communicating directly in face-to-face encounters with persons. Some consider this an unfortunate side-effect of the trend toward communicating through email and other electronic media. Thus, young officers may be more inclined to resort to hands-on tactics or “less lethal” weapons during an encounter with a person with mental illness or another condition, as opposed to using verbal skills to ratchet a situation down.
- Electronic Control Weapons (ECWs) such as Tasers™ and other weapons are often referred to as “less lethal” weapons, but people sometimes die after being subjected to less lethal weapons. Comprehensive policies and training on all weapons, hands-on tactics, and verbal skills can help officers to resolve encounters with less risk to themselves, to the subject who is involved, and to the public.
- Often, tense encounters develop over nothing more than a person's refusal to comply with a police officer's order—i.e, without any actively aggressive or hostile actions toward the officer.
- Police officials report that shootings often result from what are called “perception” issues, in which a suspect, often during a foot pursuit, makes a sudden movement that is perceived as reaching for a firearm. It is only in hindsight that it becomes known that the person was reaching for a cellphone or other object. It can be extremely difficult for officers to assess such situations and ensure their own safety, especially when they have only seconds to make a judgment. For this reason, police chiefs speak of the advantages of “slowing down” difficult encounters, and thinking through tactics so as not to box themselves into a highly charged incident.
- Military veterans are being transitioned out of military housing in some parts of the country, which can reduce the monitoring of persons with psychological issues and increase stress on them.
- Many persons with mental illness cycle in and out of jail. They receive anti-psychotic medication and other assistance while in jail and become stabilized, but then are released back into the community with few or no resources to maintain themselves, and the cycle begins again.
- The landmark 1989 Supreme Court case *Graham v. Connor* provides that a Fourth Amendment standard of “objective reasonableness” (rather than the Fifth Amendment guarantee of due process) is the proper test for considering all claims of excessive force by police officers during the course of an arrest, investigatory stop, or other seizure of a citizen. An officer's actions must be judged “from the perspective of a reasonable officer on the scene,” with consideration of the fact that “officers are often forced to make split-second decisions about the amount of force necessary in a particular situation,” the Court said.

There is no simple formula for assessing the Constitutionality of a use of force, the Court noted; rather, the assessment depends upon “the facts and circumstances confronting [the officer at the time].”

Because the legal test is “objective reasonableness,” this ruling has implications for police officers, who now must be able to articulate and document their reasons for a particular use of force in a given situation.

### **Solutions and Promising Practices**

- Dispatch a supervisor and multiple officers to potentially high-risk calls, such as 911 calls in which the caller reports a person with a firearm who appears to be under the influence of drugs. Having a supervisor at the scene, preferably within 15 minutes, can help avoid a tendency to think that action must always be taken immediately to resolve the situation. Once police have arrived at the scene, “slowing down” the response can sometimes reduce the likelihood that force will be used. For example, by asking questions instead of issuing orders, responding officers may better understand the nature of the crisis and be able to defuse it without force. And having multiple officers present can result in greater safety if police use hands-on tactics to take a person into custody.
- If your agency has not already done so, consider establishing a Crisis Intervention Team (CIT)—in which the police partner with local mental health officials and other experts to design comprehensive plans for managing and responding to persons with mental illness or other issues that can result in erratic or unexpected behavior.
- Crisis Intervention Teams also can reduce “revolving door” issues by identifying persons who are “chronic customers,” and intervening with those persons to ensure they have the medication and other services they need to avoid repeatedly going into crisis.
- Collect, track and analyze use-of-force data to identify trends and patterns. Early Intervention Systems can help to identify possible issues with individual officers as well as groups of officers, by precinct, shift, or specialized unit. Analyze your uses of force as a percentage of arrests, and be aware that a very low number may be a sign of effective polices, but may also be a sign of underreporting.
- In dealing with a military veteran who is barricaded, resisting arrest, or in crisis, consider using a police officer who is also a military veteran and who may be better able to establish a personal connection with the subject.
- Hold officers accountable for adhering to policy and training when dealing with persons with mental illness or other conditions that can result in erratic behavior.
- Recognize the threat that mentally ill persons and others can pose to officers, and understand the officers’ perspectives about the need to protect themselves.
- Teach officers to understand the “objective reasonableness” standard for use of force articulated by the Supreme Court in *Graham v. Connor*, and train them to be able to clearly and accurately articulate their reasons for any use of force, in writing, following an encounter.
- Consider training officers to understand that not every situation requires a police action. In other words, if an officer can walk away from a situation and no negative outcome results, in some cases that can be a more effective response than thinking that an arrest or other intervention must always be made.
- In addition to de-escalating tensions during encounters with persons with mental illness or other conditions, police should aim to de-escalate tensions within the community following a use-of-force incident.

- Understand that training is critical to ensuring that policies on use of force are followed. Resistance from a training unit can thwart policy reforms. And involve training personnel at scenes involving use of force and in the review process, so that trainers will better understand the types of situations that officers are facing on the street.

### **Responding to U.S. Justice Department Consent Decrees**

- Police executives whose departments have been subjected to Justice Department investigations and in some cases litigation generally express the view that such interventions can help bring necessary reforms to a local police agency and can save lives. But they also warn that DOJ investigations and consent decrees can be costly and time-consuming for the local department.
- Chiefs advise their colleagues that if they do enter into negotiations with the Justice Department, they should be very specific in negotiations about how they will be assessed, and by what criteria they will be measured.
- Early Intervention Systems can help monitor a department's overall uses of force.
- Some believe that the "culture" of a police department can exert a greater influence on practices than the department's written policies.



# About the Police Executive Research Forum

THE POLICE EXECUTIVE RESEARCH FORUM (PERF) is a professional organization of progressive chief executives of city, county and state law enforcement agencies. In addition, PERF has established formal relationships with international police executives and law enforcement organizations from around the globe. PERF's membership includes police chiefs, superintendents, sheriffs, state police directors, university police chiefs, public safety directors, and other law enforcement professionals. Established in 1976 as a nonprofit organization, PERF is unique in its commitment to the application of research in policing and the importance of higher education for police executives.

PERF has developed and published some of the leading literature in the law enforcement field. The "Critical Issues in Policing" series provides up-to-date information about the most important issues in policing, including several recent reports on the impact of the economic downturn on police agencies. Other Critical Issues reports have explored the role of local police in immigration enforcement, the police response to gun and gang violence, "hot

spots" policing strategies, and use-of-force issues. In its 2009 book *Leadership Matters: Police Chiefs Talk About Their Careers*, PERF interviewed 25 experienced police chiefs about their strategies for succeeding as chiefs and working well with their mayors, their officers, and their communities. PERF also explored police management issues in "Good to Great" Policing: *Application of Business Management Principles in the Public Sector*. Other publications include *Managing a Multijurisdictional Case: Identifying Lessons Learned from the Sniper Investigation* (2004) and *Community Policing: The Past, Present and Future* (2004). Other PERF titles include *Racial Profiling: A Principled Response* (2001); *Recognizing Value in Policing* (2002); *The Police Response to Mental Illness* (2002); *Citizen Review Resource Manual* (1995); *Managing Innovation in Policing* (1995); *Crime Analysis Through Computer Mapping* (1995); *And Justice For All: Understanding and Controlling Police Use of Deadly Force* (1995); and *Why Police Organizations Change: A Study of Community-Oriented Policing* (1996).

**To learn more about PERF, visit [www.policeforum.org](http://www.policeforum.org).**

*We provide progress in policing.*



# About Motorola Solutions and the Motorola Solutions Foundation

MOTOROLA SOLUTIONS IS A LEADING PROVIDER of mission-critical communication products and services for enterprise and government customers. Through leading-edge innovation and communications technology, it is a global leader that enables its customers to be their best in the moments that matter.

Motorola Solutions serves both enterprise and government customers with core markets in public safety government agencies and commercial enterprises. Our leadership in these areas includes public safety communications from infrastructure to applications and devices such as radios as well as task-specific mobile computing devices for enterprises. We produce advanced data capture devices such as barcode scanners and RFID (radio-frequency identification) products for business. We make professional and commercial two-way radios for a variety of markets, and we also bring unlicensed wireless broadband capabilities and wireless local area networks—or WLAN—to retail enterprises.

The Motorola Solutions Foundation is the charitable and philanthropic arm of Motorola Solutions. With employees located around the globe, Motorola Solutions seeks to benefit the communities where it operates. We achieve this by making strategic grants, forging strong community partnerships, and fostering innovation. The Motorola Solutions Foundation focuses its funding on public safety, disaster relief, employee programs and education, especially science, technology, engineering and math programming.

Motorola Solutions is a company of engineers and scientists, with employees who are eager to encourage the next generation of inventors. Hundreds of employees volunteer as robotics club mentors, science fair judges and math tutors. Our “Innovators” employee volunteer program pairs a Motorola Solutions employee with each of the non-profits receiving Innovation Generation grants, providing ongoing support for grantees beyond simply funding their projects.

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# APPENDIX

## Participants at the PERF Summit

### “An Integrated Approach to De-Escalation and Minimizing Use of Force”

February 23, 2012, Washington, D.C.

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for its support of the  
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