

## INTRADEPARTMENTAL CORRESPONDENCE

April 22, 2021

BPC#21-082

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**TO:** The Honorable Board of Police Commissioners  
**FROM:** Inspector General, Police Commission  
**SUBJECT:** IMPLEMENTATION OF DE-ESCALATION CONCEPTS AND TRAINING  
WITHIN THE LOS ANGELES POLICE DEPARTMENT

### RECOMMENDED ACTION

REVIEW and APPROVE the Office of the Inspector General's Report on the Los Angeles Police Department's implementation of de-escalation concepts and training.

### DISCUSSION

At the request of the Board of Police Commissioners (BOPC or Commission), the Office of the Inspector General (OIG) has completed an evaluation of the effectiveness of the Los Angeles Police Department's (LAPD's or Department's) implementation of de-escalation concepts. These concepts were incorporated into the Department's operations via a Use of Force Tactics Directive developed in October 2016 titled, "Tactical De-escalation Techniques". The directive outlines a number of methods to guide officers' effective de-escalation during contacts with members of the public. To conduct its analysis of this matter, the OIG completed two different evaluations, as illustrated in this report. First, the OIG identified the steps the Department employed to implement and reinforce the concepts of de-escalation. Second, the OIG conducted an audit to determine officers' adherence to the Department's de-escalation tactical training when responding to high-priority calls for service.

The OIG conducted a comprehensive review of a sample of 70 incidents that ended in an arrest or an involuntary psychiatric hold and found that officers applied de-escalation tactics in the clear majority of situations, consistent with Department training. However, some inconsistencies and missed opportunities by officers were also identified. Most notably, there is room for improvement in officers' utilization of available time to develop a plan while they are en route to the scene of a call.

I am available to provide any further information the Commission may require.



MARK P. SMITH  
Inspector General  
Police Commission

Attachment

# LOS ANGELES POLICE COMMISSION

## IMPLEMENTATION OF DE-ESCALATION CONCEPTS AND TRAINING WITHIN THE LOS ANGELES POLICE DEPARTMENT



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

MARK P. SMITH

Inspector General

April 27, 2021

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# **IMPLEMENTATION OF DE-ESCALATION CONCEPTS AND TRAINING WITHIN THE LOS ANGELES POLICE DEPARTMENT**

## **A. Introduction**

At the request of the Board of Police Commissioners (BOPC or Commission), the Office of the Inspector General (OIG) has completed an evaluation of the effectiveness of the Los Angeles Police Department's (LAPD's or Department's) implementation of de-escalation concepts. These concepts were incorporated into the Department's operations via a Use of Force Tactics Directive developed in October 2016 titled, "Tactical De-escalation Techniques".<sup>1</sup> The directive outlines a number of methods to guide officers' effective de-escalation during contacts with members of the public. To conduct its analysis of this matter, the OIG completed two different evaluations, as illustrated in this report. First, the OIG identified the steps the Department employed to implement and reinforce the concepts of de-escalation. Second, the OIG conducted an audit to determine officers' adherence to the Department's de-escalation tactical training when responding to high-priority calls for service.

The OIG conducted a comprehensive review of a sample of 70 incidents that ended in an arrest or an involuntary psychiatric hold and found that officers applied de-escalation tactics in the clear majority of situations, consistent with Department training. However, some inconsistencies and missed opportunities by officers were also identified. Most notably, there is room for improvement in officers' utilization of available time to develop a plan while they are en route to the scene of a call.

## **B. Office of the Inspector General Use of Force-Related Historical Reports**

In November 2015, the Commission directed the OIG to conduct a series of reports examining several topics related to the use of force by the LAPD. These reports were to include information relating to: the number and types of categorical use of force incidents occurring over the past decade; a review of the changes made to the Department's policies, investigations, and training over that same period; a comparison of these items to those of other police agencies; and a review of how less-lethal tools (TASERS and beanbag shotguns) could be used more effectively by the Department.

In response to this direction, the OIG issued the following reports:

- *Ten-Year Overview of Categorical Use of Force Investigations, Policy, and Training* (issued March 10, 2016)
- *Inspection of TASER and Beanbag Shotgun Deployment* (issued September 28, 2016)
- *Comparative Review of Selected Agency Policies, Investigations, and Training on the Use of Force* (issued October 6, 2016)
- *Overview of Less-Lethal Force Tools and Deployment* (issued February 22, 2017)

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<sup>1</sup> LAPD Use of Force - Tactics Directive No. 16, *Tactical De-escalation Techniques*, October 2016. See Appendix for the full text of the directive.

Each of these reports contained recommendations, subsequently approved by the Commission, related to the inclusion of de-escalation concepts in the Department's use of force (UOF) policies and training. One key policy-related recommendation was to revise the Department's use of force policy to include language requiring that officers employ de-escalation techniques. Several of the recommendations addressed the development and delivery of UOF training, with a focus on de-escalation techniques and concepts. These training-related recommendations included Department-wide training as well as training directed toward specialized units or roles in order to reinforce de-escalation techniques and concepts.

Recommendations were also made relative to ensuring that an analysis of de-escalation efforts was included in the evaluation of all UOF incidents and that the promotional process included an assessment of a candidate's understanding of de-escalation concepts.

Finally, several recommendations addressed the Department's standards and availability of less-lethal force options. In addition to recommending that the Department review its standards governing less-lethal weapons for possible revision or enhancement, it was also recommended that the Department ensure it had a sufficient inventory and adequate deployment of less-lethal weapon systems in the field.

### **C. Department Policy and Training Implemented**

In the years that followed the publication of the above-mentioned OIG reports, the Department has taken a series of steps to implement the recommendations that were made in those reports.

#### **1. Revised Use of Force Policy**

There have been three revisions to the Department's official UOF Policy since the Department introduced their Tactical De-escalation Techniques directive in 2016. On April 18, 2017, the BOPC approved a revised version of the UOF Policy that included de-escalation language.<sup>2</sup> Specifically, a line was added to the policy's preamble which requires officers to attempt to control an incident using de-escalation tactics whenever it is safe and reasonable to do so. More recently, on December 17, 2019, the BOPC approved further revisions to the UOF Policy in order to ensure compliance with Assembly Bill No. 392, once it was signed into law.<sup>3</sup> These revisions direct officers to use de-escalation tools and techniques to reduce the intensity of any encounter with a suspect when safe and feasible to do so, and they authorize the use of deadly force only when such force is *necessary* in defense of human life. At the July 14, 2020 BOPC meeting, Commissioners approved the current UOF Policy to incorporate the requirements of Senate Bill No. 230.<sup>4</sup> The most relevant changes in the current policy require officers to: only use a level of force proportional to the seriousness of the suspected offense or level of resistance; consider the use of crisis intervention techniques or other alternatives to force; and intercede when excessive force is

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<sup>2</sup> See Special Order No. 5 (2017).

<sup>3</sup> See Special Order No. 1 (2020).

<sup>4</sup> See Special Order No. 23 (2020).

observed, as well as report such force to a supervisor. The current policy also incorporates Department standards governing the drawing of a firearm.

The changes that have been incorporated into the Department's current UOF Policy are indicated in bold type below:

**PREAMBLE TO USE OF FORCE.** The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. ***The Los Angeles Police Department*** also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians but also the servants of the public.

The Department's guiding *principle* when using force shall be reverence for human life. ***Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. As stated below,*** when warranted, Department personnel may ***use*** objectively reasonable force to carry out their duties. ***Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.*** Officers who use unreasonable force degrade the confidence of the community we serve, expose fellow officers to physical hazards, violate the ***law and*** rights of individuals upon whom unreasonable force ***or unnecessary deadly force*** is used, ***and subject the Department and themselves to potential civil and criminal liability.*** Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.

## **POLICY.**

***Use of De-Escalation Techniques. It is the policy of this Department that, whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.***

***Verbal Warning. Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.***

[...]

***Factors Used to Determine Objective Reasonableness. Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*,*** the Department examines

reasonableness *of any particular force used: a) from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case.* Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;*
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an imminent threat to officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects;
- The environmental factors and/or other exigent circumstances; and,
- *Whether a person is a member of a vulnerable population.*

**Use of Force —Deadly.** *It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:*

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

*In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.*

***Drawing or Exhibiting Firearms. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.***

[...]

## **2. New/Revised Use of Force - Tactics Directives and Training Bulletins**

In October 2017, the Department developed a new Use of Force - Tactics Directive covering “Tactical De-escalation Techniques.” This Directive provided a definition of “tactical de-escalation” and described techniques that can be used by officers to de-escalate an incident. The definition of “tactical de-escalation” is as follows:

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

**Note:** Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.<sup>5</sup>

To facilitate the use of this document in training, the Department included an acronym (PATROL) that could help officers remember the different de-escalation techniques described in the Directive:

**P**lanning  
**A**ssessment  
**T**ime  
**R**edeployment and/or Containment  
**O**ther Resources  
**L**ines of Communication

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<sup>5</sup> See Appendix.



Several directives related to less-lethal weapons systems<sup>6</sup> were also revised to include the following language:

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incident and seek voluntary compliance from suspects/subjects. The courts have held that less-lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, less-lethal force options are only permissible when:

**An officer reasonably believes that a suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.**

Less-lethal force options shall not be used for a suspect or subject who is passively resisting or **merely failing to comply** with commands. Verbal threats of violence or **mere non-compliance** do not alone justify the use of less-lethal force.

An officer may use the [less-lethal force option] as a reasonable force option to control a suspect when **the suspect poses an immediate threat to the safety of the officer or others.**

Four of the Department’s current Training Bulletins that also relate to de-escalation tactics were either created or revised following the 2017 revised UOF Policy. They include:

- Command & Control (XLVII-4, July 2018) – NEW<sup>7</sup>
- Tactical Disengagement (XLVIII-5, July 2019) – NEW<sup>8</sup>
- Excited Delirium (XLVIII-3, 2019) – REVISED<sup>9</sup>
- Weapons Other Than Firearms (XLVI-3 2017) – REVISED<sup>10</sup>

The Department’s Command and Control Training Bulletin was released in July 2018, and it was accompanied by a video explaining the concepts discussed in the document.<sup>11</sup> According to the bulletin, Command and Control is the use of active leadership to direct and use resources to accomplish tasks and minimize risks in response to major events or incidents. De-escalation

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<sup>6</sup> This language was inserted into the directives related to the TASER (Directive No. 4.5), Oleoresin Capsicum (OC spray) (Directive No. 5.2), the Beanbag Shotgun (Directive No. 6.3), the 40mm less-lethal launcher (Directive No. 17), and the Baton (Directive 8.2).

<sup>7</sup> LAPD Training Bulletin, “Command and Control”, Vol. XLVII Issue 4, July 2018.

<sup>8</sup> LAPD Training Bulletin, “Tactical Disengagement”, Vol. XLVIII Issue 5, July 2019.

<sup>9</sup> LAPD Training Bulletin, “Excited Delirium”, Vol. XLVIII Issue 3, June 2019.

<sup>10</sup> LAPD Training Bulletin, “Weapons Other Than Firearms”, Vol. XLVII Issue 3, October 2017.

<sup>11</sup> This video was released in August 2018 and was viewed by 7,109 sworn employees.

concepts can be used as tools to aid in establishing Command and Control. The Training Bulletin introducing the concept of Tactical Disengagement was issued in July 2019. According to that Bulletin: “Disengagement is the tactical decision to leave, delay contact, delay custody or plan to make contact at a different time and under different circumstances. This tactic should be considered when an officer reasonably believes continued contact may result in an unreasonable risk to the person in crisis, the public and/or Department members.”

The Training Bulletins related to Weapons Other Than Firearms and Excited Delirium were revised in October 2017 and June 2019 respectively.<sup>12</sup> Included in these revisions was the addition of the PATROL techniques and other new de-escalation language.

### **3. Live Department Training**

The Department has implemented several trainings that incorporate de-escalation topics. This report focuses on those trainings implemented after the 2017 UOF policy was adopted. Four training courses have been delivered Department-wide, and several others have been delivered to specialized units or officers assigned to specific positions. The following trainings have been, or are currently being, delivered to all in-service officers:

- *Use of Force Update (2017)* – training completed, with 8,826 officers trained;
- *Integrating Communication, De-escalation & Crowd Control (ICDC)* – training completed, with 7,791 officers trained;<sup>13</sup>
- *Advanced Concepts of Command and Control (ACCC)* – training ongoing, with 7,557 officers trained as of March 2021; and,
- *Use of Force Update (2020)* – training on-going, with 8,859 officers trained as of March 2021.

De-escalation has also been incorporated regularly into online and Roll Call training. One method for doing this has been the production of training videos using real incidents involving LAPD officers to demonstrate the effective use of the PATROL techniques, as well as those concepts covered under Command and Control. The Command and Control video was viewed by 7,109 officers Department-wide. Mental health training videos have also been incorporated into Roll Call trainings, which also address similar topics. From May to September of 2019, at least one of these videos was included in the Department’s Roll Call training for each month. Many of these videos were accompanied by questions that could be used to facilitate a discussion of the video.

De-escalation is included in training for recruits during the Department Academy and for probationary officers through the Police Sciences and Leadership (PSL) program. As of March

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<sup>12</sup> The predecessor to the Excited Delirium Training Bulletin was a Use of Force - Tactics Directive titled, “Agitated Delirium”.

<sup>13</sup> This course included training in the deployment of the 40mm less-lethal launcher. Recruits began to receive training on this weapon system beginning in October 2019.

2021, 1,337 officers had completed the PSL I course.<sup>14</sup> Field Training Officers (FTOs), supervisors, and Command Staff also receive de-escalation content through regular trainings for those positions. Additionally, the Mental Health Intervention Training (MHIT) contains significant material related to de-escalation, and approximately 4,118 officers had completed that training as of March 2021. This training is required for all officers assigned to homeless outreach programs (e.g., RESET and HOPE),<sup>15</sup> and it has also been delivered to FTOs, probationary officers (as part of the PSL program), and Senior Lead Officers. Mental health training has also been delivered to personnel assigned to Custody Services, Security Services, and Communications Divisions. In January 2019, 549 officers assigned to Gang Enforcement Details and Metropolitan Division's crime suppression units completed a training called Best Practices in Proactive Enforcement, which also incorporated de-escalation concepts.<sup>16</sup> Finally, de-escalation is also included as a mandatory topic in the General Training Update that all officers receive following their involvement in a categorical use of force incident.

The Department utilizes the Force Options Simulator (FOS) for some of their training courses. All of the available training scenarios incorporate de-escalation specific to the PATROL model, not only during the scenario itself but also during the debrief discussion which occurs after every scenario. Although the scenarios have not been updated by the manufacturer, the program allows the FOS instructor to incorporate de-escalation by branching the scenario into different directions based on officers' tactics. Each and every scenario may have a lethal or non-lethal outcome based on an officer's actions. The FOS instructor determines the direction of the incident based on participants' actions, including effective communication, use of less-lethal options, use of cover and distance, and other de-escalation techniques.

#### **4. Availability and Deployment of Less-Lethal Tools**

In two of its previous reports, the OIG made recommendations related to increasing the availability and deployment of less-lethal tools in the field.<sup>17</sup> The Department has taken several steps to accomplish these goals. One of the most significant steps included piloting, procuring, and training officers to use 40mm less-lethal launchers. At the time of this writing, the Department has 843

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<sup>14</sup> PSL II also includes de-escalation concepts; as of March 2021, a total of 21 officers had completed this course.

<sup>15</sup> "Training Requirement for Sworn Personnel Assigned to Homeless Outreach Programs," Operations Order No. 5, June 3, 2016.

<sup>16</sup> This is a completed training course.

<sup>17</sup> In the OIG's report dated September 28, 2016, "*Inspection of TASER and Beanbag Shotgun Deployment*," the relevant recommendations were for the Department to obtain enough beanbag shotguns to equip each vehicle engaged in field enforcement and to issue policy mandating their deployment to uniformed field units. In the OIG's report dated February 22, 2017, "*Overview of Less-Lethal Force Tools and Deployment*," the relevant recommendations were for the Department to review national guidelines and standards related to the use of less-lethal weapons to determine whether revisions or enhancements to current LAPD policy may be appropriate, and for the Department to issue training in how to effectively operate with less-lethal weapons as a team when responding to incidents involving individuals armed with edged weapons.

launchers deployed in the field, including those assigned to Metropolitan Division.<sup>18</sup> Additionally, Communications Division has, since 2016, employed protocols for calls involving reports of persons with mental illness, and calls involving edged weapons.<sup>19</sup> These protocols require a supervisory response in these specific situations and, in the case of edged weapons, an automatic request for less-lethal resources if the primary unit did not already have such equipment. The Office of Operations also issued a notice in late 2016 reminding officers that all available beanbag shotguns should be deployed to the extent that they are available.<sup>20</sup>

## **5. Evaluation of De-escalation in Use of Force Incidents**

In addition to implementing policies and training related to de-escalation, the Department has also incorporated an assessment of officers' de-escalation efforts in the evaluation of use of force incidents. Both the Chief of Police's and the OIG's reports on each categorical use of force incident contain an analysis of de-escalation. This includes a review of any attempts by officers to de-escalate as well as a review of the feasibility of de-escalation, given the particular circumstances. This analysis was added to categorical use of force reports at the direction of the Commission and has been included in the Chief of Police's and the OIG's reports since late June 2017.

In September 2019, the Commission approved a new Special Order which revised several procedures related to the reporting of non-categorical uses of force.<sup>21</sup> Among the revisions was a requirement that watch commanders or officers-in-charge "evaluate the officer's efforts at tactical de-escalation and provide a rationale if tactical de-escalation was not feasible," and also that they "evaluate the actions of each of these supervisors and the existence and effectiveness of supervisory command and control."

## **6. Integration of De-escalation in Promotional Exams**

Following a direction from the Commission, the Department began integrating questions on de-escalation into all promotional exams and interviews. There is approximately one mandatory question on that topic per interview for each internal transfer or upgrade opportunity for sworn positions that have community interactions.

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<sup>18</sup> There are an additional 72 launchers in the Armory available for deployment and approximately 150 optics available for mounting on new launchers or to repair those that become inoperable.

<sup>19</sup> "Field Supervisor Response to Calls Involving Reports of Persons with Mental Illness," Communications Division Order No. 9, November 10, 2016; and "Response Protocol for Calls Involving Knives, Swords or Any Edged Weapons," Communications Division Order No. 8, November 10, 2016.

<sup>20</sup> "Beanbag Shotgun Deployment," Office of Operations Notice, November 29, 2016.

<sup>21</sup> "Reporting a Non-Categorical Use of Force Incident - Revised," Special Order No. 9, October 8, 2019. This Special Order amends Section 4/245.10 of the Department Manual.

## **D. Office of Inspector General De-escalation Audit**

To evaluate the implementation of de-escalation concepts within the LAPD, the OIG conducted an independent audit to assess officers' adherence to the Department's de-escalation training. This audit was based upon an analysis of officers' body worn videos (BWVs) and Digital In-Car Video Systems (DICVSS) to evaluate and grade officers' tactics as either generally adequate or inadequate for each of the six components of the PATROL de-escalation training. In some cases, a de-escalation component did not apply or was not required for the situation. Although numerous officers may respond to emergency calls for service, this audit focused mainly on the officers from the primary responding unit and officers who had initial, direct contact with the subject(s) during a given incident. In addition to BWVs, other evidence was also reviewed for each incident, including digital in-car video (DICV) recordings, Incident Recall summaries, and Arrest Reports.

### **1. Selection Process**

The OIG identified all emergency calls for service throughout the Department during the one-week period of August 4 to August 10, 2019.<sup>22</sup> The total number of calls during the sample period amounted to 2,237. All incidents that did not result in any interaction between officers and citizens were immediately de-selected. The population size was then further reduced to only those emergency calls for service that ended in an arrest or a psychiatric hold.<sup>23</sup> The OIG opined that these situations can be the most volatile and the most likely to require officers to utilize de-escalation techniques to resolve. This yielded a total of 257 incidents. Subsequently, a random sample of 70 incidents was evaluated to complete this audit.<sup>24</sup> Of the 70 incidents, 45 resulted in an arrest and 25 resulted in an involuntary psychiatric hold.

The purpose of the Department's de-escalation training and related policy is to provide officers with tactics and techniques to reduce the intensity of a situation to gain voluntary compliance, or to mitigate the need for a higher level of force. Of the random sample of 70 cases, 32 involved incidents in which officers were advised through the comments of the initial call that the subject was armed with a weapon. In 23 of those 32 cases, an edged weapon or firearm was reported at the time the call for service was requested.

For certain individual cases in the sample, the OIG identified issues or missed opportunities in one or more of the PATROL areas. Also, as many of the PATROL concepts overlap, an identified issue for an individual case may be in conflict with the Department's de-escalation training in more than one PATROL area and is therefore repeated in the data reported below. In addition, the case summaries described in each of the de-escalation components below may have more than one identified issue.

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<sup>22</sup> Week One of Deployment Period 8, 2019.

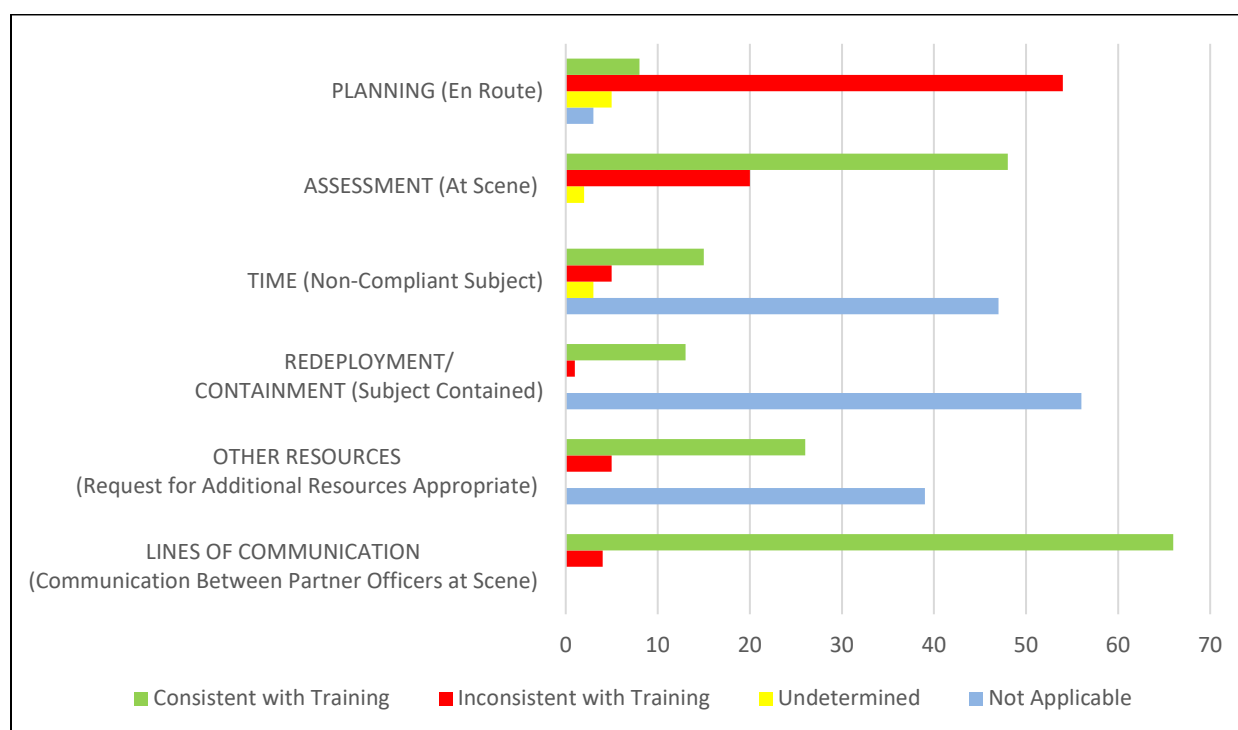
<sup>23</sup> A Peace Officer may take a person into custody for psychiatric evaluation under Section 5150 of the California Welfare and Institutions Code.

<sup>24</sup> The sample size was determined by using a one tail test, 95% confidence level with a precision rate of 4%.

## 2. Audit Results and Findings

The OIG found, in most cases, that officers did utilize de-escalation techniques; however, some missed opportunities were also identified by the OIG. Overall, officers appropriately assessed volatile situations, utilized time as well as opportunities to redeploy and/or contain subjects to their advantage, and requested additional resources when necessary. It was also determined that officers generally communicated effectively with citizens. On the other hand, in most cases officers did not take sufficient steps to attempt to arrive at the scene with a coordinated approach based on initial information and pre-existing knowledge, nor were they fully effective in their communications with each other during their response to the location or, at times, upon having arrived there. Of the 70 incidents reviewed, one incident resulted in a reportable UOF.

Table 1: OIG Audit Results by De-escalation Component



### a) Planning

The Department's training requires officers to attempt to arrive at scene with a coordinated approach based on initial information and any prior knowledge of the involved parties. Additionally, the training requires tactical plans to be flexible and adaptable due to the dynamic nature of most incidents.

This audit determined that, overall, officers did not effectively attempt to arrive at the scene of a call with a coordinated approach based on initial information as required by the Department's de-escalation training. In 54 of 70 cases (77%), BWV or DICV captured officers reading the call

comments only and assigning contact/cover roles prior to arriving at scene. While reading the comments of a call and assigning contact/cover roles can be important elements of the overall process of planning, they do not in themselves satisfy the goal established by training to “attempt to arrive on the scene with a coordinated approach.” In these cases, the officers did not discuss matters such as potential scenarios they might encounter, objectives and related tactical considerations, or the coordination of available resources, to the degree that they could be considered to have attempted to arrive on scene with a coordinated approach to the specific call. In 8 of 70 cases (11%) officers engaged in effective planning and arrived at scene with a coordinated approach, consistent with Department de-escalation training. For five of 70 cases (7%), there was no available recording to determine whether officers discussed a plan prior to arriving at scene, and the remaining three of 70 incidents (4%) were anomalies.<sup>25</sup>

The OIG also determined that officers did not consistently exhibit adequate de-escalation tactics in terms of planning once they had arrived at the scenes of incidents. The OIG identified 27 incidents from the sample in which there was an opportunity to prepare and communicate a tactical plan while officers were at scene. In 13 out of the 27 incidents, officers displayed effective de-escalation tactics as they devised and communicated a tactical plan, assigned roles, and deployed less-lethal equipment where necessary. In the remaining 14 incidents, however, officers had an opportunity but failed to employ more effective de-escalation tactics such as verbalizing tactical plans or intentions, requesting additional resources or waiting for such resources prior to taking action, assigning roles, and deploying available less-lethal equipment.

The following incident summary illustrates one example of officers’ effective de-escalation tactics in terms of planning, both prior to arriving at scene and while at scene:

Citizens in Mission Area contacted police for assistance, reporting that a 24-year-old male subject, who suffered from an unknown mental illness, was yelling, screaming, and causing a disturbance. One citizen contacted the police to report that the same subject may be armed with a knife. This resulted in the incident being immediately upgraded to high-priority and necessitated that officers respond to it Code-3.<sup>26</sup>

Pursuant to Department policy for calls that involve edged weapons, Communications Division dispatched a field supervisor and confirmed that the primary unit was equipped with a Beanbag shotgun or a 40mm less-lethal launcher.<sup>27</sup> While en route to the location,

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<sup>25</sup> In one case, the officers’ response time was only 1-minute, during which the officers were still listening to the details of the call for service as it was being broadcast; as such, the officers did not have sufficient time to discuss a plan prior to arriving at the location. In the other two cases, the incidents were initially reported as “urgent” calls for service requiring a Code-2 response (officers must respond with priority but cannot use their vehicles’ emergency equipment). Department policy does not require activation of BWV or DICV for a Code-2 response. Both of these incidents were upgraded to “emergency calls” after the officers arrived at the call location.

<sup>26</sup> Code-3 is generally defined as an emergency response that includes the use of the responding police car’s flashing lights and siren.

<sup>27</sup> “Response Protocol for Calls Involving Knives, Swords, or any Edged Weapons,” Communications Division, Divisional Order No. 8, November 10, 2016.

the responding officers' BWV captured them assign roles and discuss the comments of the call, available less-lethal options, their immediate objective, tactical steps they would take to accomplish their objective, and possible scenarios they might encounter.

Once at scene, the officers obtained additional information about the circumstances from the subject's family and neighbors. They made an assessment that a crime had not occurred, but that the subject might be a danger to himself or others. The subject was alone inside the family residence at this time. As additional officers arrived, information was shared and communicated with them. Officers coordinated a plan to communicate with the subject and ask him to come out of his residence. The subject would then be evaluated to determine whether he would be placed on a psychiatric hold. Officers at scene were assigned roles, and they created distance, took positions behind cover, and utilized resources to initiate communication with the subject. Their attempts to make contact with the subject were unsuccessful, at which time they re-assessed the situation and determined they would disengage and return later if necessary.

Approximately 30 minutes later, the subject's mother called the police to request assistance with her son, who was no longer armed. The Fire Department was also dispatched to the location and requested police to respond due to the subject previously exhibiting violent behavior. The first officers that arrived at scene demonstrated empathetic and calm communication with the subject, and they explained the situation to him as he was being handcuffed for safety. Based on officers' assessment of this incident, the subject was transported to a hospital to be placed on a 72-hour psychiatric hold.<sup>28</sup>

In contrast, the following summary is an example of insufficient planning by officers, inconsistent with Department training:

Citizens called the police about a male neighbor who was armed with a knife and was arguing with an unknown person in front of their residence in Newton Division. During their 3-minute Code-3 response to the subject's location, officers repeated the call comments but did not engage in any further discussion with one another about their response to the incident. Officers were aware that the subject was armed with a knife and confirmed with Communications Division that they were equipped with a beanbag shotgun/40mm less-lethal launcher; but they did not discuss their roles or when/how they would deploy available less-lethal equipment, nor did they identify objectives or a plan as to how they would approach the incident based on the information available to them at that time.

Upon arrival, officers located the subject, who was armed with scissors. The officers exited their vehicle and moved from behind cover to approach the subject. The passenger officer exited the patrol vehicle with a taser in his hand. Both officers immediately gave commands to the subject to drop the weapon. When the subject did not immediately

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<sup>28</sup> Section 5150 of the California Welfare and Institutions Code.



cooperate, officers requested additional resources while they continued to give directions to the subject. Eventually, the subject dropped the scissors near his feet but would not comply with commands to submit to being detained in handcuffs. The subject was verbally combative but was physically standing in place on the sidewalk.

Without any apparent prior coordination or communications with his partner, the driver officer suddenly approached the subject to take him into custody. The partner officer subsequently followed to assist but still had the taser in his hand, which made it difficult for him to grab hold of the subject and retrieve his handcuffs. Within moments of the officers making physical contact with the subject, additional units arrived as had previously been requested.

### **b) Assessment**

The Department's training requires officers to continually assess the situation as circumstances change and as new information is received. In addition, the Department's training requires that in the event of non-compliance on the part of a subject, officers should attempt to determine the reason for the non-compliance and utilize other tactics to resolve the situation safely.

Overall, the ability to assess the circumstances facing them was an area of relative strength on the part of the officers in the OIG's sample of cases. In 48 out of the 70 cases that were reviewed, the OIG did not identify any notable inconsistencies with applicable training and found that officers displayed proper assessment. Conversely, the OIG did identify 12 of 70 incidents in which officers exhibited poor assessment and tactics in conflict with the Department's PATROL de-escalation training. In an additional eight of 70 incidents, the OIG identified opportunities for improvement where an apparently ineffective assessment limited officers' opportunities to employ appropriate tactics such as creating distance and cover, requesting additional resources, or moving citizens and victims to a safe distance. In two of 70 cases, the OIG was unable to evaluate officers' tactics for this component of de-escalation training as BWV was not available until after the involved subject had been handcuffed.

To illustrate the types of issues found by the OIG in a minority of cases, the following incident summary describes the involved officers' lack of assessment in their situation, in conflict with the Department's de-escalation training:

Officers responded to a call for service in Central Division involving a pregnant female armed with a knife, threatening to kill herself. While en route to the call location, officers noted that they would deploy their available 40mm less-lethal launcher; when they arrived at scene and exited their vehicle, however, they did not take their launcher with them. Once they identified the apartment where the subject was reported to be located, they found the doorway to be at the end of a narrow hall. Although an additional unit was on its way at that time, the primary unit officers proceeded to door knock the residence to make contact with the subject. The officers knocked on the door and called out the subject but did not appropriately redeploy to create more distance in case the subject exited armed with the knife. The mother of the subject exited the apartment, but officers did not immediately

move her to a safer location. At the open doorway of the apartment, officers were eventually able to see that the subject was no longer armed, and they then directed her to exit with her hands raised.

In its audit, the OIG also found that there were 20 incidents in which the subject exhibited non-compliant behavior either before or after being handcuffed, thereby requiring officers to re-assess their circumstances. In 18 out of those 20 incidents, officers employed alternative techniques or amended their tactics to effectively de-escalate the situation. In two of the incidents, however, officers did not appear to appropriately re-assess the situation.

In one incident, officers were directed by nearby citizens to a subject armed with a box-cutter knife. Officers exited their vehicle and immediately directed the subject to drop the weapon. The subject did not immediately comply, however, and officers continued to repeat their commands to drop the knife; no attempt was made to request an additional unit, to have less-lethal options available, or to redeploy behind cover or create distance. The subject did eventually drop the knife but refused to turn around in order to be handcuffed. Officers ultimately ended up using physical force to place the subject into handcuffs.

In the remaining incident, officers responded to a call for service and made contact with a female juvenile subject who was upset at her parents and unwilling to cooperate with officers' directions. At one point the officers separated from each other, with one officer obtaining information from the parents while the other officer became involved in a physical altercation with the subject, who attempted to strike that officer. Although officers attempted to communicate with the uncooperative juvenile in order to have her willingly comply, the need to employ force may have been mitigated or avoided had the officers not placed themselves at a disadvantage by separating, or had they requested additional officers to assist them.

### **c) Time**

The Department's training explains that the proper utilization of time is essential to de-escalating a situation as it allows officers to communicate with a subject, refine tactical plans, and call for additional resources, if necessary.

In this audit, the OIG found that the involved subject immediately complied with officers' commands and directions in 47 out of 70 incidents. In 20 of 70 incidents, the involved subjects were not compliant with officers' directions. In two of 70 incidents, there was no recording of the initial interactions with the subjects in order to evaluate officers' de-escalation tactics when initially detaining them. In one of 70 cases, officers arrived at scene after the subject was undergoing medical treatment by personnel from the Fire Department.

Focusing on the 20 instances where the subject was not immediately compliant, the OIG found that in 15 cases (75%) officers used available time to effectively communicate with the subject, discuss tactical plans, request additional resources, or employ a combination of these techniques to resolve the situation without using force. In the remaining five of those 20 cases (25%) officers

had available time but did not take advantage of it; they either did not wait for requested additional resources to arrive or did not request an additional unit at all, which may have been advantageous in those situations. The OIG notes that in four of the five cases, officers eventually resolved the situation with no reportable use of force. In the remaining case, officers attempted to communicate with an uncooperative juvenile subject but were ultimately unable to gain voluntary compliance. Although time was available, officers did not request an additional unit to assist with the non-compliant subject as well as the multiple family members who were at the location of the incident. In addition, there was no apparent exigency when the officers decided to separate in order to obtain additional information from the victim, leaving one officer alone with the subject. It was at this time when the subject attempted to strike the officer, and a use of force ensued. Taking advantage of available time by slowing down the situation and waiting for an additional unit would have been a preferable course of action under these circumstances.

The following summary illustrates an instance of officers' effective use of time to de-escalate a situation and obtain voluntary compliance from the subject:

Officers were notified of a call for service in Olympic Division involving a female passenger on a bus holding a knife to her neck. Multiple units and a supervisor responded to the location. During the primary unit officers' short response to the location, they briefly discussed waiting for additional resources and communicating with the subject. The primary unit officers exited their vehicle with a taser and a lethal option, and the secondary unit was equipped with a 40mm less-lethal launcher. Immediately upon arrival, officers moved from behind cover to approach the subject as she stood in the doorway of the bus with the knife at her neck. Officers later redeployed behind cover and created more distance, thereby giving themselves additional time and options in case the subject approached with the knife in her hand.

Upon arrival, the supervisor assigned roles; ensured that officers created distance, were behind cover, and were ready with less-lethal options; requested additional resources; blocked traffic; and continued communications with the subject. The subject stated that she did not intend to harm anyone but herself, and that she would not put the knife down until she received medical assistance. Although at times more than one officer was engaged in communicating with her, officers were empathetic and calm as they attempted to redirect and persuade the subject to willingly comply with their commands.

Once a rescue ambulance had arrived and was visible, and after approximately 22 minutes of communications with the subject, she threw the knife to a position outside of her reach, which allowed officers to approach and safely place her into handcuffs.

Department training on the proper utilization of time is undoubtedly intertwined with its training on effective planning. It is therefore worthwhile to refer back to the segment of the OIG's review focused on planning here, in order to more comprehensively identify an area for improvement with respect to taking advantage of available time. Specifically, the OIG noted that officers did not utilize available time effectively while en route to the location of a call for service and, in some instances, while at scene. As previously stated, in 54 of 70 cases officers did not arrive at scene

with a coordinated plan or approach based on initial information. Although there was sufficient time to attempt to prepare a plan of action prior to arriving at the scenes of these incidents, officers did not utilize time effectively by doing so.

In one example, for instance, the comments related to the call for service stated that a female subject was armed with a knife inside the victim's apartment and that a previous related incident existed. During the primary unit officers' 8-minute response to the location, the passenger officer repeated the call comments; however, there was no discussion between the officers about a plan for how they would handle the situation – which they were told involved a dangerous weapon – when they arrived at scene, and no request was made by the officers for additional information from Communications Division about the previous related incident. Once the officers arrived at the call location, they knocked on the apartment door prior to the arrival of an additional unit that was also responding to the call. The victim soon exited the apartment and provided additional information, stating that she had seen the subject with a knife. Through the open door to the apartment, the primary officers asked the subject to show her hands and exit the residence. The subject responded that she would not be exiting. Once additional units arrived at scene, the officers present did briefly discuss a plan to enter the location, and they assigned roles and available less-lethal options. Officers then entered the apartment. Given that there was no apparent exigency to enter, however, officers had the available time to continue communicating with the subject from a safer distance with a goal of encouraging voluntary compliance, consistent with the Department's de-escalation training.

#### **d) Redeployment/Containment**

The Department's training describes the redeployment/containment aspect of de-escalation as an opportunity to create time and distance to re-assess, communicate, request additional resources, or deploy other resources to resolve the situation safely. Overall, in those cases where either the containment of a subject or the redeployment of officers was warranted, officers generally did a good job of adhering to their training on those techniques.

While the strategy of containing a subject was not applicable in 56 of the 70 incidents that the OIG reviewed for this audit, there were 14 cases identified in which officers did utilize containment techniques; doing so afforded them additional time to plan their forthcoming actions and to request additional resources as appropriate. There was one instance out of those 14 cases in which the OIG identified an opportunity for improvement, noting that officers would have better maintained their tactical advantage by waiting longer for additional resources to arrive and assist before they attempted to make contact with a contained, but potentially armed, subject.

With regard to redeployment, the OIG identified just five of 70 incidents in which this aspect of de-escalation was applicable. The OIG noted that all five of those incidents were ultimately resolved without the use of any reportable force and that each included only minor opportunities for improvement on the part of involved officers. In one case, for instance, officers responded to a report of a male subject who called for assistance, stated he was armed with a knife, and threatened to commit suicide. The responding officers arrived at the call location and determined the male's residence to be the back house of a duplex. Although there was no exigency, the officers

proceeded toward the back house via an unlit side area and unexpectedly made contact with the subject, who had come out from a dark area. As the subject approached, it would have been advantageous, and consistent with Department de-escalation training, for the officers to redeploy and move backward as the area was unlit, the subject was potentially volatile, and the officers were unsure whether he was still armed with a knife.

#### **e) Other Resources**

The Department's training explains that during tense or potentially dangerous encounters, additional resources can provide officers with specialized expertise, personnel, and tools to help control and contain a situation.

Within the sample of cases examined for this audit, the OIG found in 39 out of 70 instances that an additional unit was dispatched to the location of the call for service concurrently with the primary unit, or that there was simply no necessity for an additional unit at the call.<sup>29</sup> In the remaining 31 of 70 cases, the OIG determined that a request for an additional unit was desirable and consistent with the Department's de-escalation training. In 26 of those 31 cases (84%), officers did appropriately request assistance; however, it was noted that in four of those 26 cases, the officers did not wait for the additional resources to arrive before approaching the subject. In the remaining five of 31 cases (16%) that were identified as warranting a request for assistance, officers should have made such a request but did not do so. One of those five cases resulted in a UOF.

The following incident summary describes how the request for additional resources may have been advantageous during the situation which resulted in a UOF:

Officers responded to a call for service involving a juvenile female assaulting family members. Aside from repeating the call comments, the primary unit officers did not further discuss a plan prior to arriving at the location. Upon arrival, officers were presented with a very upset teenager who was uncooperative when asked to sit and explain the situation. Also in the residence were the subject's parents and the subject's teenage brother. Although directed to stay where she was, the subject walked from the living room to the kitchen; the driver officer followed her to the kitchen where her brother was seated. The driver officer then walked the subject's parents just outside the entrance of the apartment in order to obtain more information about the situation, while the passenger officer monitored the subject in the kitchen area. Although the apartment location was small, the officers did not maintain a line of sight of each other. Given the subject's uncooperative behavior and distressed emotional state, coupled with the multiple parties present at the scene and the need to separately deal with those parties, requesting an additional unit to the location to assist would have been advantageous. As the passenger officer remained with the subject in the kitchen, she suddenly tried to exit the area by pushing past the officer, and a UOF ensued. The officer then called out for her partner, who immediately responded

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<sup>29</sup> Review of the Incident Recall summaries for many incidents in the sample showed that additional units responded to assist without having been requested by the primary unit.

to assist. Officers handcuffed the subject and escorted her to their vehicle. A supervisor was contacted to conduct the UOF investigation.

**f) Lines of Communication**

The Department's training explains that effective communication with a suspect is critical when managing a tense or potentially dangerous encounter. Department training lists several communication tactics, including persuasion or redirecting, which officers can employ to slow down an encounter with a suspect. Additionally, Department training encourages effective communication between officers to improve decision-making and the coordination of their actions.

In this audit, the OIG did not identify any adverse issues related to officers communicating with subjects. Officers were empathetic, respectful, and persuasive, as well as direct when required. In contrast, the OIG found opportunities for improvement in the communications between officers and their partners. Such communications most often start with the discussion of a plan while officers are en route to a call for service; in this aspect, the Department's training regarding lines of communication directly coincides with its training regarding effective planning.

Effective communication between officers while they are at a scene is also a critical element of de-escalation, as it helps to ensure that officers' actions are coordinated throughout a given incident. Regarding this aspect of communication, the OIG found in 66 of 70 cases (94%) that partner officers adequately communicated with each other while at scene in a manner consistent with the Department's de-escalation training. In the four remaining cases out of 70 (6%), officers did not communicate with each other to coordinate their actions or to share pertinent information learned while at scene.

The following incident summary illustrates one example of poor communication between partner officers:

Officers responded to a call for service in West LA involving a domestic violence situation at a motel. The caller stated that she had locked herself in the bathroom and that her ex-boyfriend was attempting to break down the door. Another caller also contacted the police and stated that a male and female were physically fighting and that the female was hurt.

During their response to the location, primary unit officers assigned lethal and less-lethal roles but did not discuss any further plan prior to their arrival. As officers approached the location, they made contact with the victim, who was bleeding from the nose. Officers learned that the subject was contained in his motel room and, according to the victim, did not have any weapons. Officers requested an additional unit and a rescue ambulance for the victim. In addition, officers obtained a key to access the subject's room.

No plan or course of action was discussed between the officers while they were at scene. As one officer was obtaining information from the victim, the other officer proceeded up an outdoor stairway, towards the subject's room, without communicating his intention to his partner. Once that officer arrived at the top of the stairway, the door to the room opened,

and the subject proceeded to exit. The officer pointed his taser at the subject and gave him commands to show his hands and turn around; the subject complied. Subsequently, the officer placed his taser on the bed in order to free up his hands and take out his handcuffs. The subject was taken into custody without incident. The partner officer heard the interaction and proceeded quickly to the motel room just as the subject was being secured with handcuffs.

### **g) Body Worn Video Compliance**

In April 2015, the Department implemented procedures for the use of newly-deployed BWV devices.<sup>30</sup> The policy states that officers shall activate their BWV devices prior to initiating any investigation or enforcement activity involving a member of the public. The policy also lists occasions during which officers shall activate their BWV devices, including calls for service and Code-3 responses. The BWV device has a powered-on and powered -off setting and can only be activated and start recording from the powered-on setting. The BWV device has the capability to capture a pre-activation 2-minute buffer video without audio. However, if the device was in the powered-off setting within 2-minutes of activation, the device does not capture a full 2-minutes of pre-activation activities. The Department has issued notices to advise officers when their BWV devices may be powered-off or shall be powered-on and has recently outlined best practice activities for BWV device usage.<sup>31</sup> The most recent Department notice issued encourages officers to maintain their BWV devices in the powered-on setting throughout their shifts, as the benefit of capturing the 2-minute pre-activation buffer may assist in highlighting attempts at de-escalation during a sudden encounter with a member of the public.

A major component the OIG's oversight of the LAPD is the review of available BWV recordings, which can be crucial in evaluating officers' performance during any encounter with a member of the public. Given the importance of BWV activation, the OIG evaluated compliance with applicable BWV policy as part of this audit and made the following findings. Of the 70 cases in the OIG's evaluation sample, a total of 139 primary unit officers responded to the calls for service and were required to activate their BWVs according to the applicable policy. Out of that number, the OIG's audit found that all but one of the officers (138 officers in total) activated their BWVs at some point during the incidents to which they responded. Of the 138 officers that activated their device, 92 of those (66.7%) activated their BWVs on time; 30 officers (21.7%) had a delayed activation that commenced at some point after they had initiated their Code-3 response; 16 officers (11.6%) had a delayed activation that commenced once they were at the scene of a call. As indicated, one primary unit officer out of the 139 who responded to calls for service in the OIG's

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<sup>30</sup> "Body Worn Video Procedures – Established," Office of the Chief of Police, Special Order No. 12, April 28, 2015.

<sup>31</sup> "Powering Off Body-Worn Camera Devices While in Department Facilities," Office of Constitutional Policing and Policy Notice, December 20, 2018; "Body-Worn Video Device Pre-Activation Buffer; Requirement to Leave Device Powered On – Reminder," Office of the Chief of Police Notice, January 17, 2020; "Body-Worn Video Pre-Activation Buffer Best Practice," Office of the Chief of Police Notice, July 1, 2020.

sample of cases did not activate his BWV at any time during the incident to which he responded.<sup>32</sup> Additionally, of the 138 BWV activations identified by this audit, 84 of them (61%) included a 2-minute buffer as part of the initial recording, while 54 of them (39%) did not.

### **3. Audit Conclusion**

The Department has created and implemented de-escalation training and concepts, and the PATROL model of de-escalation incorporates various tactics and techniques that officers should seek to utilize in every contact with members of the public. Overall, the Department has adequately reinforced de-escalation concepts to its officers and would benefit from continuing to incorporate these important concepts in future training, wherever applicable. The tactics and techniques included in the PATROL model are deeply interrelated; with respect to some of those tactics and techniques, this audit found that officers applied them in the clear majority of situations, consistent with Department training. With respect to other areas of the PATROL model, however, inconsistencies and missed opportunities by officers were identified. Most notably, there is room for improvement in officers' utilization of available time to communicate and attempt to formulate a plan while en route to the scene of a call. The principles of de-escalation would be well served if officers made greater efforts to discuss with each other how they intended to approach an incident, based on whatever information is available to them regarding the incident. Furthermore, officers should be encouraged to more consistently assess the changing circumstances they face once they have arrived at a call for service and to adjust their actions accordingly, while also communicating about such changes with their partners whenever time permits them to do so. Finally, this audit found that officers should more consistently activate their BWV devices at the start of their response to a call for service, and that they should more consistently maintain their BWVs in the powered-on setting to ensure compliance with the Department's expectation that a 2-minute pre-activation buffer will be captured as part of their response to a call for service.

### **E. Recommendations**

The OIG has the following recommendations:

The Department should emphasize in all applicable in-service training the expectation that officers should attempt to devise and verbally communicate a plan while they are responding to a call for service, as well as while they are at scene and as they learn additional information about the circumstances of an incident; and,

The Department should take the opportunity to evaluate officers' de-escalation tactics when reviewing BWV in the course of conducting its existing program of audits and reviews of such

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<sup>32</sup> In relation to one case in the OIG's sample, the first responding officer was alone when he made initial contact with the subject. In this incident, the subject called 911 and stated that he wanted to hurt himself and that he had a knife. The call was assigned to a primary unit, but as the call location was the back gate of the Central Area Community Police Station, another officer responded to the location from inside that station. That officer appeared to be BWV-equipped but did not activate his device.



material. These evaluations should aim to identify opportunities to build on successes and to remedy shortcomings in performance.

## Appendix



# LOS ANGELES POLICE DEPARTMENT USE OF FORCE-TACTICS DIRECTIVE

Directive No. 16

October 2016

## TACTICAL DE-ESCALATION TECHNIQUES

### PURPOSE

The Los Angeles Police Department (LAPD) is guided by the principle of Reverence for Human Life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative, actively resisting, may attempt to flee, poses a danger to others, or poses a danger to him or herself, they should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely.

The purpose of this Directive is to define tactical de-escalation techniques and does not address all techniques that may be used to reduce the intensity of an incident.

### Tactical De-Escalation defined:

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

**Note:** Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

### PROTOCOL

While enforcing the law and protecting the public, officers are often forced to make split-second decisions in circumstances that are tense, uncertain, rapidly changing, and dangerous. In rapidly developing circumstances, especially when a suspect poses an imminent threat of death or serious bodily injury, officers may not have sufficient time or reasonable options available to resolve the situation without the need to use objectively reasonable force. In other circumstances, however, de-escalation techniques may enable officers to gain additional time and tactical options to potentially reduce the necessity of using force to take a suspect into custody, prevent escape or address a threat while also maintaining control of the situation.

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## TACTICAL DE-ESCALATION TECHNIQUES

**Planning.** Officers should attempt to arrive at scene with a coordinated approach based upon initial information and any pre-existing knowledge of the suspect(s) or the involved parties. The dynamic nature of most incidents will require tactical plans to be flexible, and officers need to adapt their plan(s) as additional information or factors become known to the officer(s).

### Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

**Assessment.** Officers should continually assess the situation as circumstances change and new information is received. If a suspect is failing to comply with orders, officers should attempt to determine whether a suspect's lack of compliance is a deliberate attempt to resist or escape, or an inability to comprehend the situation due to environmental, physical, cognitive, or other conditions. If the suspect is unable to comprehend the situation, other tactical options may be more effective in resolving the situation safely.

**Time.** *Distance+Cover=Time.* Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. If a suspect is contained and does not pose an imminent threat to officers, the public, or himself/herself, time can provide an opportunity for the suspect to reconsider his/her actions and decisions.

**Redeployment and/or Containment.** Redeployment and/or containment can afford officers the added benefit of time and distance while continuing to maintain control of the situation. The addition of time and distance may give officers an opportunity to re-assess, communicate, request additional resources, or deploy other tactics to reduce the likelihood of injury to both the public and officers while also mitigating any potential ongoing threats. Redeployment, however, should not enable a subject to gain a tactical advantage, arm himself/herself, or flee and pose a greater danger to the public or officers.

**Other Resources.** In the case of a tense or potentially dangerous encounter, requesting additional resources can provide officers with specialized expertise, personnel and tools to help control and contain an incident.

**Lines of Communication.** Maintaining open lines of communication between officers and communicating effectively with a suspect are critically important when managing a tense or potentially dangerous encounter. Communication between officers can improve decision-making under tense circumstances and increase the effectiveness of coordinated actions. In addition, when a suspect observes that officers are prepared,

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well organized, professional, and working as a team, he or she may be deterred from attempting to flee, fight, or actively resist.

Because every situation is fluid and unique, ongoing communication and coordination between officers is critically important to respond effectively in a tense and uncertain encounter. Communicating with a suspect may slow down the incident, creating time to plan. All or some of the following tactics may be used in the same incident as time or circumstances allow:

- Verbal warnings
- Persuasion
- Defusing
- Empathy
- Redirecting
- Advisements
- Building rapport
- Asking open ended questions
- Giving clear and direct orders

### CONCLUSION

The overall objective of any tactical encounter is to gain control and safely resolve the situation. Tactical situations vary and there is no single solution to resolving every incident. In addition, some situations require an immediate response and de-escalation techniques are neither viable nor effective options. Nevertheless, employing tactical de-escalation techniques under the appropriate circumstances can improve officer safety, mitigate threats, reduce injuries, build public trust, and preserve life.

#### Important Reminder

Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force policy.



CHARLIE BECK  
Chief of Police

DISTRIBUTION "A"