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Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

POLICING IN 2020

SHAPING THE FUTURE OF MICHIGAN POLICING

PLUS:

OPINION: ENDING QUALIFIED IMMUNITY
IS BAD PUBLIC POLICY

THE TRUTH ABOUT DE-ESCALATION

BY JOHN BOSTAIN

When was the last time you heard the term “de-escalation”? Probably this morning, right? The term de-escalation has become a part of the national conversation on policing. Whether it is a politician, a celebrity, the media, or your even your neighbor, everyone seems to be talking about it. Unfortunately, for those outside of law enforcement, most people do not have a realistic understanding of what de-escalation is. Worse yet, some law enforcement agencies are contributing to the misinformation by not adequately educating their communities about what it is, or perhaps

tactic. De-escalation cannot be measured solely on whether an officer did or did not use force. There are times when the application of reasonable force is the only way to “de-escalate” a situation. Consider the example of an active shooter. Officers enter an active shooter situation where a gunman is actively taking innocent lives. The only way to “de-escalate” that situation might be to eliminate the continued threat.

TRUTH #2

When uninformed people talk about de-escalation, they often ask “why didn’t the officer de-escalate” that individual?

ple will not de-escalate themselves, regardless of how much we communicate with them and provide them options. Anyone who claims that their de-escalation strategies work in ALL circumstances are being dishonest. Truth be told they are probably more concerned about making money off the latest “buzzword” than they are in providing effective tools that increase both officer and public safety. After all, isn’t that what we really want to achieve?

Now that we have clarified what de-escalation is not, we can have an honest conversation about what it is. There

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more importantly, what it isn’t. Many believe that all individuals can be “de-escalated,” and many believe that if individuals are not “de-escalated,” the police officer somehow must have failed. Unfortunately, many people are simply wrong.

There are three fundamental truths about de-escalation that should guide any discussion on the topic. Unfortunately, these “truths” are not readily accepted by those who have never had to personally deal with violent people in crisis. Their worldview simply does not align with reality. Nevertheless, these truths need to be shared with and acknowledged by community leaders, elected officials, and the media. Without acknowledgment of these truths, no serious dialogue can be effectively achieved.

TRUTH #1

De-escalation is a desired outcome; it is a result. It is not a specific technique or

The simple answer is because people cannot be “de-escalated.” It is not a verb; it is not something you can DO to someone. What we CAN do in many circumstances is create enough discretionary time that allow people to calm themselves down and aid them in accessing the services they need. The most important part of these types of encounters is to determine “what do they need” and use tools, tactics, and timing to help get the needed resources. De-escalation is not something that can be forced upon an unwilling subject in crisis. There is no magical “de-escalation pixie dust” that can be sprinkled on individuals in crisis to calm them down.

TRUTH #3

De-escalation cannot be guaranteed, because as stated above, it is a choice. All officers can do is utilize de-escalation strategies to help individuals choose the best possible outcome by choosing to de-escalate. The reality is that some peo-

are literally hundreds of definitions for de-escalation, but the International Association of Chiefs of Police (IACP) uses the following definition from the National Consensus Policy as: “Taking action or communicating verbally or non-verbally during a potential force encounter, in an attempt to stabilize the situation and reduce the immediacy of the threat, so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.”¹ This is a great definition because of a few key phrases such as “attempt to stabilize the situation.” Notice it states “attempt” indicating an acknowledgment that it won’t always be possible. Another key phrase is “reduce the immediacy of the threat, so that more time, options, and resources can be called upon.” This phrase acknowledges that time is the most important factor in de-escalation situations.

Building off the IACP definition, let us talk about three key strategies for de-escalation:

KEY STRATEGY #1: ALWAYS COMMUNICATE FROM A POSITION OF SAFETY

This seems obvious, but after watching hundreds of videos of supposedly “good” de-escalation, one thing stands out more than anything else. In almost every video I have reviewed, officers are attempting to communicate with a person in crisis, but they have put themselves in a terrible tactical position and have exposed themselves to increased risk. These examples are held up as being “good,” because they had a good outcome. But just because you had a good outcome, does not mean good decisions were made. The officer just got lucky and things worked out. But luck is not a plan; it is not something we should rely on. Our goal is for officers to have good outcomes because of good decision making.

When officers hear me say, “Communicate from a position of safety,” they immediately think I am talking about creating a reactionary gap. When I ask, “How do you create a reactionary gap?” the inevitable answer is “create distance.” I understand that is what most of us were taught back in our basic academy days, but it is not realistic in most circumstances. Police officers do not generally operate in a world of distance. How much distance does an officer have in the living room on a domestic fight? If they are in the loss prevention office at a local retailer, how much distance do they have there? Or on a traffic stop on the side of the road? How much distance do they have there? While creating distance is certainly desirable, often it is just not possible. So, I would like you to consider replacing the phrase “reactionary gap” with “create discretionary time.”

Creating discretionary time means we deliberately use items in our environment to create time. The more time we can create, the more likely we will be able to attempt de-escalation strategies. The primary way officers can create time is with the use of physical barriers. A barrier is any item (a car, a table, a bush, etc.) that can be placed between the officer and the subject, that would require the subject to go up, over, around, or through to assault the officer. All those actions take time and the more time the officer creates, the more time they have to get additional resources to the scene and the more likely de-escalation can occur.

KEY STRATEGY #2: HAVE EMOTIONALLY INTELLIGENT OFFICERS

There probably is not a more important skill for police officers to possess than a high level of Emotional Intelligence (often referred to as EQ). Police officers are all human, and as such, officers (just like all humans) have emotional triggers that can set them off. Whether it is a particular type of call or a particular type of person, we all have emotional triggers. Officers deploying with high levels of EQ have great self-awareness as to the things that trigger them. They also have tools in place to manage those emotions. Emotional Intelligence training should be a foundational element of any police training program.

KEY STRATEGY #3: HAVE A COMMUNICATION PLAN

Once an officer has established a position of safety (and once containment and control have been achieved), the officer can attempt to make contact through effective communication skills. The primary purpose of dealing with people in crisis is to find out what they need. Effective communication allows officers to determine what they need and take that information

to develop options for resolving the crisis. One very effective model for effective communication is the Behavioral Change Stairway Model (BCSM).² Originally developed by the FBI as a negotiator’s tool, it serves as a model for de-escalation as well.

BCSM consists of five stages: active listening, empathy, rapport, influence, and behavioral change. Progression through these stages occurs sequentially and cumulatively. Specifically, the officer proceeds in sequence from Stage 1 (active listening) to Stage 5 (behavioral change). However, to establish a rapport (Stage 3) with the subject, active listening skills (Stage 1) and empathy (Stage 2) must first be demonstrated (and maintained throughout) by the officer. As this process continues, influence (Stage 4) and behavioral change (Stage 5) follow. The latter stage refers to the successful resolution of the crisis that can only occur when, and only when, the previous stages have been successfully carried out.

So, there you have it. Three truths and three keys about de-escalation. The conversation about de-escalation is not going away. Law enforcement executives have an obligation to address this topic within their agencies and with their communities. Employing good de-escalation strategies that focus on both officer safety and public safety are a win-win for everyone. 🍀

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1 “The Deafening Demand for De-escalation Training: A Systematic Review and Call for Evidence in Police Use of Force Reform,” by Robin S. Engel, Hannah D. McManus, and Tamara D. Herold. International Association of Chiefs of Police (IACP) with Arnold Ventures. www.theiacp.org/sites/default/files/IACP_UC_De-escalation%20Systematic%20Review.pdf. Accessed on 08/13/20.

2 Vecchia, Gregory M., & Van Hasselt, Vincent B., & Romanoc, Stephen J.(2005). Crisis (hostage) negotiation: current strategies and issues in high-risk conflict resolution. *Aggression and Violent Behavior* 10 (2005) 533–551.