



Talking Tactics and De-escalation

These are the two issues that the Police Commission most critically focus on when reviewing your categorical use of force. An officer was recently given an Administrative Disapproval by the Police Commission in part because he and his partner did not specifically discuss edged weapon tactics on the way to a “415 woman with a knife” radio call. And you can be sure that the topic of de-escalation will be the first thing that the Commission looks at in every use of force that results in injury or death of a suspect.

When you are involved in a Categorical Use of Force, you will be interviewed by a Force Investigation Division investigator. The investigators are trained and experienced in conducting the kind of investigation that will satisfy the Inspector General and the Police Commission. They have checklists to make sure that they consider all of the issues involved in a Categorical Use of Force. High on that checklist is the issue of discussion of tactics and/or the formulation of a plan. Both you and your partner will be asked this question: “Were you able to discuss tactics or develop a plan prior to your contact with the suspect?” Since there is always time between receiving a radio call and arriving at the scene, the expected answer will be “yes.” The follow-up question will be, “What did you discuss?” Since you and your partner are immediately separated and you are both going to be asked these questions on tape, a lively discussion at the Inspector General’s Office or the Police Commission backroom can be expected if you and your partner’s answers differ significantly. Many times they will because when you are involved in an officer-involved shooting, the last thing you are concerned about is remembering conversations on the way to the call.

Nevertheless, it is part of the package that will be considered when the Chief makes recommendations to the Police Commission about whether your tactics substantially deviated from Department policy and training without justification. And, it is certainly something that will be contemplated by the Inspector General and Police Commission, especially if your OIS turns out to be controversial.

So, because you know it is coming, be sure to have a tactical discussion of some kind with any new partner, and always discuss tactics on your way to any hotshot. The question will be asked. One suggestion might be to clip the Tac Ops Pre-Planning Guide and put it in your notebook.

When you have a new partner, pull it out and go over it together. When you get the question in the Categorical Use of Force interview, you can say “my partner and I reviewed the Tac Ops Pre-Planning Guide.” It is always good to review tactics, and it is an effective answer to the question.

The other hot topic, nationwide as well as at your next Use of Force Board, is de-escalation. The League and the Department are in a meet and confer on revising the Use of Force Policy because of the direction of the Police Commission connected to this issue.

De-escalation is nothing new. When I was at the Police Academy in 1970, we were taught that distance plus cover equals time, and time gave you more opportunity to react and plan. Officers have always gone to great lengths to avoid a fight whenever possible, mostly for humanitarian reasons, and maybe a little bit because uniforms are so darn expensive that rolling around on the ground with a suspect is economically undesirable. What is new, however, is the emphasis on the concept of de-escalation now being trumpeted by the media, anti-police groups and politicians as the answer to eliminating all police shootings.

The antidote to this media-manufactured non-problem is articulation. We de-escalate all the time, but it is so normal and natural that we don’t talk about it. It is paramount that we now articulate it in our reports and interviews. Point it out! Use the word! Brag about it! We no longer should write that I “told the suspect to drop the weapon five times.” We now should write or say “in an attempt to de-escalate the situation and avoid using force, I told the suspect to drop the weapon five times!”

In October of last year, the Department put out a Use of Force Tactics Directive. It has two important parts. The definition: *“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.”* And the exception: *“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.”*

You can be sure that the Police Commission when reviewing your Categorical Use of Force will focus on this question, “What did you do to de-escalate the situation, or if you did not do anything, why not?”

The likelihood is that you did do something to de-escalate. You just need to express what you did. A quick review of the tactics directive will highlight the different things you do that fit under the definition of de-escalation. For instance, any planning that you do while en route to a call fits the definition (and satisfies the FID question you will be asked above). Any assessing of the situation upon arrival that you do is a de-escalation technique. Taking advantage of cover is a de-escalation technique. Redeployment, containment and communication are all de-escalation techniques. The requirement is that you recognize them as de-escalation and name them in reports and interviews.

On the other hand, if the situation is such that immediate action is necessary, articulate that fact clearly. It fits the exception. Use it.

You survive to go home through tactics. You survive the administrative investigation through articulation. Both are necessary skills. Work to develop them.

Be legally careful out there.

Links to various things in this article are at www.warningbells.com.

TAC OPS PRE-PLANNING GUIDE

Tac Ops Discussions and Considerations

As part of TacOps Rehearsals, the following tactical topics are offered as discussion points. Use this guide to facilitate discussion about pre-planning and rehearsing tactical operations. **This is not a document to be used during the adjudication of Non-Categorical or Categorical Use of Force incidents.**

TACTICAL CONCEPTS

- Have a positive mindset - **NEVER GIVE UP**
- Talk tactics and have a plan
- Contain, Control, Communicate
- Contact/Cover assignments
- Expect the unexpected - Complacency kills
- Always know your location
- Believe in your instincts
- Wear your vest and carry a backup weapon
- Never underestimate a suspect
- Preplan tactics if taken hostage
- Use of hand signals
- Downed officer rescue techniques
- Request back up, assistance or help when appropriate
- Distance + Cover = Time
- Know your ability, skills and limits
- Discuss SWAT and K9 deployment criteria
- Inform your partner of any special medical conditions you may have

USE OF FORCE

- Know the law and policy
- Compel a person to comply with your lawful direction, overcome resistance of a person during an arrest or a detention, defend yourself or others
- Categorical Use of Force requirements
- Immediate Defense of Life
- Background, Age, Last resort, Knowledge, Seriousness of offense
- Cover and/or concealment

EQUIPMENT

- Wear your vest
- Carry a back up weapon
- Know what equipment your partner carries
- Carry your baton or ASP
- Additional magazines and ammunition
- OC
- Extra handcuffs
- Have a TASER
- Use a personal tape recorder
- Carry an ASTRO
- Building search equipment and tools
- Beanbag Shotgun
- Slug Shotgun
- UPR

VEHICLE PULLOVERS

- Choose your stop location
- Advise and **UPDATE** Communications Division of your Code 6 location
- Request an Air Unit, if necessary
- Driver responsibilities

- Passenger responsibilities
- Identify cover and concealment before you exit vehicle
- Discuss possibility of suspect fleeing on foot or others remaining in vehicle
- What are the suspect(s) doing in vehicle?
- Review Commands for different vehicle stops
- Know when to remove a suspect from a vehicle
- Bring suspect to you
- Watch the doors, trunk and mirror of suspect vehicle
- Watch for traffic

VEHICLE PURSUITS

- Know the Pursuit Policy
- Wear your seatbelt
- Request an Air unit and back up
- Tracking
- Discontinue a pursuit when appropriate
- Communicate with your partner and other units in a pursuit
- Monitor your speed and driving conditions
- Clear traffic
- End of pursuit tactics
- PIT tactics
- Stop Stick

FOOT PURSUITS

- Discuss when to pursue and when to establish a perimeter
- What type of crime is the suspect wanted for and how much time has elapsed since suspect was last seen?
- DO NOT SEPARATE**
- Do not follow the exact path of suspect
- Discuss when to terminate the foot pursuit

WEAPONS

- Maintain your weapon proficiency
- Clean your weapon and oil as necessary
- Know the criteria and limits of less-lethal weapons, UPR and slug shotguns
- Practice malfunction drills (use snap caps)
- Never clear a weapon if you are unsure of its operation

PLAINCLOTHES/OFF-DUTY CONSIDERATIONS

- What safety equipment are you carrying?
- Can you communicate with the Department? What communications devices do you have?
- Raid Jackets
- Body Armor
- Can responding uniform officers readily identify you?
- Determine when to and when not to get involved
- Contacts with uniformed personnel during undercover operations