



Date: August 31st, 2020
To: All Seal Beach Police Personnel
From: Officer Jake Sansenbach
Subject: Training Bulletin # 20-02 – Threat Assessment and De-escalation Strategies

Included in this memorandum is a summary of the Threat Assessment and De-escalation training conducted earlier this year by “Line Driven Strategies”. The below topics are simply a summary, but handouts provided by the organization have been attached to this memorandum for an in depth analysis.

Summarizing the below information: Use of force report writing is about far more than simply articulating elements of the crime. You are conveying all factors that led to the use of force: the crime, threat presented, level of resistance, your perceptions, and more. Imagine the submitted report as your only opportunity to articulate your use of force and you will never again have the opportunity to articulate it outside of your report.

Threat Assessment and De-escalation:

Foundation

De-escalation: The tools/techniques used or considered to reduce the likelihood of a violent encounter as well as the process of using strategies and techniques to decreased the intensity of a situation.

Graham V. Connor: Use of force and objective reasonableness standard

California Specific

Assembly Bill No. 392 and 835a P.C. Amendments

Peace officers: Deadly force

What changes – 1) Officer reasonably believes based on the totality of circumstances that deadly force is necessary to defend against an imminent threat of death or serious

bodily injury to the officer or to another person or 2) to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes the person will cause death or serious bodily injury to another unless the person is immediately apprehended

835a (a) (2) P.C. As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. 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 to an objectively reasonable officer.

In The Field

De-escalation; what does it mean and how do we achieve it?

In reality Law Enforcement has been carrying out the act of de-escalation for decades, we simply do not articulate our actions to that end well enough.

Consider: What are you doing before and during a high stress, high volatility incident?

- Pre-incident tactics are in fact de-escalation techniques
 - o Perimeters
 - o Less lethal requests
 - o Premise history
 - o Prior contacts
 - o Specific training of officers on scene (C.N.T., S.W.A.T., verbal communication training, and more)
 - o Airship requests
 - o Phone calls into location / to an individual and requests made (step outside, basic conversation, etc.)
 - o Outside agency assistance
 - o Evacuating nearby homes/businesses

- Etc.

All of the above are examples of de-escalation techniques used by officers on a daily basis due to the fact that they are done to reduce the likelihood of a tragic outcome and provide the suspect safe and reasonable alternatives other than a use of force. However, these factors likely do not make it into use of force reports to articulate actions leading up to the use of force.

Consider the “Call Preparation Model” **I.M.O.**

Identify the crime/problem

Most likely outcome

One alternative to the initial response (preferably over the radio if possible)

Include that with thorough threat assessments:

- What are the threats to:
 - Public
 - Officer
 - Suspect
- Does the suspect possess:
 - Opportunity
 - Means
 - Ability
 - Intent
- Do you have the means to reduce the above “suspect possess” factors prior to a use of force?

Further, try to enhance contact/cover officer success

- Information gathering prior to contact when possible: call/premise history and more

- Refrain from “poking the bear”: No need to unnecessarily bother the subject. Keep emotions in check for yourself and your partner
- Tactical repositioning: It may be better to reposition ourselves rather than force an issue. Not just physically, but mentally as well. For example, not pushing small issues. Instead letting smaller issues go in order to focus on larger and more complicated ones

Use of Force, De-escalation, Report Writing, and Articulating Facts

Most often we, as we have been taught, write our reports STRICTLY to the elements of the crime. For a crime report, this is perfectly fine. Regarding a use of force report, this can fail to genuinely articulate what was occurring at the time. It benefits officers to articulate their thoughts, feelings, emotions, perceived threats, suspect actions, and more.

What are judges and juries likely focused on and considering **IN ADDITION** to elements of the crime?

Three factors:

1. Crime
2. Threat
3. Resistance

Juries and judges are often less concerned with the elements of the crime. The elements of the crime and fulfillment of those elements provide officers with the authority to arrest and articulate facts for court proceedings, but do not thoroughly convey the factors leading to a use of force. Your report should convey all of those factors.

Consider what may occur AFTER the criminal trial has concluded and your report is used as the ONLY item to convey why you carried out the actions you did.

Crime, threat, and resistance, to include duration and intensity of resistance, more accurately convey an officer's reason for using force and the type of force used.

Crime: depending on the type of crime can convey the immediacy of a threat from the onset. Articulate the crime, how committed, weapons used, statements made, etc.

Threat: what threat does the suspect present to the public, to officers, and to themselves? Can that threat result in further death or serious bodily injury? What is the immediacy of that threat?

Resistance: What is the intensity and duration of the resistance? Does it involve significant violence? What level of threat does it pose to the public, officers, and the suspect themselves?

Pre-Incident Staging:

Refrain from setting the stage via the radio prior to being aware of all factors. We tend to get into the habit of asking for back-up units for very specific reasons i.e.: "Follow for a D.U.I.," "Follow for a 5150 evaluation" etc.

We set the stage for a VERY specific type of response before being aware of the totality of factors. This radio traffic can come into play at later stages of a use of force investigation in a detrimental way. Consider all factors before making assumptions about the type of call for service.

Report Writing

Using all of the above notes, we come to the final conclusion. Report writing and articulating use of force. How to the above notes help us articulate that?

First, questioning our own use of force:

1. What questions are we asking ourselves?
2. What questions do we need to answer in order to paint a better picture of a use of force and the type of force used?

Addressing Contemporary Problems

Our goal is to address issues we often face in law enforcement that can affect our reports in unintended and unforeseen ways:

- Public statements, whether true or false, to media after the fact
- Video, whether edited or unedited, unknown to use that can be shared via social media
- Criticism from points of view not well versed in police tactics or use of force
- More

Not only do we need to provide detailed and articulate facts, we need to convey the reasoning for our use of force utilizing the factors mentioned in the above notes.

Simply put, our goal with use of force report writing is simple;

Help the public understand **WHY** force was used in the manner it was.

So, when writing your report using the notes in this bulletin, you are working towards the following:

- Helping the public understand why force was used
- Articulating the following three factors
 - o Crime
 - o Threat
 - o Resistance
- Including what you knew at the time based on those three factors that led to your use of force based on the crime, history with the subject or location, training and experience, etc.

Use of Force Report Writing Summary:

In short, consider your report as the **ONE** and **ONLY** opportunity to convey what was occurring in your mind at the time of the use of force, and what led you to use that force.

Simply writing to the elements of the crime and only to the elements of the crime will not suffice. Imagine that once you submit that report, you will never again have an opportunity to speak about the incident, your report being your one and only opportunity to convey why you carried out the actions you did to a judge, a jury, or the public in general.

Refer to the attachments provided with this bulleting for further details regarding use of force report writing.