



OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Darren M. Popkin, Sheriff



GENERAL OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
De-Escalation	3.01.E	07/01/22

Purpose: To ensure deputies use de-escalation techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve a situation. When feasible, reducing the need for force allows deputies to secure their own safety as well as the safety of the public.

Policy: When time, circumstances, and safety allow, deputies must take steps to gain compliance and de-escalate conflict without using physical force. Deputies must attempt de-escalation techniques consistent with their training, before resorting to force, unless such a delay will compromise their safety, the safety of another person, or will result in the destruction of evidence, escape of a suspect or commission of a crime.

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I. Definitions

- A. De-escalation Techniques: – 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. De-escalation may include the use of techniques, such as command presence, advisements, warnings, verbal persuasion and tactical repositioning.
- B. Use of Force: - Any physical strike or contact of a person; any intentional or attempted physical strike or contact of a person which does not yield the desired effect; any use of a protective instrument or intentional canine bite; any significant physical contact or action that restricts the movement of a person.

The term includes discharge of a firearm, use of chemical agents, use of impact weapons, use of an electronic control weapon, use of a violent prisoner restraining device, taking a subject to the ground, and any physical contact that includes control techniques. The term does not include a deputy’s mere presence, verbal commands, escorting, or handcuffing a person with minimal or no resistance.

- C. Totality of the Circumstances: - consists of all facts and circumstances surrounding any event that are known or reasonably should have been known at the time. The facts and circumstances may include, but are not limited to: whether an offense has occurred; the nature of the offense; the seriousness of the offense; the size and strength of the subject; the number of subjects; the availability of weapons; whether the subject is exhibiting signs of mental illness or is experiencing a behavioral health crisis; whether the person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier; other force options; availability of non-force options including tactical repositioning, moving to cover, or other de-escalation techniques; environmental factors such as backdrop; and the availability of backup and specialized units.

II. Procedures and Techniques

- A. Deputies may not say or do anything that escalates an encounter, unless necessary to achieve a lawful purpose.
- B. The use of de-escalation techniques is especially important to maintain deputy safety and the safety of others during encounters with children, youth, and persons experiencing a behavioral health disorder or crisis.
- C. Deputies must avoid the use of force unless it is not reasonably possible to do so.
- D. Deputies will make every effort to preserve human life in all situations.
- E. Deputies must comply with Office policy, follow training, exhibit sound tactics, and will be held accountable for poor tactical decisions, including failure to de-escalate and uses of force that violate the law or Sheriff's Office policy.
- F. Deputies may only use force which is reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
- G. Deputies must always respect and uphold the value and dignity of all people.
- H. De-escalation techniques may include, but are not limited to:
 - (1) Communication techniques to calm an agitated subject and promote rational decision making such as:
 - (a) Ensuring whenever possible, only one deputy communicates and addresses the person (the presence of multiple deputies issuing commands to an agitated subject may escalate the incident by increasing the likelihood of miscommunication, and is less likely to result in a peaceful resolution);
 - (b) Regulating vocal tone, pitch and body language (e.g., speaking slowly in a calm voice, rather than shouting commands);
 - (c) Sharing the deputy's name, asking the person their name, and exhibiting a genuine willingness to listen;

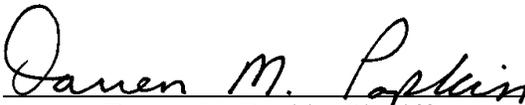
- (d) Practicing procedural justice techniques, such as explaining the deputy's actions and responding to questions (e.g., directly answering questions about why law enforcement officers are there or taking action);
 - (e) Verbal persuasion (e.g., explaining how the person would benefit from cooperation);
 - (f) Verbal advisements (e.g., respectfully explaining the person's rights or what the police want the person to do);
 - (g) Verbal warnings (e.g., notifying the person of the consequences of continued non-cooperation and then offering the person a chance to cooperate); or
 - (h) Avoiding unnecessary display of weapons, including a firearm, an Electronic Control Device, or OC Spray.
- (2) Decreasing exposure to the potential threat by moving to a safer position. This may involve:
- (a) Creating distance;
 - (b) Seeking cover;
 - (c) Tactical repositioning; or
 - (d) When appropriate, concealment.
- (3) Slowing down the pace of the incident by slowing speech and/or applying the critical thinking framework, including:
- (a) Waiting out the person;
 - (b) Avoiding immediate physical confrontation;
 - (c) Calling for extra resources, whenever possible such as:
 - (i) Additional deputies or police officers;
 - (ii) Specially trained deputies or resources (e.g., negotiators, behavioral health care providers, bilingual deputies, etc.); or
 - (iii) Deputies equipped with special tools to include less lethal force options.
 - (d) Identifying other options and determining the best course of action (the deputy might have to delay or even abandon a law enforcement objective if the only way to accomplish the objective is through using force that, under the circumstances, would likely result in harm that far exceeds the value of the interest the deputy seeks to protect through the use of force).

III. Required Action by Deputies

- A. As part of tactical planning, deputies should begin to think through de-escalation techniques prior to arriving on the scene of an incident, call for service, warrant service, or service of process.
- B. Deputies must use de-escalation techniques to attempt to reduce threats, gain voluntary compliance of persons, and safely resolve a situation.
- C. Deputies must perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a subject without proper evaluation of the situation, failing to leave sufficient space between the deputy and the subject, closing the reactionary gap, or escalating a situation.
- D. When time and circumstances reasonably permit, deputies should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to: medical conditions; behavioral health disability; developmental disability; physical limitation; language barrier; drug interaction, and/or behavioral health crisis.

A deputy's awareness of these factors, when time and circumstances reasonably permit, will then be balanced against the facts of the incident facing the trooper when deciding which options are most appropriate to bring the situation to a safe resolution.
- E. During encounters with children, youth, and/or persons experiencing behavioral health disorders or a crisis, deputies must employ developmentally-appropriate, tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language.
 - (1) Deputies should account for any fear-based reactions that children, youth, and/or persons experiencing behavioral health crisis or disabilities may experience during an encounter with law enforcement.
 - (2) If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health crisis or disability are unsuccessful to resolve the incident, and a use of force is reasonable, necessary, and proportional, deputies must consider factors of the individual, including: apparent age; body size; strength of the individual; and the risk posed by the individual.
 - (3) Any force used will be de-escalated immediately as resistance decreases. If the individual stops resisting, the deputy must stop using force.

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