

MEMORANDUM

De-escalation Tactics in Local Policing

By: Caleb Barco

In his lecture, "Politics as a Vocation," economist and sociologist Max Weber described the modern state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory." (*Max Weber, Essays in Sociology, 77-128, (H.H. Gerth and C. Wright Mills, Oxford University Press, 1946) (1919)*). Weber's statements argue that governments (the state) have the right to use force to maintain peace (the monopoly over violence) within their respective borders. The modern manifestation of Weber's theory concerning a government's "monopoly over violence" is the creation of the police force.

Given that the police force is a government's primary form of law enforcement, many scholars and legislators believe that the police force is the chief institution of society pursuant to Weber's theory. Additionally, proponents of this interpretation believe that the force utilized by the police cannot be excessive if it means that the "peace" is kept. However, the individuals that subscribe to this translation of Weber's theory are seriously flawed in their analysis. While Weber argues that governments on every level are permitted to use force to keep the community safe, Weber also claims that "*force is certainly not the normal or the only means of the state*". (*Max Weber, Essays in Sociology, 77-128, (H.H. Gerth and C. Wright Mills, Oxford University Press, 1946) (1919)*). Weber essentially asserts that force is not the only way a government can maintain its order and that force is not the normal way of doing so. Additionally, Weber states that institutions play an equal role in the function of the state in its purpose to keep the peace, stating that "*[i]f no social institutions existed, then the concept of the 'state' would be eliminated, and a*

condition would emerge that could be designated as 'anarchy.'" (Max Weber, Essays in Sociology, 77-128, (H.H. Gerth and C. Wright Mills, Oxford University Press, 1946) (1919).

This statement emphasizes Weber's belief that social institutions are just as crucial to a modern state as a police force. Institutions such as religious organizations, medical professionals, social workers, and schools are just some of the institutions that help a government keep its peace and maintain order. Ultimately, Weber's lecture argues that for a society to function, it must utilize its policing powers and social institutions to maintain order and peace.

Given Weber's views concerning the state and its means of maintaining its monopoly over violence, it is very ironic that the practices of several American police departments are tearing the "state" apart. Due to these flawed practices the police are escalating the violence that they are supposed to prevent. One of the most glaring problems is the use of excessive force to maintain the "peace", and its disproportionate application on Black Americans. In 2020 the Kaiser Family Foundation (KKF) found that one in five Black adults have experienced police violence. (*Kaiser Family Foundation, Poll: 7 in 10 Black Americans Say They Have Experienced Incidents of Discrimination or Police Mistreatment in Their Lifetime, Including Nearly Half Who Felt Their Lives Were in Danger, June 18, 2020, <https://www.kff.org/racial-equity-and-health-policy/press-release/poll-7-in-10-black-americans-say-they-have-experienced-incidents-of-discrimination-or-police-mistreatment-in-lifetime-including-nearly-half-who-felt-lives-were-in-danger/>, last visited, June, 20, 2022*). Pew Research also found that 84% of African Americans said that Blacks are generally treated less fairly than whites by the police. (Desilver, Lipka, and Fahamy, 10 things we know about race and policing in the U.S., Pew Research Center, (JUNE 3, 2020), <https://www.pewresearch.org/fact-tank/2020/06/03/10-things-we-know-about-race-and-policing-in-the-u-s/>). In 2021 a Gallup poll revealed that only 27% of Black Americans had expressed

confidence in the police. (*Jeffery Jones, In U.S., Black Confidence in Police Recovers From 2020 Low, Gallup Poll, (July 24, 2021), <https://news.gallup.com/poll/352304/black-confidence-police-recovers-2020-low.aspx>*)

However, despite these statistics, 21 states don't require de-escalation training, North Carolina being one of them. (Gracie Stockton, 21 States Still Don't Require De-escalation Training for Police, AmericanPublicReports, (June 24, 2021), <https://www/apmreports.org/story/2021/06/24/21-states-still-dont-require-deescalation-training-for-police>). The use of excessive force and a lack of de-escalation training by the police has led to a ubiquitous suspicion of the police in the African American community. However, African Americans do not want to get rid of the police force all together. Gallup found that 81% of African Americans believed that Police presence should remain the same or increase. (*Lydia Saad, Black Americans Want Police to Retain Local Presence, Gallup Poll, (August 5, 2020), <https://news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx>*). However, 88% of African Americans also favored police reforms. (*Steve Crabtree, Most Americans Say Policing Needs 'Major Changes', Gallup Poll, (July 22, 2020) <https://news.gallup.com/poll/315962/americans-say-policing-needs-major-changes.aspx>*).

Considering these statistics several police departments just within the last year have implemented de-escalation methods that are worth looking into. The following is a descriptive review of several police departments that have implemented various types of de-escalation tactics.

1) Shifting the Narrative from Warrior to Guardian

Kenwood Devour once said, "you can change a man if you change the way he thinks." This statement holds true because our thoughts and ideas often influence our actions. If we are to discuss and propose de-escalation methods, we must first acknowledge that excessive force is a product of the mind that manifests itself into physical action. In the United States, many people and police officers view the police as warriors. Images propagating the warrior cop can be seen on television, in movies, and even in pro-police advertisements. However, these narratives do not align with what the police are supposed to be. Before dissecting the mindset of the warrior cop, we must define what a warrior is and what a police officer is. Webster's dictionary defines a warrior as "a person engaged or experienced in warfare." Moreover, Webster's dictionary defines the police as "the department of government concerned primarily with maintenance of public order, safety, and health and enforcement of laws." Furthermore, the word police officer means "a member of a police force." Now that we have defined the words warrior and police officer, we can begin our analysis as to why these definitions are incompatible, thus making the mentality of the warrior cop erroneous.

A warrior's primary purpose is to fight and win battles; in contrast, a police officer's primary purpose is to protect and serve the public. If police officers were to act like warriors, they would be engaging in behaviors similar to that of a soldier in combat. However, the setting would not be a warzone; instead, the setting is the community itself. So, as opposed to engaging in combat with enemy combatants, the police force is engaging with the community as the community itself is an enemy combatant. **This mindset fuels the use and justification of excessive force because community members are now viewed as enemies and not as people worth protecting.** Evidence of this can be seen here in Raleigh when a fight broke out at a Wing Stop earlier this

year. According to WRAL News, once police officers arrived on the scene, "the three officers began focusing on a customer who arrived after the fight." WRAL continued to state, "[o]fficials say that the customer 'matched the description given to the first officer' by the customer who called 911". The news station points to a video of one of the officers placing his knee on one of the customer's neck to subdue him. This act immediately escalated the situation, with employees and customers alike screaming that the man on the ground was "not the one" engaged in the fight. Despite this, the officer kept his knee on the man's neck. Ultimately, four people were arrested, including the man on the ground. Ironically, the only crime the man was charged with was resisting arrest. (WRAL News). This unfortunate event is a clear example of a police officer acting like a warrior. They came into the restaurant and used unnecessary aggression to ultimately detain and arrest someone who had nothing to do with the situation. Events like this prove that the hyper-aggressive warrior mentality is not suitable for the community and runs counter to the definition of the police, which is to protect.

Many activists and scholars believe that local police departments need to disenroll themselves with this warrior-like mentality and embrace a culture that promotes a guardian mentality. To understand a guardian mentality, we must define the word guardian. Webster's defines a guardian as "a person who guards or looks after something." However, the word guardian can also mean "protector," "defender," and "preserver." These words are more in line with the definition of a police officer and a stark contrast to the definition of a warrior. In the Wake of George Floyd's death, several police departments announced they planned to implement new policing methods. The methods they sought to implement were rooted in the philosophy that the police are guardians and protectors instead of warriors.

While this mantra is still very new to most departments, the Camden Police Department in Camden, New Jersey, embraced this philosophy long before it was popular. When former Camden Chief of Police Scott Thomson took the reins of power back in 2008, he wanted to change the culture and the methods of his police department. ("We Want Guardians, Not Warriors", Leadership for a Networked World (2020), <https://lnwprogram.org/sites/default/files/Guardians-Not-Warriors.pdf>). As Thomson began to make reforms in his department, he wanted the community at large to have a voice concerning these reforms. So, Thomson met with community members to see how the department could better serve them. The community members responded by stating they wanted "empathetic, non-judgmental, caring, and community-oriented officers." ("We Want Guardians, Not Warriors", Leadership for a Networked World (2020),<https://lnwprogram.org/sites/default/files/Guardians-Not-Warriors.pdf>). Thomson put these qualities at the forefront of his department, saying that the department's goal "was to work with the people of Camden" and that officers were "community builders." ("We Want Guardians, Not Warriors", Leadership for a Networked World (2020), <https://lnwprogram.org/sites/default/files/Guardians-Not-Warriors.pdf>).

Additionally, Thomson also made it clear to his officers that they are "guardians, not warriors" and "that if you're coming here because you want to be a crime fighter . . . and 'kick butt and take names,' he would personally 'fire' them. ("We Want Guardians, Not Warriors", Leadership for a Networked World (2020),<https://lnwprogram.org/sites/default/files/Guardians-Not-Warriors.pdf>). Adopting this philosophy is the first step a police department must take if they seek to implement de-escalation methods. This step is critical because when an officer enters a situation ready for war, they view the parties as combatants, not members of the community they serve, so de-

escalation is impossible. As was stated earlier, thoughts influence actions, and if the warrior cop mentality does not dissipate, then any hope for reform is lost.

2) De-escalation as Opposed to Exacerbation

If one seeks to put out a fire, they do not pour gasoline into the flames; instead, they pour water or other fire deterrents to extinguish them. Similar to how water is used to extinguish a fire, local police departments should seek to de-escalate tumultuous situations instead of escalating the tension. According to the National Consensus Policy, the term de-escalation is defined 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" (National Consensus Policy and Discussion Paper on Use of Force , 2017). Based on this definition, de-escalation tactics should seek to stabilize a situation and not exacerbate it. Additionally, the National Consensus Policy lists several ways police officers can de-escalate a situation. The report states that officers can engage in "verbal" and "non-verbal de-escalation" tactics and should call for "other resources to neutralize the situation" if necessary. (National Consensus Policy and Discussion Paper on Use of Force, 2017). This definition of de-escalation goes back to Weber's statement that "force is not the only means of the state." (*Max Weber, Essays in Sociology, 77-128, (H.H. Gerth and C. Wright Mills, Oxford University Press, 1946) (1919)*). De-escalation tactics also have played a role in reducing the need for the use of force by police officers and the number officer-involved shootings. However, de-escalation methods also reduce officers' probability of being injured in a confrontation.

a) Verbal De-escalation

Words are by far the most powerful tools that humanity has ever developed. Words have started conflicts, and words have also averted them. Words can brighten someone's day, and they can also potentially ruin it. Words can also de-escalate a potentially volatile situation. Because words are so powerful, many law enforcement professionals and scholars recommend that local police departments use verbal-de-escalation tactics. One of the more popular variations of de-escalation is verbal de-escalation. Mary K. Kerr and & C.M. Nelson define Verbal De-escalation as the use of "calm language and a controlled tone of voice as a means of diffusing a situation." (*Mary M. Kerr & C.M. Nelson, Strategies for Addressing Behavior Problems in the Classroom, 2010*). In 2021 the Seattle Police Department made de-escalation tactics a part of the department's training and is now the preferred method when dealing with agitated community members. The department believes that "[t]he overall goal of this policy (de-escalation) is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved." (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*). The manual further states in section 1 of title 8 of the S.P.D manual that officers are to "conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy." (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*). In subsection (c) of section 1 of title 8, the manual states that the "selection of de-escalation options will be guided by the totality of the circumstances with the goal of attaining voluntary compliance." (*Seattle, Wash., Seattle Police Department Manual Title 8.100 subsection c, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*). However, regardless of the technique chosen, the department states that every de-escalation

approach requires "communication." Communication is at the core of the Seattle Police Department's de-escalation policy. (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*). The department requires its officers to engage with citizens in a "calm" and "explanatory" manner. (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*). To ensure effective communication, the department uses a verbal technique called "LEED." (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*).which stands for "listen and explain with equity and dignity." When utilizing "LEED," officers are to abstain from using language that could potentially escalate the incident, such as taunts and insults. (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*). By employing this version of verbal de-escalation, the department believes that officers can properly calm an agitated person and promote "voluntary compliance." (*Seattle, Wash., Seattle Police Department Manual Title 8.100, (2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>*).

3)Bringing Other Institutions into the Fold.

It is often stated that it takes a village to raise a child, and the same can be said regarding keeping communities safe. As was stated earlier, "force is not the only means of the state," nor is it the "normal means of the state". (*Max Weber, Essays in Sociology, 77-128, (H.H. Gerth and C. Wright Mills, Oxford University Press, 1946) (1919)*). Social institutions play a pivotal role in the functioning of a society and can also play a role in how the police force confronts certain situations. Police Officers are called in to mitigate a myriad of problems. Some cases can be volatile, and

others can be completely benign. Given the variance concerning the situations that police officers may confront, they may not be the most suitable entity to address and de-escalate every dispute. Given this fact, several scholars have suggested that police departments consult a social worker or a psychologist when faced with a situation that is not dangerous or situations involving a mental. In 2019 the Bloomington Police Department hired its first social worker to build upon the department's community-based policing reforms. The crux of the department's goal of bringing a social worker on board was to decrease the "repeat calls". (Dispatch, Embedded Police Social Workers (2021) https://cops.usdoj.gov/html/dispatch/08-2021/police_social_workers.html). Most of the calls were related to social service needs that have not been resolved yet. After two years of implementing social workers into the department's daily routine, the number of repeat calls decreased, and community relations improved.

a) Social Workers on the Scene

However, not all Police Social Workers are working the phones. In certain situations, they are called to the scenes of volatile situations to assist in de-escalating the matter. One police department that has begun using social workers in the field is the Aurora Police Department in Illinois. Police chief Keith Cross told NBC News that the department is not afraid to try "new things" to serve the citizens of Aurora better. (NBC NEWS, 2020). The Aurora Police Department manual states that the department seeks "to enhance the quality of life for those with special needs or mental illness" and "better serve" the families and citizens suffering from mental illness. (Aurora Police Department, Crisis Intervention, (2020), <https://www.aurora-il.org/1616/Crisis-Intervention-Team-CIT>). The Aurora Police Department created the Crisis Intervention Unit to adequately address these issues. The unit is a coalition of law enforcement, family service, and mental health professionals to provide on-scene "co-response" to a citizen in crisis. (Aurora Police

Department, Crisis Intervention, (2020), <https://www.aurora-il.org/1616/Crisis-Intervention-Team-CIT>).

Additionally, the unit deals with post-crisis "case management services" for the person who experienced the crisis and their families. (Aurora Police Department, Crisis Intervention, (2020), <https://www.aurora-il.org/1616/Crisis-Intervention-Team-CIT>). The unit consists of "two police investigators, two police social workers, master level social work interns, and a Police Social Work Supervisor" with a "consulting psychiatrist." (Aurora Police Department, Crisis Intervention, (2020), <https://www.aurora-il.org/1616/Crisis-Intervention-Team-CIT>). Chief Cross also explained to NBC why having a social worker on the scene has been valuable when dealing with particular conflicts. Cross states that the police "uniform may be a barrier to someone in crisis" and that they may not "see the social worker as a threat." (NBC NEWS, 2020). The Aurora Police Department CIU programs provide the following during a co-response situation: (1) assessment (as done in an emergency room); (2) intervention; (3) stabilization; (4) link to community resources. (Aurora Police Department, Crisis Intervention, (2020), <https://www.aurora-il.org/1616/Crisis-Intervention-Team-CIT>). However, the department also provides post-crisis case management. Regarding post-crisis case management, the CIU members are to "[p]rovide linkage to community resources that will best help stabilize the individual in the community" and "[c]oordinate care with other community providers to ensure successful linkage of services." (Aurora Police Department, Crisis Intervention, (2020), <https://www.aurora-il.org/1616/Crisis-Intervention-Team-CIT>).

These are simply just a few police departments that the have adopted some form of de-escalation methods. They are living proof that local governments can still maintain the monopoly

over violence without using excessive force and promote a positive relationship between the police department and the communities they serve.