



To: Raleigh Police Department
From: Emancipate NC
Re: Raleigh PD De-escalation Policy
Date: November 17, 2022

During the summer, Raleigh Police launched a “listening tour” as part of its announcement that it would be adopting its first De-Escalation Policy. We agree that officers that successfully de-escalate in police encounters can reduce the need for physical force and maintain the safety of all involved. Such an approach does affirm the sanctity of life and is an important step in RPD fulfilling its stated values of compassion, fairness, courage, service, and integrity.

We offer this analysis of the proposed policy as part of your request for feedback on the draft policy.

It is not lost on us that RPD developed this policy in response to strong community pressure. Persistent incidents of RPD officers using excessive – even deadly – force disproportionately against Black residents, and other people of color, reflect a national trend that has led Black Americans to overwhelmingly believe that police use excessive force against Black communities. Such violence undermines the legitimacy of policing and engenders a lack of trust from the community towards police, including in Raleigh. This makes all of us less safe.

At Emancipate NC, we believe public safety policy should follow three primary mandates¹:

1. **A guardian, rather than warrior, mentality.** Civilian populations are not the enemy. State agencies should have a goal of protecting the population, not to treat them as enemy combatants.
2. **Utilize de-escalation in tumultuous situations,** rather than escalating tension. 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.

¹ For more information on this framework, review the full memo linked here: <https://emancipatenc.org/wp-content/uploads/2022/07/Raleigh-Police-Must-Adopt-A-Guardian%E2%80%93Not-A-Warrior%E2%80%93Mentality.pdf>.

3. **Bring other institutions into the fold**, such as the use of non-law enforcement specialists that exist outside of and separate from law enforcement to link people in crisis to community resources, rather than criminalization and jail.

The best de-escalation policies incorporate all three of these directives. While its draft de-escalation policy moves RPD in the right direction, it falls short of model policy in several ways. Relative to examples provided to Emancipate NC by an experienced policing expert, RPD's proposed policy is too narrow in its objective; lacks specific, descriptive, and step by step instructions for executing de-escalation properly; and in multiple cases offers caveats or loopholes that suggest de-escalation is simply a precursor to officers' inevitable use of force.

We compared RPD's draft de-escalation policy to those in use by the Seattle Police Department and the Oregon State University Department of Public Safety (see appendix).² Based on these models, we recommend RPD implement the following changes to its draft:

- Expand the purpose of the policy from increasing voluntary compliance to assessing and mitigating risk to ensure the safety of everyone involved.
- Create an expectation that officers will 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.
- RPD's policy states, "Whenever feasible, *prior to using force*, officers must use de-escalation in an attempt to gain voluntary compliance and reduce or avoid the need for force" and also that "officers shall allow an individual time and opportunity to submit to verbal commands *before force is used*" (emphasis added). These sections imply that force will be necessary. RPD should amend this to emphasize that the use of force should be a last resort when de-escalation is possible and has already been attempted.
- Set stronger expectations for how officers must attempt de-escalation. Establishing de-escalation as a priority only "When time and circumstances reasonably permit" is too vague and lends itself to willful misinterpretation.
- Provide specific, descriptive, and step by step instructions for officer communication in a de-escalation scenario (e.g., "Acknowledge the individual's feeling" or "Warnings given as a threat of force are not considered part of de-escalation").
- Specify how using time and distance can make more options possible (i.e., wait for a mental health specialist or use distance and shielding to reduce the likelihood of physical confrontation).
- Provide examples on how to use tactical dis-engagement as part of de-escalation (e.g., leave, delay contact, delay custody or plan to make contact at a different time and under different circumstances).
- Include clear decision making steps for officers to follow to de-escalate (e.g., collect information; assess the situation, threats and risks; etc.).
- Set a requirement for annual de-escalation training for anyone authorized to use force.

² Seattle's policy can be found here:

<https://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation>. OSU's is linked here: <https://public.powerdms.com/OSUPS/tree/documents/2200973>.

Incorporating these changes into RPD's policy and practice can tangibly uphold the wellbeing of the communities it serves. We look forward to engaging further with you on this important topic.

Thank you for your consideration of this input.

Sincerely,

Emancipate NC

Appendix: Comparison of Raleigh, Seattle, and Oregon State Police Departments' De-Escalation Policies

	Raleigh Police Department	Seattle Police Department	Oregon State Police Dept.
<i>Length</i>	3 pages	4 pages	5 pages
<i>Clarity</i>	Directives and level of police discretion are unclear, as are what techniques look like/how they should be executed (unlike in Seattle/OSU policies)	Clear and easy to understand. Step by step but not a lot of detail.	Clear, a lot of info, and very step by step
<i>Values</i>	Fairness, service, integrity, courage, compassion	No mention	No mention
<i>Purpose of Policy</i>	"Increase likelihood of voluntary compliance"	"promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved"	"to contribute to safety by promoting thoughtful resolutions to public safety situations within the Oregon State University community and reduce the chance of harm to all persons involved"
<i>Review Standard</i>	Totality of circumstances	Totality of circumstances	Totality of circumstances
<i>Sanctity of Life</i>	"Affirms sanctity of life"	N/A	"Recognizes and respects sanctity of life"
<i>General Policy</i>	Starts off by focusing on employee jobs being difficult. De-escalation appears to be offered as more of a suggestion than a directive and as a way to help police. It does name the people whose safety is of special concern (kids, youth,	Gives general who/what/when/where of the policy as a directive, defining de-escalation and ending with their goal. "De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible,	Same as Seattle, in different order: "The purpose of this policy is to contribute to safety by promoting thoughtful resolutions to public safety situations within the Oregon State University community and reduce the chance of harm to all persons

	<p>and people experiencing a health crisis):</p> <p>“Employees are often faced with challenging, dynamic, and evolving situations...employees [need] [de-escalation] to slow those down...extraordinary challenges being faced...may minimize likelihood [of physical force]...constantly evaluate the threat...this may mean increasing or decreasing the amount of force during an encounter as necessary depending on the totality of factors facing the officers ...especially important to maintain safety of all during encounters with children, youth, and persons experiencing behavioral, health or situational crisis.”</p>	<p>de-escalation techniques including scene management and team tactics that utilize time, distance, and shielding will still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.</p> <p>De-escalation tactics and techniques are actions used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. See definition of de-escalation in <u>8.050</u>.</p> <p>The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.”</p>	<p>involved.”</p> <p>“De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible, de-escalation techniques including scene management and team tactics that utilize time, distance, and shielding, will be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.”</p> <p>“De-escalation tactics and techniques are actions used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.”</p>
<i>De-escalation definition</i>	<p>Taking action OR communicating verbally OR non-verbally</p> <p>Uses same stabilize & reduce language that Seattle/OSU use</p>	<p>“Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.”</p>	<p>Same as Seattle</p>
<i>Threat Assessment</i>	<p>No mention</p>	<p>Officers will conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or</p>	<p>Same as Seattle</p>

		disproportionate use of force by placing themselves or others in undue jeopardy.	
<i>Directive</i>	“Whenever feasible, prior to using force, officers must use de-escalation in an attempt to gain voluntary compliance and reduce or avoid the need for force.”	“When safe, feasible, and without compromising law enforcement priorities, officers will use de-escalation tactics in order to reduce the need for force.”	“When safe, feasible, and without compromising public safety responsibilities, including the safety of the community and those involved in a situation, officers will use de-escalation tactics in order to reduce the need for force.”
<i>Team Approaches</i>	Does not mention	“Team approaches to de-escalation are encouraged and will consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the subject. Where officers use a team approach to de-escalation, each individual officer’s obligation to de-escalate will be satisfied as long as the officer’s actions complement the overall approach.”	Same as Seattle.
<i>Submitting to Verbal Commands</i>	“Whenever possible, and when such delay will not unreasonably compromise the safety of the office or other individuals, result in the destruction of evidence, escape of a suspect, or commission of a crime, officers shall allow an individual time and opportunity to submit to verbal commands before force is used.”	No mention	No mention
<i>Communication</i>	Only verbal commands (see above)	Gives specific, descriptive, and step by step instructions for communicating	“Resolving situations with dialogue instead of using force is preferred in all interactions with officers and

		<p>Ex: “[Warnings] given in a calm and explanatory manner”</p> <p>Ex: “Avoiding language that could escalate the incident. Taunts and insults are prohibited”</p>	<p>individuals. Tactical communication can also be used to obtain more time until backup officers can arrive.”</p> <p>Gives specific, descriptive, and step by step instructions for communicating:</p> <p>Ex: “Introduce yourself during an initial approach and include the reason for your Contact’</p> <p>Ex: “Acknowledge the individual's feeling.”</p> <p>Ex: “Warnings given as a threat of force are not considered part of de-escalation.”</p>
<i>Time & Distance</i>	No mention	Re-states the ways that time and distance give space for more options (i.e. wait for specialist, use distance and shielding to reduce likelihood of physical confrontation)	Same as Seattle.
<i>Mention of Mental Health / Exigent Circumstances</i>	<p>“When time and circumstances reasonably permit, an officer shall consider whether a subject’s lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including but not limited to:</p> <ul style="list-style-type: none"> -Medical conditions -Mental impairment -Developmental disability -Physical limitation -Language barrier -Drug interaction 	<p>“Consideration of whether any lack of compliance is a deliberate attempt to resist rather than a perceived physical or psychological inability to comply based on factors including, but not limited to:</p> <ul style="list-style-type: none"> -Medical conditions -Mental impairment -Developmental disability -Physical limitation -Language barrier -Drug interaction -Behavioral crisis -Fear or anxiety” 	Same as Seattle.

	-Behavioral crisis “		
<i>Shielding & Tactical Dis-engagement</i>	No mention	Shielding examples given	Mentions shielding and tactical disengagement more as a part of Distance
<i>Decision making</i>	No mention	No mention	a) Collect information. b) Assess the situation, threats and risks. c) Consider legal powers and policies. d) Identify options and tactics and determine the course of action. e) Act, review, and re-assess the situation. Note: “All of these actions should be made keeping in mind the department’s ethics, values, proportionality of the crime and the sanctity of human life.”
<i>Supervisors</i>	Supervisors should hold employees accountable and also give feedback to individual employees on what de-escalation techniques they could have employed	No mention	No mention
<i>Training</i>	Policy be reviewed annually	No mention	Training must be conducted annually for anyone who can use force