

De-escalation



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER

OPR: 71

EFFECTIVE
DATE:
09/01/2022

ORIGINAL
ISSUED ON:
09/01/2022

SUBJECT: De-escalation

ORIGINAL

1.0 PURPOSE

The purpose of this policy is to provide commissioned officers of the New Mexico Department of Public Safety with guidelines for De-escalation.

2.0 POLICY

It is the policy of the New Mexico Department of Public Safety to provide its employees with guidelines to verbally communicate and de-escalate situations that may or may not escalate into a use of force situation. De-escalation techniques are used to reduce aggressive behaviors, gain voluntary compliance from persons, and safely resolve a situation.

3.0 APPLICABILITY

This policy applies to all commissioned New Mexico State Police personnel of the New Mexico Department of Public Safety.

4.0 REFERENCES

- A. OPR: 01 - Use of Force Policy
- B. OPR: 47 - Interaction with Persons Suspected of Suffering from Mental Illness

5.0 DEFINITIONS

- A. **Behavioral Change Model:** Five-step model using verbal communication to change the behavior or actions of an individual.
- B. **De-Escalation Techniques:** Techniques used to minimize the need to use force and increase the likelihood of voluntary compliance. These techniques may include but are not limited to, influencing behavioral change, creating distance, use of physical barriers, slowing down the pace of an incident, and requesting additional resources. Verbal communication is the first step in the process of de-escalating a situation.
- C. **Rapport:** Two-way dialogue between two individuals. The purpose of this is to build trust and influence behavioral change.
- D. **The Totality of Circumstances:** Assessment of the whole picture that gives the officer an individualized suspicion, based on all the circumstances. The officer draws inferences and makes deductions - inferences and deductions that might well elude an untrained person, to make an assessment that the individual being stopped is engaged in wrongdoing. - US v Cortez

6.0 PROCEDURE

A. Before using force, when safe and reasonable, the officer should use de-escalation techniques to slow down and stabilize a situation, to allow for more time, more options, and more resources to resolve the situation.

1. The officer should think through which tactics or actions may be available before arriving on the scene.

a. Examples:

i. Type of call

ii. Is backup necessary

iii. Who is primary

iv. Tactical approach

v. Initial communication with the individual

vi. Situational awareness

vii. Less lethal vs lethal coverage

2. Officers should continue to assess the environment, the scene, and both person's verbal and non-verbal communication.

a. Determine the level of perceived danger

i. Employees may use several indicators when initially assessing a person(s) behavior and demeanor if they are possibly an immediate or potential danger to him/herself, the employee, or others. The following factors alone may not determine a level of danger, but may assist an employee in making a proper assessment:

ii. Statements made by the person that suggests the individual is prepared to commit a violent or dangerous act.

iii. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known or unknown to the employee. Family, friends, or neighbors may be able to provide additional information.

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3. The amount of control the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation.
 - a. Signs of lack of control include, but are not limited to:
 - i. Extreme agitation
 - ii. The inability to sit still or communicate effectively
 - iii. Wide eyes
 - iv. Rambling thoughts and speech
 - v. Clutching oneself or other objects to maintain control
 - vi. Begging to be left alone
 - vii. Offering frantic assurances
4. The officer should use the behavioral change model to start communication with the individual. These steps should be followed in order.
 - a. Active Listening
 - i. Active listening uses seven (7) techniques to initiate and start to build rapport with an individual.
 1. Minimal encouragers
 2. Open-ended Questions
 3. Reflect/mirror
 4. Emotional Label
 5. Paraphrase
 6. "I" statements
 7. Effective Pauses
 - b. Empathy
 - i. The officer should express and show empathy for a person's situation. This technique will assist in building rapport and trust with the individual.

c. Rapport

- i. Based on the conversational techniques used prior, rapport can be built naturally. If dialogue is not obtained, try finding common ground with the individual.
- ii. Relating and having a dialogue with someone will build trust
- iii. Signs when rapport is built
 1. Individual mirrors both verbal and nonverbal communication of the officer
 2. Body language changes and appears more relaxed
 3. Tone changes to more calm

d. Influence

- i. The ability to influence a person comes from the trust and rapport built.
 - ii. Situations you may encounter where suggestions can influence behavioral change are included but not limited to the following:
 1. Asking the person to step out of the vehicle
 2. Handcuffing an individual to detain them
 3. Not moving forward and closing distance
 4. Suspect puts weapon down
 5. Rolling down a window
- e. Influencing is a step-by-step process and may need to be implemented in small increments.

Example: An individual is walking toward the officer with a knife. The officer is at a safe distance behind cover. It is reasonably safe to initiate a conversation. Commands are given for him/her to drop the knife, but the suspect keeps advancing. An officer then suggests he/she stop moving and not drop the knife. The suspect at this time may be willing to stop versus dropping the knife right away. This creates an opportunity for the officer to influence behavioral change utilizing de-escalation techniques.

f. Behavioral Change

- i. When an individual changes their previous behavior and does what the officer is requesting.

5. Communication and conversations are evolving. Different individuals and conversations may or may not require all of the steps above to gain compliance.
6. Sometimes individuals may be triggered by the officer for no reason. Communication with this individual can be problematic. The officer needs to approach the individual(s) with an open mind and if the situation starts to escalate, allow for another officer to step in if available.
7. Depending on the totality of circumstances, verbal de-escalation may not exist, and use of force may be necessary. Officers should only utilize de-escalation techniques when safe and reasonable.
8. Additional de-escalation techniques include, but are not limited to:
 - i. One person communicates at a time
 1. Avoids miscommunication
 - ii. Tone and voice inflection should be intentional
 1. Individuals will mirror behaviors being displayed. If the Officer is calm, the individual is more likely to remain calm
 - iii. Thank and acknowledge the individual for doing something you requested
 - iv. Using calming gestures and facial expressions
 - v. Using the individual's preferred name or pronoun
 - vi. Explain why the officer is there
 - vii. Explain what the officer can do for them
 - viii. Explain possible consequences of actions
9. While communicating an officer should:
 - i. Continually assess the situation for danger
 - ii. Maintain adequate distance between the employee and subject
 - iii. Remain calm
 - iv. Give firm and clear direction
 - v. Have only one officer talk to the subject if possible

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10. Training requirements

- i. Four (4) hours of annual training will be conducted in the field.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/ Jason R. Bowie DATE: September 1, 2022
DPS Cabinet Secretary