

e. Conclusion

The above-described shift away from specific guidance toward a concept-based approach has implications both for officers' ability to discern the Department's expectations regarding tactical performance, and to develop the skill sets necessary to be effective in the performance of their duties. The Department has made these changes based on the understanding that they will enhance performance, as well as to reduce exposure to civil liability.¹⁹

Beyond these implications, the shift toward a concept-based approach impacts upon the manner in which categorical uses of force may be adjudicated. As discussed in the *Review and Adjudication* section of this report, whereas use of force is assessed using the objective reasonableness standard, evaluation of an officer's tactics is based upon whether those tactics unjustifiably and substantially deviated from approved Department training. Prescriptive standards readily lend themselves to determinations whether substantial deviations have occurred, as tactical performance can be measured against the specified expectations set forth in training. Concept-based training, in contrast, relies more heavily upon decision-making by individual officers and provides fewer specific guidelines as to how officers should perform.

VI. Recommendations

In November, 2015, the President of the Board of Police Commissioners set forth the goal of minimizing the number of use of force incidents. The achievement of this goal requires a critical evaluation of current policy and training related to the use of force, and of the philosophies underlying their development. In the course of preparing this report, the OIG presented its findings regarding the changes to Department policy and training to Commissioners Matthew Johnson and Robert Saltzman. Based on the OIG's presentation and concurrence, Commissioners Johnson and Saltzman make the following recommendations for the full Commission's consideration:

1. The Commission, with the assistance of the OIG, revise the use of force policy to include attempts at de-escalation whenever feasible as one of the factors for determining the reasonableness of an officer's use of force.
2. The Commission, with the assistance of the OIG, revise the use of force policy to emphasize that deadly force shall only be exercised when reasonable alternatives have been exhausted or appear impracticable. The revision in policy will also establish the expectation that officers redeploy to a position of tactical advantage when faced with a threat, whenever such redeployment can be reasonably accomplished in a manner consistent with officer and public-safety.

¹⁹ In preparing this report, the OIG has not conducted a study to test the premise that the provision of less specific guidance reduces civil liability.

3. The Commission directs the Department to ensure that all investigations and evaluations of use of force incidents include written consideration of whether de-escalation was feasible and, for deadly force incidents, whether reasonable alternatives had been exhausted or appeared impracticable before the use of such force.
4. The Commission revise current policy regulating the deployment of rifles and slug ammunition to re-instate the restrictions contained in the pre-2009 policy that specifically disallow their use in certain situation where the risk to the community outweighs any tactical benefits for their deployment.
5. The Commission directs the Department to ensure that all officers assigned to the Resources Enhancement Services and Enforcement Team be provided all specialized training prior to engaging in any enforcement action with the mental health or homeless community.
6. The Commission directs the Department to reinforce the concept of de-escalation during all use of force-related training; ensure that personnel demonstrate a sound understanding of de-escalation concepts as part of the selection process for promotions; and specifically teach and reinforce this concept during all supervisor schools.
7. The Commission directs the Department to evaluate both recruit and in-service training to ensure that de-escalation concepts and methods are adequately addressed. To that end, the Commission requires the Department to survey agencies nationwide for best practices involving de-escalation policies, techniques, and training, and then to present its research to the Commission for its analysis and possible action. The Commission directs the Department to provide it is findings within four months; these findings will include a detailed plan for implementing any such changes within six months from the adoption of this recommendation.
8. The Commission directs the Department to provide to the Commission a presentation regarding the various de-escalation techniques taught to recruits and officers and the specific manner in which those techniques are currently being taught to them.
9. The Commission directs the Department to evaluate current training materials to ensure that the concept-based model also includes more specific guidance for common, re-occurring tactical situations.
10. The Commission directs the Department to evaluate current recruit and in-service training to ensure consistency between the two, and to ensure sufficient emphasis on the Commission's goals of reducing the use of deadly force and emphasizing de-escalation.

11. The Department's primary consideration in designing training must be the maximizing of officer performance, safety, and accountability. The Commission directs the Department to provide it advance notice of any and all contemplated changes to existing training in the areas of de-escalation, less-lethal and lethal uses of force, and mental health.
12. The Commission directs the Department to continue the inclusion of the OIG in Tactics and Training Review Committee (TTRC) meetings, and to codify that inclusion into TTRC protocols.

Unless specified otherwise in the individual recommendations, the Commission's expectation is that these recommendations will be fully implemented within 30 days from the adoption date of this report.