

Savage Training Group
Practical De-Escalation and Tactical Conduct
Savage Training Group – 1345-20811| POST Certification II |
Reimbursable Plan NA | 16 Hours

Effective Date: 9/11/24

Statement of Purpose

The purpose of this course is to equip sworn law enforcement officers with knowledge of new laws and changes to existing laws, modern tactics, human performance limitations and decision-making strategies while improving their ability to recall that information in tense, uncertain and rapidly evolving circumstances. The desired outcome being the students will be able to perform higher in the field in the four key areas: 1) where practical, they will have the tools to avoid unnecessary violent confrontations, 2) they will be able to reduce liability for themselves and their agency, 3) make decisions based on a superior understanding of law, planning, tactics and human performance limitations, and 4) be able to explain the why of their decisions.

Course Objectives

1. The student will analyze the concept of de-escalation, including defining it, critiquing the efficacy of de-escalation tactics and techniques and deciding in what circumstances the tactic would be possible and recommended.
2. Students will critique conventional de-escalation training principles and whether they are evidence-based, grounded in science or tactically sound.
3. Students will analyze PC 835(a) and GC 7286 and define what changed and what remained the same and how these changes affect their responses.
4. Students will define those human factors which affect decision making and discuss the effects human factors have on police officers and those they interact with.
5. Students will study relevant portions of de-escalation literature to prioritize those concepts that are meaningful to field operations and how to integrate them to improve their chance of achieving the most favorable outcomes.
6. Students will examine the public duty doctrine and through case studies discuss and understand the legal and policy obligations for law enforcement officers.

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7. Students will rehearse pre-contact assessment activities including debriefing a reporting party and deciding on an acceptable course of action based on their assessment of the incident and subjects involved.
8. Students will discuss strategic thinking and problem solving as it relates to incident response and associated documentation, court testimony, and liability mitigation.
9. Students will discuss modern field tactics, leadership principles and negotiation techniques. Through incident debriefs and instructor led discussion, they will assess a situation, consider possible responses and decide on legal, safe and tactically sound tactics to apply.
10. Students will create a plan of action on how apply what they learned and return to their agency to improve upon their agency's policies, protocols and operations.

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1. **De-Escalation**
 - a. Definition
 - i. “De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.”¹
 1. Community definitions
 2. Media definitions
 3. Law enforcement definitions
 - ii. “Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject/suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.”²
 - iii. Discussion Points:
 1. Is de-escalation the absence of force?
 2. What factors can limit the effectiveness of de-escalation strategies?
 3. Can reasonable force, employed quickly and efficiently be considered de-escalation?
 4. Are there situations where a momentary escalation in the “intensity” of a situation be considered de-escalation?
 5. Decisions of the subject/suspect?
 6. Can a purposeful delayed response be de-escalation?
 - b. Limitations of de-escalation
 - i. While there are many definitions of de-escalation, it can be helpful to think of it as being more like a noun than a verb. Whereas conventional wisdom and definitions may lead to a belief that the police can de-escalate a suspect/subject (verb), the reality is de-escalation, in many ways, is more like something the police can offer to a suspect/subject (noun). Given appropriate conditions, officers may be able to offer the suspect/subject de-escalation as an alternative to having force used against him/her.
 - ii. The suspect gets a vote

¹ California POST Learning Domain 20 Page 2-3

² LAPD Use of Force/Tactics Directive No. 16

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1. Suspect/subject must agree to accept the offer of de-escalation and then participate in the process to be effective.
 - a. Because the offer is made does not guarantee the suspect/subject will accept and participate.
- c. Factors which prevent a suspect from agreeing and participating may include:
 - i. Diminished capacity
 1. Alcohol
 2. Drugs
 3. Mentally Illness
 - ii. Emotional factors
 1. Crisis state
 2. Short term thinking
 3. Long term thinking
- d. Conditions necessary for effective, non-coercive de-escalation
 - i. Containment, Control, Contact, Communication, and Cooperation³
- e. De-escalation is not a replacement for all safety procedures nor is it a panacea
 - i. Balancing the need to retain a tactical advantage vs. de-escalation
 - ii. Favorable outcomes do not excuse poor tactics.
 - iii. Use of poor tactics may diminish the effectiveness of de-escalation attempts.
- f. Learning Activity: Provide students with a hypothetical scenario (suicidal man in park with gun) where poor tactics were used however outcome was favorable. Discuss other possible outcomes.
- g. Alternate Learning Activity: Students will watch a video where the outcome was favorable but poor/potentially dangerous tactics were used by law enforcement. The students will discuss the tactics used and the pitfalls of the tactics used.
- h. Documentation of De-Escalation and Use of Force

³ Containment and De-Escalation: The Honest Debate Continues, Von Kliem, The Force Science Institute, July 2019
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- i. Any efforts to de-escalate a situation should be documented. If de-escalation is not feasible, an explanation of why not should be documented.
- ii. It is equally important to document the “pertinent negatives”. That is, document de-escalation tactics that were not effective and possible reasons why “it appeared the taser was ineffective because the subject was wearing baggie, loose fitting clothing that inhibited the taser barbs from making sufficient contact”.
- iii. CTREE-Graham factors
 1. The acronym “CTREE” serves as a helpful reminder of the elements to be included in the “response to resistance” report and identify the Graham factors.
 2. C-Severity of the **C**rime
 3. T-Level of **T**hreat (Active or static event/Contained or Uncontained.
 4. R-Level of **R**esistance presented by the subject/suspect
 5. E-Attempts by subject/suspect to **E**scape
 6. E-Attempt by subject/suspect to **E**vade apprehension
- i. Learning Exercise: Video-San Leandro Incident-Did the officer attempt de-escalation? Why our opinion doesn’t matter.
- j. De-Escalation Strategies and Techniques for California Law Enforcement, California POST
 - i. Pre-Contact Assessment of the Situation and the Subject
 1. Utilize all resources to help with pre-contact information gathering time permitting.
 - a. Dispatchers-ask questions enroute to determine incident type. Dispatch can start the de-escalation process on the phone and assist officers in the field by passing on key information that might aid their de-escalation efforts.
 - b. Reporting parties-meet away from scene if possible to get more information in less volatile setting. Ask reporting parties, especially family members, what they think the police can do for

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- them in the current situation. We are there to help but must set realistic expectations.
- c. Computer systems
 - d. Why is the subject/suspect acting confrontationally, uncooperative or non-communicative. Is the conflict or problem intentional or related to something other than criminal associated behavior.
 - e. If related to criminal act what is the crime?
 - f. Peripheral considerations might include:
 - g. Is the subject impaired by mental illness?
 - h. Are there indicators of developmental disabilities?
 - i. Is there a language barrier or cultural conflict?
 - j. Is the problem caused by a medical condition?
 - k. Is the subject under the influence of drugs or alcohol?
 - l. Is the person suffering from an emotional, personal, or trauma-based crisis?
 - m. Could the cause be from a physical limitation, pain, or a perceived emergency?
 - n. Is the subject suffering from fear, panic, or acute anxiety?
 - o. Officers should document the results of their pre-contact assessment in the crime report.
 - p. Consider using technology such as drones or security cameras to gather information.
 - q. The pre-contact assessment and situation/subject classification should be a standard protocol, a habitual tactic. An officer's appraisal should drive their approach and the actions taken. Problem, Mission, Plan, Resources.
- ii. Learning Activity: Video-5150 Hollister incident. Students will be shown a video and will discuss the officers pre-contact assessment, tactics and decision making.

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2. The Law

a. CA AB392 / PC 835a

- i. (a) The Legislature finds and declares all of the following:
 1. (1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.
 2. (2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
 3. (3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.
 4. (4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
 5. (5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is

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estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

6. (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
7. (c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 8. (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 9. (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
10. (2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
11. (d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to

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overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other de-escalation tactics.

12. (e) For purposes of this section, the following definitions shall apply:
 13. (1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
 14. (2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
 15. (3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.
 16. Definition of “Imminent”-Memory aid for when deadly force is justified - **A**-Present **A**bility, **O**-**O**pportunity, **I**-Apparent Intent.
 17. Learning Activity-Students will be presented with 2 video scenarios (San Diego-Shooting incident of Dr. Li and El Paso-Shooting incident of Michael Estrada). Students will discuss whether the suspect/subject displays Present Ability, Opportunity and Apparent Intent and why or why not.
 18. Definition of Serious Bodily Injury (SBI) PC 243(f)(4).
- b. CA SB230 / GC 7286
- i. (a) For the purposes of this section:
 1. (1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily

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- injury. Deadly force includes, but is not limited to, the discharge of a firearm.
2. (2) “Excessive force” means a level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by this section, or any other law or statute.
 3. (3) “Feasible” means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
 4. (4) “Intercede” includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer’s excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer’s name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.
 5. (5) “Law enforcement agency” means any police department, sheriff’s department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the Department of the California Highway Patrol, the Department of Fish and Wildlife, and the Department of Justice.
 6. (6) “Retaliation” means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.
- ii. (b) Each law enforcement agency shall, by no later than January 1, 2021, maintain a policy that provides a minimum

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standard on the use of force. Each agency's policy shall include all of the following:

1. (1) A requirement that officers utilize deescalation techniques, crisis intervention tactics, and other alternatives to force when feasible.
2. (2) A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
3. (3) A requirement that officers immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.
4. (4) A prohibition on retaliation against an officer who reports a suspected violation of a law or regulation by another officer to a supervisor or other person at the law enforcement agency who has the authority to investigate the violation.
5. (5) Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.
6. (6) A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.
7. (7) Procedures for disclosing public records in accordance with Section 832.7.
8. (8) Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.
9. (9) A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility

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- that other officers may have additional information regarding the threat posed by a subject.
10. (10) Comprehensive and specific guidelines regarding approved methods and devices available for the application of force.
 11. (11) An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased.
 12. (12) Comprehensive and specific guidelines for the application of deadly force.
 13. (13) Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Section 12525.2.
 14. (14) The role of supervisors in the review of use of force applications.
 15. (15) A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.
 16. (16) Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.
 17. (17) Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
 18. (18) Procedures to prohibit an officer from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated.
 19. (19) A requirement that an officer that has received all required training on the requirement to intercede and fails to act pursuant to paragraph (9) be disciplined up to and including in the same manner as the officer that committed the excessive force.

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20. (20) Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted.
 21. (21) Factors for evaluating and reviewing all use of force incidents.
 22. (22) Minimum training and course titles required to meet the objectives in the use of force policy.
 23. (23) A requirement for the regular review and updating of the policy to reflect developing practices and procedures.
- iii. (c) Each law enforcement agency shall make their use of force policy adopted pursuant to this section accessible to the public.
- c. Graham v. Connor
- i. History- The U.S. Supreme Court's landmark 1989 decision in Graham v. Connor outlines broad principles regarding what police officers can legally do in possible use-of-force situations, but it does not provide specific guidance on what officers should do. It is up to individual police agencies to determine how to incorporate the Court's principles into their own policies and training.
 - ii. What does Graham v Connor really say? Determining whether the force used to make a particular seizure is "reasonable" under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake.... Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application... its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.... The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are

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tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

- iii. Memory aid-Graham v Connor-CTREE
 1. Severity of the **C**rime
 2. **T**hreat
 3. Level of **R**esistance
 4. Suspect's attempts to **E**scape
 5. Suspect's attempts to **E**vade
 - iv. The entire Graham decision is less than 10 pages, and nearly all of the opinion is devoted to detailing the facts of what happened in the case and other legal arguments.
 - v. Discussion points to consider: Is the reasonableness standard a static standard or one that evolves? Is what was reasonable in 1989 (when this decision was codified) the same as what was reasonable in 1999, 2009, 2019 and so on?
 - vi. Optional Learning Activity: Given the recommendations made in the De-Escalation Strategies and Techniques for California Law Enforcement document, and changes to PC 835(a), through an instructor led discussion, students will analyze a video scenario (LAPD video-man walking on the sidewalk holding a knife and hatchet), including leadership, tactics and decision making of responding officers to determine if de-escalation tactics were used and possible legal challenges. The scenario should depict an incident with "VUCA-T" characteristics.
- d. The Public Duty Doctrine⁴
- i. Established legal doctrine states that law enforcement officers have a duty to the public but not individual citizens (Duty to All, Duty to No One).
 - ii. Special Relationships
 1. In some cases, law enforcement has an affirmative duty to protect a specific person, such as when law enforcement has a "special relationship" with the person. This special relationship requires law enforcement to assume control over the individual in order to provide enough protection. Once this relationship exists, law enforcement has the legal duty

⁴ CA GC 845, South v Maryland (1855)
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to take reasonable steps to ensure the safety and care of the individual and to safeguard the individual from foreseeable risks.

- iii. A Special Relationship between a law enforcement officer and a member of the public can be formed in two narrow circumstances.
 - 1. The officer makes a representation (express or implied) that is detrimentally relied upon and causes a foreseeable harm. For example, in *Morgan v. County of Yuba*, the county was held liable where no warning was given after a deputy sheriff promised to warn decedent if a prisoner, who had threatened her life, was released but didn't do so.
 - 2. The officer engages in an affirmative act that increases the foreseeable risk of harm to the individual. For example, in *McCorkle v. City of Los Angeles*, an officer investigating an accident directed the plaintiff to follow him to the middle of the intersection where plaintiff was hit by a car.⁵
- iv. Learning Activity: Students will be shown a video (Clear Creek Colorado-Christian Glass). Considering 835(a), Public Duty Doctrine and how Special Relationships can be formed, the students will develop a response to this incident. The officers' actions will be analyzed and discussed.

3. **Decision Making and Tactical Considerations**

- a. The Objective⁶
 - i. One way of making better decisions is, when there is time to do so, by consciously asking ourselves, "What is the problem, what is my mission, what is my plan, and do I have the resources to achieve my plan?" Deliberate planning isn't always possible because of the particular circumstances. As noted in Gary Klein's important work on decision-making, decision making in a crisis may not involve deliberate

⁵ Creating a "Special Relationship" Can Create Liability, CPOA, <https://cpoa.org/creating-special-relationship-can-create-liability/>. Accessed 8/19/19

⁶ *Savage, Scott – The Objective*, savagetraininggroup.com, July 2018
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planning or a weighing of pros and cons at all and instead is the result of Recognition Primed Decision Making.

- ii. Is my problem a crisis?
- iii. Is my problem mobile or isolated?
- iv. What “votes” can the subject/suspect cast?
- v. What are my obligations?
 - 1. Legal
 - 2. Policy
 - 3. Moral
 - 4. Are we obligated to act?
 - 5. If so, are we obligated to act now? Why?
 - 6. What are our obligations if we don’t act?
 - 7. What do you think will happen if you do act? Is the juice worth the squeeze?
 - 8. Is there an alternate method to complete my mission and meet my goals?
- vi. How do I continue gathering information to complete my mission?
- vii. Situational update-Provides status of incident and conveys plans of action.
- viii. Will my plan survive the suspect’s “vote”?
- b. Planning
 - i. P.A.C.E.
 - 1. **P**rimarily plan
 - 2. **A**lternate plan
 - 3. **C**ontingency plan
 - 4. **E**mergency plan
 - ii. The practice of making sure we have a clear and legally defensible objective can mean the difference between failure and success.
 - iii. The objective is the specific goal we intend to accomplish in a given situation.
 - iv. Time cannot always be on our side because of the simple fact that time is neutral.
 - v. Time can be “compressed” by the subject/suspect and law enforcement. May be intentional or unintentional.
 - vi. Acting
 - 1. One of the paramount decisions we make is choosing between action and inaction, and if we are going to act when to act.

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2. Is there a need to act immediately?
 - a. Active Shooter vs. less dynamic incident
 - b. Will a delay in acting increase the risk of a negative consequence(s).
 - c. Remember many situations are not a crisis so don't create one.
 3. A false sense of urgency vs. an appropriate sense of urgency
 - a. A false sense of urgency is a feeling one must act based on a meritless reason.
 - b. False urgency compels action without the benefit of planning, amassing resources, and ensuring safety procedures are in place. Therefore, during a crisis response, acting urgently should be reserved for those situations that mandate it due to imminent peril and other similar circumstances.
- c. The No Hesitation Immediate Problem Solver⁷
- i. Trends
 1. There are countless viral police videos on the internet showing the tragic outcomes of officer/citizen contacts. There seems to be certain commonalities that form a trend with the videos.
 2. The first trend is that of an officer trying to impose their will on a person who will not voluntarily cooperate.
 3. The next trend is that of those same officers continuing to attempt to impose his/her will in circumstances that suggest success and cooperation is unlikely.
 4. The last trend is that of a solo officer or perhaps a small number of officers trying to solve a problem that may have been years or even a lifetime in the making and for which they don't possess the power to solve.
 - a. Substance abuse, mental illness, family problems, etc.

⁷ Savage, Scott, "The No Hesitation Immediate Problem Solver", The Tactical Edge (The National Tactical Officer's Association), Spring 2018, pages 84-88
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5. Mentioned in a USDOJ civil rights investigation of the Newark, NJ Police Dept. was “a pattern and practice of taking immediate offensive action”⁸
- ii. The police: The world’s problem solvers?
 1. Contrast noble traits such as “taking charge” and “handling business” with the real-world limitations of what we as law enforcement actually have the power to do.
 2. Contrast the notion that cops are “one-part warrior, one-part therapist, one-part marriage counselor, one-part doctor, etc.” with the reality that cops are no-part of any of those and instead are “all parts” law enforcement officers, with all the strengths and limitations that that particular career field comes with.
 3. Antiquated basic police training that teaches officers they must boldly assert themselves to dominate each and every situation (forward motion). This mindset must be evaluated and updated with a more sophisticated way of assessing a situation.
 4. Most seasoned officers, over time, come to realize they are sometimes ill equipped and incapable of solving everyone’s problems. Regardless of expectations, a police officer’s problem-solving abilities are affected and often hampered by the resources available, laws, the support of the victim, the support of one’s agency and the public, the sanity and sobriety of the suspect, etc.
- iii. Choosing when to fight
 1. When conditions offer a choice
 - a. Sun Tzu wrote in his master work, “The Art of War,” that “the winning army realizes the condition for victory first then fights. The losing army fights first then seeks victory.”

⁸ Investigation of the Newark Police Department, United States Department of Justice Civil Rights Division, United States Attorney’s Office District of New Jersey, July 22, 2014
www.justice.gov/sites/default/files/crt/legacy/2014/07/22/newark_findings_7-22-14.pdf
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- b. The lesson of that phrase is simple to understand but not always as easy to put into practice.
 - c. This phrase means that when facing an adversary for which we have a choice to fight or not, we should ensure the right conditions to win exist before we agree to engage.⁹
 2. When under attack / when conditions don't offer a choice
 - a. This is not to say that we shouldn't defend ourselves when under sudden attack, because that is not what Sun Tzu was referencing. Instead, he was illustrating the fact that none of us, even a military genius like himself, could win every fight. If even Sun Tzu knew there were fights he should avoid because he would lose, then certainly we are in good company if we follow his lead.
 3. Cowardice
 - a. Of course, anything taken to an extreme can be foolish. Paralyzing hesitation, cowardice and laziness have no part in the mind of a police officer. But there is a chasm between those traits and that of the thinking police officer who is, when appropriate, willing to not engage in favor of higher aims or re-configuring the circumstances to a more winnable engagement.
- iv. Power*
 1. While a "no hesitation immediate problem solver" jumps into every fray, the thinking, calculating and cunning officer does not.
 2. Refusing to engage or delaying action until he or she has the right conditions to win is not weak. On the contrary, it is a powerful position.
 3. From the weapons on a duty belt to the ability to call up SWAT teams and armored vehicles, law enforcement officers have access to a tremendous amount of power.

⁹ *The Art of War*, Sun Tzu, Edition edited by James Clavell, Delta, 1989
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4. With great power comes great responsibility. That power exists to sit in reserve until called up to assist us in enforcing a law or protecting someone's safety.

4. PERF Guiding Principles on Use of Force^{10 11}

- a. This course is not meant to be an all-encompassing study of the PERF Guiding Principles on Use of Force report, but students may be asked to compare and contrast portions of the report with their experiences to decide on whether PERF's recommendations are realistic or not. The following bullet points contain quotes from the PERF report as well as discussion points that have been inserted by this outline's author to illustrate a point. Those non-PERF discussion points are preceded by "****".
- b. History and rationale
 - i. PERF is the Police Executive Research Forum.
 - ii. "The PERF Guiding Principles on Use of Force is a report that contains 30 Guiding Principles and a Critical Decision-Making Model. The report was released in March of 2016. The report is the culmination of four national conferences, a survey of police agencies on their training of officers on force issues, field research in police agencies in the US and United Kingdom, and interviews of police trainers and other personnel at all ranks, as well as experts in mental health. The 30 Guiding Principles and the Critical Decision-Making Model contained in the report reflect the vision of hundreds of police chiefs and other PERF members." The report notes that a special delegation from PERF was sent to Scotland, Ireland and also visited NYPD ESU (SWAT).
 - iii. ****Discussion Point: The report was met with mixed reviews from some departments and their officers. Some officers found the some of the material far-fetched or unrealistic while perhaps worse, some are completely unaware of the report. Regardless of how one subjectively feels about the report, there are two reasons we as

¹⁰ Guiding Principles on Use of Force, PERF, 2016

¹¹ All actual quotes from the PERF report shown in quotes. The other material in this section is that of the authors of this course.

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professional law enforcement officers are well served to at
least be familiar with it.

- a. The first reason to familiarize ourselves with the report is the fact it contains several important ideas conceived by prominent law enforcement leaders; said more plainly it certainly wasn't created by slouches!
- b. The second reason is that this report will no doubt enter the fodder of material held up as the golden standard by defense attorneys and police critics.
- c. Cover art of the PERF Report shown as examples of what to do.
 - i. Consider if the examples shown are commensurate with current agency tactics and if not where there is a disconnect?
 - ii. Camden County, NJ officers dealing with a man with a knife
 1. <https://www.youtube.com/watch?v=YtVUMT9P8iw>
 - iii. NYPD ESU Training Scenario- "Man with a knife"
 1. <https://www.youtube.com/watch?v=ullwySDTI84>
 - iv. Scottish Police Officers dealing with a suspect armed with a bat
 1. <https://www.youtube.com/watch?v=GBnqjYO27XQ>

5. PERF Guiding Principles Discussion Points

- a. Depending on the needs of the students, the instructors will introduce the following concepts as necessary:
 - b. "PERF Guideline 3 - Police use of force must meet the test of proportionality."
 - i. "In assessing whether a response is proportional to the threat being faced, officers should consider the following:"
 1. "Am I using only the level of force necessary to mitigate the threat and safely achieve a lawful objective?"

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2. “Is there another, less injurious option available that will allow me to achieve the same objective as effectively and safely?”
 3. “Will my actions be viewed as appropriate—by my agency and by the general public—given the severity of the threat and totality of the circumstances?”
- ii. “The concept of proportionality does not mean that officers, at the very moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond.”
 - iii. “Proportionality also considers the nature and severity of the underlying events. There are some incidents that are minor in nature, but for whatever reason, the mere presence of police officers may escalate the situation. Under the concept of proportionality, officers would recognize that even though they might be legally justified in using force as the situation escalates, given the minor nature of the underlying event, a more appropriate and proportional response would be to step back and work toward de-escalation.”
 - iv. ***Discussion Point: Example: A suspect runs away from an officer during:
 1. A felony warrant service
 2. A routine car stop for a traffic offense.
 3. A call about kids in a city park after hours.
 - v. ***Discussion Point: Example: Sandra Bland Case (or similar) ¹²
 1. Trooper had less than one year of experience
 2. Went “hands on” within 30 seconds of driver’s refusal to put out cigarette

¹² *Trooper in Sandra Bland Case is under Criminal probe*, Wall Street Journal, 7/22/15, <https://www.wsj.com/articles/trooper-in-sandra-bland-case-is-under-criminal-probe-1437589219>

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3. Cover was nearby
- c. “PERF Guideline 19 – Mental Illness: Implement a comprehensive agency training program on dealing with people with mental health issues.”
 - i. ***Discussion Point: Is just sending officers to 40 hours of CIT training “comprehensive”?
- d. “PERF Guideline 20 – Tactical training and mental health training need to be interwoven to improve response to critical incidents.”
 - i. ***Discussion Point: Contrast the average way most department’s train by holding separate training days for CIT, Firearms and ACT/DT.
- e. “PERF Guideline 28 – Personal protection shields enhance officer safety and may support de-escalation efforts during critical incidents, including situations involving persons with knives, baseball bats, or other improvised weapons that are not firearms”
 - i. UK Officers use of “public order shields”
- f. “PERF Critical Decision-Making Cycle” ¹³
 - i. History and rationale
 1. “Adapted from the UK National Decision Model
 2. The CDM provides operational support for many of the key concepts articulated in PERF’s 30 Guiding Principles
 3. Provides officers with a logical thought process for managing challenging situations.
 4. An alternative to the officer having to “move in and take control,” even when those responses are not appropriate or safe.
 5. In line with how specialized tactical units are trained to approach their assignments.
 6. A framework for explaining the thought process behind their actions after the fact, such as when they testify in court or provide statements to investigators”.
 - ii. “Steps”
 1. “Step 1-Collect Information
 - a. Gather information and intelligence while en-route

¹³ Instructors may forgo this particular model in favor of a similar model or student-created model.
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- b. Occurs at the beginning of the process but is ongoing
 - c. Officers ask themselves:
 - i. What do I know so far about this incident?
 - ii. What else do I need to know?
 - iii. What do my training and experience tell me about this type of incident?"
 - d. "Officers should ask others (dispatchers, fellow officers, supervisors, computer networks):
 - i. What more can you tell me about this incident? For example:
 - ii. Circumstances that prompted the call
 - iii. Individuals on the scene, the physical environment
 - iv. Presence of weapons, bystander, or children
 - v. Mental health/substance abuse issues
 - vi. Previous incidents involving this location or subjects."
2. "Step 2 Assess Situation, Threat and Risks"
- a. "Typically begins while en-route
 - i. Officers begin considering "what if?" scenarios
 - 1. The first question in this step is noteworthy: "Do I need to take immediate action?" The CDM does not prevent or restrict officers from taking immediate action if that is what the circumstances dictate. In these situations, officers would "spin" through the rest of the model in a matter of seconds, determine the best course of action, and then act immediately.
 - ii. Officers should ask themselves ...

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1. Do I need to take immediate action?
2. Sometimes the answer is yes!
3. If the answer is no, then consider more deliberate planning
4. What is the threat/risk, if any?
- iii. What more information do I need?
- iv. What could go wrong, and how serious would the harm be?
- v. Am I trained and equipped to handle this situation by myself?
- vi. Does this situation require a supervisory response?
- vii. Do I need additional police resources (e.g., other less lethal weaponry, specialized equipment, other units, officers specially trained in mental health issues)?
- viii. Is this a situation for the police to handle alone, or should other agencies/resources be involved?"
- b. "This process is "spun" as quickly or deliberately as the situation dictates."
3. "Step 3-Consider Police Powers and Agency Policy"
 - a. Officer conducts self-check of officers' authority to act both legally and by policy
 - i. For example, a police agency's policy may place restrictions, beyond what is allowed by law, on shooting at vehicles, engaging in vehicle or foot pursuits, or using less-lethal options in certain situations
 - b. Officers should ask themselves ...
 - i. What legal powers do I have to act?
 - ii. What agency policies control my response?
 - iii. Am I authorized to act here?"
4. "Step 4-Identify Options & Select Best Course of Action"

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- a. Officers should ask themselves ...
 - i. What am I trying to achieve?
 - ii. What options are open to me?
 - iii. What contingencies must I consider if I choose a particular option?
 - iv. How might the subject respond if I choose a particular option?
 - v. Is there a compelling reason to act now, or can I wait?
 - vi. Do I have the information and resources I need to act now?
 - b. Then, officers should select the best course of action, keeping in mind ...
 - i. The greatest likelihood of success and the least potential for harm.
 - ii. How proportional the response will be, given the risk/threats posed by the subject and the totality of the circumstances.
 - iii. The safety of the public, officer safety, and the sanctity of all life.”
5. “Step 5 Act, Review and Reassess
- a. Execute the plan, evaluate the impact, and determine what more, if anything, they need to do.
 - b. Officers should execute the plan, then ask themselves ...
 - i. Did I achieve the desired outcome?
 - ii. Is there anything more I need to consider?
 - iii. What lessons did I learn?”
6. “If the incident is not resolved, then officers should begin the Critical Decision-Making Model again, starting with the collection of additional information and intelligence.”

6. Foundational Tactical Concepts

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- a. “Tactics refers to the concepts and methods used to accomplish a particular mission.” “The art and science of winning engagements ...”¹⁴
- b. Through experience, we begin to recognize commonalities between previous incidents and the ones we are currently facing. We can then decide what tactics have been successful in the past in those situations and apply them to the present incident.¹⁵
- c. A good tactic can be misapplied (i.e. a sound tactic applied to the wrong type of incident).
- d. History has seemed to show that it is easier to teach an officer how to carry out a given tactic (enter and contact, pursue and capture) or technique (shoot, punch, pursue) than teach the same officer when (and when not) to apply those tactics or techniques.
- e. There are some basic tactical concepts that every officer and supervisor should be familiar with. They should not only be capable of carrying out the manipulative skill but also understand when to apply said concept. These concepts would seem to be the building blocks of successful police operations. These are listed in no particular order of importance:
 - i. Containment
 - ii. Negotiation
 - iii. Surround and Call out
 - iv. Disengagement
 - v. Search and Apprehension
 - vi. Small Team Tactics
 1. Arrest
 2. Crisis Entry and Active Killing Response
 3. Open Air and Building Searching
 - vii. Incident Management
 1. Incident Command
- f. Thinking tactically involves understanding the present situation as well as forecasting how the situation can develop.
 - i. What is the crime?
 - ii. What are the options?

¹⁴ *Tactics- Marine Corps Doctrinal Publications MCDP 1.3*, Department of the Navy, 1997

¹⁵ Gladwell, Malcolm. *Blink: The Power of Thinking Without Thinking*. New York: Little, Brown and Co., 2005. Print.

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- iii. What are the expected and possible outcomes of each of those options?
- iv. P.A.C.E.
- v. Using the “ask-tell-make” doctrine of dealing with uncooperative subjects.
 - 1. Discussion Point: Where did the Ask-Tell-Make concept originate and is it still appropriate?¹⁶
- vi. Situational Updates
 - 1. As often as permissible the Incident Commander should provide updates to all on scene.
 - 2. Current situation/problem
 - 3. Current mission. Mission can change with time and new information.
 - 4. Current plan to achieve current mission.
 - 5. Example: “All units-the subject is solo barricade, and the current mission is to contain and negotiate. The inner and outer perimeter is secure and a react team is situated at the front of the target location prepared to take the subject into custody. If the subject comes outside but refuses to follow the commands of the react team, they will be allowed to reenter the location. Additional contingency plans are being developed”.

7. Responding to Uncooperative Suspects and Subjects in Crisis

- a. **I.O.W.-O** - Identify, Order, Warn, Opportunity to Comply
 - i. We’re the police
 - ii. Get on the ground.
 - iii. If you don’t, force will be used against you.
- b. Time and distance as a tactic
- c. Seeking Immediate Control vs. Attempting to Calm
 - i. When a subject/suspect is in a high emotional state but is not presenting an immediate threat, trying to first calm the person before trying to control them may be likely to be successful.
 - ii. MAPS¹⁷

¹⁶ “The ‘Ask, Tell, Make’ Mistake”, Duane Wolfe, Police One,
<https://www.police1.com/police-training/articles/the-ask-tell-make-mistake-fz633oUFKu8G82nO/>
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1. An acronym to define a subject's/suspect's threat potential
 - a. Mental State
 - b. Appearance
 - c. Physical Actions
 - d. Speech
- d. Suspect/Subject Behavior (8 suspect actions)
 - i. Behaviorally Based Countermeasures Strategy¹⁸
 1. Fight
 2. Flight
 3. Freeze
 4. Comply
 5. Delay/Posture
 6. Hide
 7. Lie in wait / Ambush
 8. Self-harm
 - ii. P.A.C.E.-Based on anticipated actions of the subject
 - iii. A.R.C.-Used to plan in anticipate of suspect/subject actions
 1. **Action** (Implementation of plan by law enforcement)
 2. **Reaction** (Reaction by suspect/subject to plan)
 3. **Counteraction** (Is law enforcement ready for the possible reactions?)

8. Barricaded & Isolated Suspects, Hostage Problems

- a. Barricaded Subject/Suspect ¹⁹

An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.
- b. Isolated

¹⁷ "Using 'MAPS' to describe the threat", Steve "Pappy" Papenfuhs, Police One website, <https://www.police1.com/officer-safety/articles/using-maps-to-describe-the-threat-lkZjatqqC1PtRSRw/>

¹⁸ "3 alternative ways of considering tactical thinking", Steve "Pappy" Papenfuhs, Police One website, <https://www.police1.com/officer-safety/articles/3-alternative-ways-of-considering-tactical-thinking-wMGhsZn6ST8cF1GS/>

¹⁹ - Palo Alto Police Department's Lexipol Policy #414 Hostage and Barricaded Suspects, 9/4/13
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- i. Much of what applies to a barricaded suspect also applies to a suspect who may not be barricaded but is otherwise isolated to a particular area (e.g. location is known, and they are not actively fleeing).
- c. C.P.R.
 - i. Basic response to barricaded or otherwise isolated subject/suspect
 - ii. C – Contain – Set up a perimeter. Deny access, prevent escape
 - iii. P – Point – An officer assumes the role of “Point” and positions themselves in a location to observe the suspect, structure, or objective. They broadcast their observations to the rest of the responding officers. They control the radio so that other officers don’t broadcast at the very moment the point officer needs to broadcast an urgent message concerning the suspect’s actions.
 - iv. R- React Team – Officers positioned and equipped to rapidly arrest a surrendering suspect, make entry, etc.
 - v. Criminal and Non-Criminal Barricade Response
 1. Attempt to “contain and call out”
 2. Attempt negotiations for a reasonable time
 3. If the incident involves a criminal barricade, consider options such as K9, robots, gas, SWAT, CNT/HNT. These options would generally not be considered proportional to the threat if the situation is a non-criminal barricade.
 - 4. Entry
 - a. If the incident involves a criminal barricade, consider what the anticipated outcomes of forcing entry are and if the risk of doing so is acceptable. Forcing entry into a non-criminal barricade is generally ill-advised.
 - b. Depending on the capabilities of the responding officers, other options such as porting, breach and hold and limited penetration entries may be indicated.
 - c. Disengagement may be a viable option under the correct circumstances.

9. Disengagement and Breaking Contact

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- a. Most progressive law enforcement agencies have adopted disengagement to non-criminal barricades:
 - i. The dangerous suspect is barricaded, generally alone in their own home.
 - ii. The suspect refuses to surrender.
 - iii. The “want” is only related to needing to take the suspect into custody for a mental health evaluation or if there is a crime it is minor.
 - iv. The suspect doesn’t present an immediate and credible threat to anyone but himself.
- b. However, the act of a single officer or group of officers disengaging from an actively resisting suspect is not commonplace.
- c. If the term “Tactical withdrawal” is problematic, perhaps it should be re-phrased as “breaking contact.”

10. Who Can We De-escalate?

- a. Ourselves
 - i. Limbic hijack-video [Police Officer Accidentally Shoots Suspects Mother \(youtube.com\)](#)
 - ii. Stress relieving breathing technique-Dr. Huberman (10) [Breathing Techniques to Reduce Stress and Anxiety | Dr. Andrew Huberman on the Physiological Sigh - YouTube](#)
 - iii. Practice, Rehearsal, Experience-video
 - iv. Was this Sergeant prepared for this? Why? [Houston Police Sergeant Gets Shot and Returns Fire on Burglary Suspect \(youtube.com\)](#)

11. Negotiations

- a. Verbal looping
- b. How do you want the suspect/subject to feel?
- c. I.O.W.-O
 - i. **I**-Identify-“Anytown Police Department,”
 - ii. **O**-Order- “don’t move”
 - iii. **W**-Warn- “or force will be used against you.”
 - iv. **O**-Opportunity-Provide opportunity for compliance
- d. Rapport Building
- e. Active listening
- f. Mirroring
- g. Open Ended Questions
- h. “I” messages

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i. Effective Pauses

12. Case Reviews

- a. Case Reviews will be conducted at the discretion of the instructors. The particular case to be highlighted may and should be updated as new cases develop and understanding grows as to how laws and policy affect police operations. Each case will be thoroughly reviewed by the instructors with information as reports and videos obtained from credible sources. The cases selected will serve the following purposes:
 - i. Provide positive and negative examples of decision-making, use of force, policy, and tactics.
 - ii. Highlight human factors, tactical concepts, de-escalation strategies
 - iii. Serve to further the goal of providing law enforcement officers with increased knowledge and skills to avoid unnecessary violent confrontations and increase professionalism.

- b. The case of Daniel Shaver (Mesa, AZ PD Hotel Shooting)²⁰
 - i. The facilitator will present video and audio clips from this incident and facilitate a discussion with the students as to the appropriateness of the response and what the students would have done differently.
 - ii. 911 call²¹- On January 18th, 2016, an employee from the La Quinta in Mesa, AZ called 911. He stated a guest reported seeing a man pointing a rifle with a scope out the window of room 502 on the 4th floor. The room was registered to 26-year-old Daniel Shaver from Texas. A video showing a “flyover” of the scene as viewed through Google Maps will be played simultaneously with the audio of the actual 911 call.
 - iii. The initial response- Sgt. Charles Langley, an experienced sergeant, was the on-scene supervisor. He coordinated the response including assigning an officer to get “eyes on” outside of the hotel and securing a nearby stairway. He then led a team of officers to the target floor and briefed them on a

²⁰ Mesa, AZ Police Report #2016-0180586

²¹ <http://www.azfamily.com/clip/12322430/911-call-officer-involved-shooting-at-mesa-la-quinta-inn>

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plan of action. Several officers, including the two Sgt. Langley positioned in front had AR15 rifles. A video from one of the officer's body camera will be shown which depicts the following events:

- iv. Hailing- Sgt. Langley himself shouted at the target hotel room from down the hall giving the occupants instructions to exit. He did not delegate this duty to any of the other four or so officers with him. Hearing a male and female voice coming from the room, he instructed the female to exit first and then the male. When that didn't produce any response, he sent an officer to the lobby to call into the room and talk to the occupants. That officer contacted Shaver and told him to have the female exit first and then him to follow. That officer's police report doesn't state whether or not he explained to Shaver to wait in the room to be called again or to simply walk out behind the female.
- v. Commands- The female exited the room followed by Shaver directly behind her. Sgt. Langley again continued to issue the commands himself. The commands that Sgt. Langley shouted can be characterized as terse, antagonistic, rude, unprofessional, and unnecessarily emotional. Of more concern was the fact that Sgt. Langley several times threatened Shaver that he would be shot if he made a mistake.
 1. Assessment of the commands given - What followed were a set of complex instructions that Sgt. Langley gave in a rapid and difficult to understand manner. Both subjects were cooperative throughout although they didn't follow each explicit directive exactly as they were ordered to do. Some of the commands, such as having the subject's face the officers as they crawl to them, seemed contrary to conventional police tactics. Other commands such as ordering Shaver to come up from a prone position with his legs crossed seem far-fetched in that an average person would seem to have trouble doing that. What also may have happened is a case of what experts call "priming." The officer who eventually shot Shaver had heard his supervisor tell the suspect several times that if he didn't follow

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- directions and even if he made a mistake that they would shoot him.²²
2. The sergeant was becoming progressively louder and more forceful with Shaver although Shaver was crying, begging not to be shot and seemingly trying to comply with everything he was told to do so.
- vi. Rifle/Shooting officer- The officer who shot Shaver was named Philip Brailsford. At the time of the shooting, Brailsford was in his twenties and had two years of experience as a police officer. In the post shooting investigation, it came to light that Brailsford had modified the dust cover on his AR15 rifle with an inscription that said, “You’re fucked.”
 - vii. Investigation: Shaver died, and no weapon was found on his person. It was later determined Shaver was likely only reaching to pull up his shorts. In the hotel room, the officer located a pellet rifle with a scope that Shaver used for his pest control job. Brailsford was fired and tried for murder. He was acquitted. Sgt. Langley retired shortly after the incident and moved out of the country. Shaver’s wife is currently suing, Langley and Brailsford as well as other defendants.²³
- c. The Case of Steven Taylor (San Leandro, CA PD Walmart Shooting)
- i. Occurred on April 18th, 2020 at the Walmart at 1555 Hesperian Blvd., San Leandro, CA.
 - ii. 33-year-old Steven Taylor entered Walmart Store, grabbed an aluminum baseball bat and a tent, and attempted to leave the store without paying. Mr. Taylor was stopped by store security and asked to return the items.
 - iii. An employee from Walmart named Danny Saephanh called 911 and reported that a suspect was inside the store threatening people with a bat that he was trying to steal.
 - iv. 49-year old San Leandro Police Officer Jason Fletcher was in the vicinity when the call was dispatched and was the first to arrive. See saw another officer (Overton) pull into the parking lot. Ofc. Fletcher walked into the store and contacted the

²² Author’s opinion.

²³ *Mesa Police Can’t Dodge Death Claims*, Courthouse News Service, 6/1/18, <https://www.courthousenews.com/mesa-police-cant-dodge-shooting-death-claims/>

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store security guard who explained there had not been a brandishing nor a robbery. After speaking with the guard for approx. 10 seconds, Ofc. Fletcher then approached the suspect.

- v. Officer Fletcher grabbed the bat with his left hand and attempted to take the bat from the subject's right hand. Officer Fletcher pulled out his service pistol at the same time he tried to take the bat from the subject. The subject pulled the bat from Officer Fletcher's grasp and stepped away from Officer Fletcher. From a distance of approximately 17 feet, Officer Fletcher drew his taser with his left hand and pointed it at the subject.
 - vi. While standing a short distance away, Ofc. Fletcher tazed the subject. Due to what appeared to be a limited spread between the probes did not cause full NMI and instead caused the subject to stagger.
 - vii. Ofc. Fletcher drew his firearm and held both his Taser and firearm, while also apparently activated his microphone to broadcast on the radio.
 - viii. The second arriving officer arrived and ran into the store.
 - ix. The subject moved towards Ofc. Fletcher who then shot the suspect once in the chest.
 - x. The second officer Tazed the suspect causing him to fall to the ground.
 - xi. On September 2nd, 2020, Alameda County District Attorney Nancy O'Malley charged Ofc. Fletcher with manslaughter.
- d. The Case of Aron Hong (Athens/Clarke County, GA Shooting)
- i. Occurred on July 1st, 2019, at 1245 hours at the River Club Apartments at 1005 Macon Hwy, Athens, GA
 - ii. 911 call for a man with a butcher knife acting erratically.
 - iii. Officers arrive and find man in the parking lot, swinging the knife and apparently injured.
 - iv. Despite repeated commands, the man refuses to stop and walks toward the officers who walk backwards until they walk into the highway.
 - v. The suspect charges the officer who then shoots the suspect causing him to fall to the ground.
 - vi. The suspect gets up, attacks an officer, and puts that officer in a headlock.
 - vii. Officer shoots suspect and kills him.

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- e. The Case of Christian Glass (Clear Creek Colorado)
 - i. The facilitator will present video and audio clips from this incident and facilitate a discussion with the students as to the appropriateness of the response and what the students would have done differently.
 - ii. The facilitator will play 911 call from Glass.
 - iii. Students will use a combination of discussed decision-making models and resources (835(a), Public Duty Doctrine, C.T.R.E.E., C.P.R., P.A.C.E., A.R.C) to determine the Problem, Mission, and Plan.
 - iv. Students will discuss pre-contact assessments.
 - v. Criminal vs. Non-Criminal
 - vi. Based on information, students will develop a plan to manage the problem and complete their mission.
 - vii. After watching the video through, the students will discuss decision making of the on scene officers based on information available to them. Additionally, the students will determine courses of action which would have led to a more favorable outcome.
 - viii. Students will discuss negotiation tactics.
 - ix. The facilitator will facilitate a discussion regarding disengagement or a “tactical withdrawal”.
 - x. At the completion of the discussion, the facilitator will show videos explaining the fallout and the impact on those involved.

13. Course Review