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Purpose

To provide guidance for the members of the Peoria Fire Department to follow in the event they are subjected to a violent patient/subject and they are unable to make a safe escape.

Intent

The Peoria Fire Department does not obligate any member to use defensive techniques in the course of their duties and shall not discipline any member for failure to do so.

Need

The Occupational Safety and Health Act of 1970 mandates that, in addition to compliance with hazard-specific standards, all employers have a general duty to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

The Bureau of Labor Statistics have measured an incident rate for injuries resulting from violent acts and assaults in the health care industry as high as 12.5 times greater than the private sector workforce. The actual numbers of incidents are probably higher because they have determined that most incidents go unreported.

A survey of the Peoria Fire Department in 2006, documented that 48 out of 49 respondents had been physically threatened and that 29 out of the 49 reported that they had been physically assaulted in the performance of their duties.

The Peoria Fire Department authorizes its members to use defensive techniques in response to threats and to the extent, it is objectively reasonable.

It is the policy of the Peoria Fire Department that its members may use defensive techniques that is objectively reasonable to effect their own personal safety, patient/subject safety, and scene safety.

While it is the ultimate objective of every member to minimize injury to themselves and/or another, nothing in this policy requires a member to actually sustain physical injury before applying defensive techniques.

A member's use of defensive techniques will be evaluated from the perspective of a reasonable member on the scene. The inquiry into every use of defensive techniques incident will be based upon the member's training and experience, and the member's reasonable belief that the defensive techniques used were necessary considering the circumstances confronting the member at the time and not through the 20/20 vision of hindsight.

The Peoria Fire Department recognizes that this policy is a guideline. It is understood

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that no set of policies or procedures can effectively cover every possible scenario a member may encounter. The Peoria Fire Department also recognizes that the judgment and discretion of the individual member involved govern much of the decision-making utilized in use of defensive techniques.

However, to the extent the member uses defensive techniques deviates from these guidelines; the member must have a sound and articulable reason for doing so as determined by the totality of the circumstances. These reasons must be clearly articulated by the member.

Definitions

Deadly Force – That force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

Member – For purposes of the application of the use of defensive techniques and Peoria Fire Department policies, member means all sworn and civilian fire service members.

Excessive Force – The use of physical defensive techniques used during the course of their official duties which is greater than that which is objectively reasonable to obtain objectives under the circumstances presented for each situation.

Defensive Techniques - The use of any weapon, instrument, device, or physical power used to control or restrain a person, or to overcome resistance. It includes gaining control of a subject or overcoming resistance through the use of physical strength, weaponless defense techniques, control techniques or a combination thereof. The use of the term “defensive techniques” in this SOG is intended to be the equivalent of the term “force” as used elsewhere in this SOG and in the Justification provisions of State law (A.R.S. Title 13, Chapter 4).

Reasonable Belief – The facts and/or circumstances the member knows, perceives, or should know, at the time that the decision to use defensive techniques is made and are such as to cause an ordinary and prudent member to act and think in a similar manner under similar circumstances. The U.S. Supreme Court in *Graham v. Conner*, 490 U.S. 386 (1989), has written that it is necessary to evaluate the facts and circumstances confronting the member at the time defensive techniques were used, rather than with the 20/20 vision of hindsight.

Response Options –Defensive techniques available to Peoria fire members to counter and/or control a resistive patient/subject.

Serious Physical Injury – Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

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Philosophy

The Peoria Fire Department recognizes that the value of human life is immeasurable in our society. This policy recognizes that the member's responsibility for protecting life must also include his/her own life. The Peoria Fire Department recognizes and respects the value of life and dignity without prejudice.

The use of defensive techniques by fire department personnel is a matter of critical concern both to the public and the fire service community. The Peoria Fire Department recognizes and authorizes its members to use appropriate defensive techniques; however, there is an expectation that members will use only those defensive techniques that is objectively reasonable to resolve a situation. Members must understand and appreciate the limitations on the authority granted to them – particularly with respect to overcoming resistance.

PROCEDURES

Firefighter safety is of utmost importance. When responding to a known violent incident members should follow *Response to Violent Incidents MP 205.12*. There are times when what would appear to be a routine call suddenly turns violent. Every effort should be made to escape the threat and retreat to a safe location and call for assistance from the police department.

In the event that escape is not practical, in order to protect the safety of the member, the patient, and bystanders the use defensive techniques in accordance with Arizona Revised Statute 13-411 and set forth in this policy.

Once the threat is eliminated and it is safe to do so, the member will evacuate the scene and wait for assistance from law enforcement to secure the scene.

Each member will be issued a copy of these policies, instructed in these policies, and demonstrate proficiency before employing any of these weapons and/or tactics as trained.

Members may use defensive techniques only when they reasonably believe it is necessary to:

Prevent the commission of suicide or self-inflicted serious physical injury.

Defend self or a third party from what is reasonably believed to be the use or imminent use of physical force by another.

To protect family members and bystanders.

The use of defensive techniques by a member can be viewed as an option selected in response to a patient/subject's actions and behavior. The option selected is determined

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by the relationship between a patient/subject's actions and the member's response. Based upon a firefighter's training and experience, if a less physical defensive technique will not likely lead to control of the subject, then a reasonable and greater physical defensive technique may be used.

Patient/subject resistance levels are:

- Psychological Intimidation
- Verbal Non-compliance
- Passive Resistance
- Defensive Resistance
- Active Aggression

Members who are not readily identifiable as fire members, whether on- or off-duty, shall identify themselves as fire department members.

The Peoria Fire Department trains its members in defensive techniques. The response options are based on the concept that as the resistive patient/subject increases their degree of resistance or threat to the member, the member may use any reasonable and necessary response options to overcome that resistance. Conversely, it is expected that the member will decrease the use of physical defensive techniques as compliance is attained.

Response options include:

- Presence
- Verbal Direction
- Soft Empty Hand Control Techniques:
- Wrist Locks
- Joint Locks
- Pressure Points
- Deadly Force*

In situations where the member must overcome an attack that the member reasonably believes would produce serious physical injury or death to the member or another person, the member may resort to any method necessary to overcome the attack.

Once the situation has stabilized and the threat of serious injury or death is past, the member must once again immediately resort to approved defensive techniques.

As soon as practical the member shall call for law enforcement assistance

Reporting

The Peoria Fire Department will incorporate a Use of Defensive Techniques Response

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Option Form to document all reportable incidents involving the use of defensive techniques by Peoria Fire Department members as defined.

Response Option Form will be submitted to a supervisor no later than the end of the member's duty day and forwarded through the chain of command. The Use of Defensive Techniques Response Option Form , along with the Incident Report attached, will be forwarded to the Fire Chief through the chain of command.

Each individual member shall provide justification on the narrative portion of the Incident Report or Supplement. The narrative will annotate who, what, where, when, how, and why.

The incident report shall include the following information at a minimum: Reason for the use of defensive techniques and/or applying restraint.

Subject's behavior prior to the use of defensive techniques including statements made by the subject, family members, or bystanders.

What defensive techniques were used (i.e. mid-center facial lock; 3-sectional finger lock; full circle lock, open hand technique, etc).

Subject's condition following the use of defensive techniques.

If subject requires medical attention subject's physical condition will be assessed and documented on the EMS Encounter Form.

It is the responsibility of the reviewing supervisor to ensure that the member has satisfactorily explained the subject's actions, the type of defensive techniques used and the manner in which they were applied.

Only one Use of Defensive Techniques Option Form will be completed for each incident, regardless of the number of members involved or the type(s) of defensive techniques used. It will be the responsibility of the assigned/case officer to ensure that the names of each involved member and the defensive techniques option utilized has been documented.

Use of Defensive Techniques Option Form. The Operations Division shall maintain the original form, and a copy shall be sent to the department Quality Assurance committee for review. The Operations Division will send any completed forms to the Office of the City Attorney, Claims Management Program.

Annual Analysis of the Use of Defensive Techniques Option Forms. The Deputy Chief of Operations and the Deputy Chief of Support Services shall prepare an annual analysis for the Fire Chief on all Use of Defensive Techniques reporting.

Types of Defensive Techniques. Types of incidents (there may be others as designated

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by a supervisor) which must be recorded on a Use of Defensive Techniques Option Forms include, unless performed within a training environment.

Patient Restraints being applied.

Member's use of defensive techniques resulting in an injury to the member.

Member's use of defensive techniques resulting in an injury/alleged injury to another.

Member's use of defensive techniques resulting in the death of another.

Use of Restraints

The use of restraints in the prehospital setting is authorized to ensure the patient's, bystanders', and member's safety within the guidelines of the Prehospital Standing Orders for Paramedics.

In situations where the use of restraints is not immediately indicated but is anticipated, the member shall contact medical control for direction and the law enforcement for assistance.

When restraining a patient the member must:

Restrain the patient in a manner that allows the member immediate access to assess and treat the patient without compromising a safe environment for the patient, pre-hospital providers, and bystanders

Not restrain the patient in the prone position.

Apply a cardiac monitor to the patient.

Be in continuous attendance with the patient.

Continually assess the airway, breathing, and circulation.

Contact medical control as soon a safe to do so.

Two ALS providers must accompany the patient in the rear of the ambulance.

Shall not be restrained in handcuffs unless accompanied by a trained person in possession of the handcuff key.

Approved:  _____ 12/11/07
 Robert McKibben, Fire Chief Date