



# Peoria Police Department Policy and Procedure Manual

Policy 1.03A

Use of Deadly Force



## I. POLICY

- A. The use of statutorily defined deadly weapons constitutes deadly physical force. In addition, statutorily defined dangerous instruments including flashlights, batons, and the use of police vehicles may constitute deadly force, depending upon the circumstances in which it is used. Employees must be mindful of the risks inherent in employing deadly force. A member's reckless or negligent use of deadly force is not justified in this policy. By design and intent, this policy is more restrictive than current State Statutes.
- B. Employees should ensure that their actions do not unreasonably precipitate the use of deadly force by placing themselves or others unnecessarily in jeopardy by engaging in actions that are inconsistent with the officer's training, Peoria Police Department guidelines, standards set forth by the Arizona Peace Officer's Standards and Training Board, as well as industry standard tactics and practices.
- C. An officer in the performance of duty is confronted with an infinite variety of complex situations which require appropriate action. Since policy is objective rather than situation oriented, it is broad enough in scope to encompass most situations. There may be circumstances when noncompliance with policy is justified. Each instance of a deviation from policy will be examined on a case-by-case basis. Each officer must be prepared to articulate specific reasons for any non-compliance. The final decision on the appropriateness of a decision pursuant to this policy will be made by the Chief of Police based upon investigations, recommendations of reviewing City staff, and other appointed reviewing individuals.

## II. DEFINITIONS

See Use of Force Policy – General Policy 1.03

## III. PROCEDURES

- A. Deadly force is a specific type of use of force. This policy is intended to supplement Use of Force – General Policy (1.03) with specific provisions applicable to deadly force situations. Unless otherwise specified in this policy, the provisions of the Use of Force – General Policy (1.03) shall apply in deadly force situations.
- B. Deadly force is normally employed as a last resort when other measures are not possible or appropriate within the existing circumstances. The decision to use deadly force must be based upon the factors and circumstances known or perceived by the employee at the time the force is used.
- C. In situations where the employee must overcome an attack that the employee reasonably believes would produce serious physical injury or death to the employee or another person, the employee 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 employee must once again immediately resort to approved non-lethal force tactics.
- D. Employees shall not rely on third party information as the sole basis for the decision to use deadly force.
- E. Use of Firearms – It is policy of the Peoria Police Department that an employee may resort to the use of firearms when the employee believes it is reasonable, necessary, and the last resort, and at least one of the following circumstances exists:
  - 1. As a means of self-defense from death or serious injury.
  - 2. To defend the life of another employee from death or serious injury.
  - 3. To defend the life of a victim of a crime from death or serious injury.
  - 4. To prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions.

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5. To apprehend or capture a person whom the employee knows has committed a felony involving the use or the threatened use of deadly force, and there is an imminent and great risk that the person will cause death or serious injury if apprehension is delayed.
  6. When shooting of a suspect appears imminent, employees will, if feasible, first issue a verbal warning.
  7. To dispose of an animal that poses an immediate danger to the employee or the public, when other means of protection are impractical.
  8. A sworn employee may discharge a firearm in a tactical situation (covering fire) to neutralize the use of deadly physical force.
- F. Shooting at moving vehicles:
1. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.
  2. For the purposes of this section, the moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
- G. Shooting from a Moving Vehicle. Employees will not discharge a firearm from a moving vehicle, except:
1. In defense from an imminent threat of death or serious injury to the employee or another person, and
  2. No other means exists at the time to avert or eliminate the threat.
- H. Background for F. and G,
1. It is understood that this policy may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from these paragraphs shall be examined carefully on a case by case basis. The involved officer(s) must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.
  2. The prohibitions specified in paragraphs F. and G. above exist for the following reasons:
    - a. Bullets fired at moving vehicles are extremely unlikely to stop or disable the moving vehicle.
    - b. Bullets fired may miss the intended target or ricochet and cause injury to officers or other innocent persons.
    - c. The moving vehicle may crash and cause injury to officers or other innocent persons if the bullets disable the operator.
    - d. Moving to cover, repositioning, and/or waiting for additional responding units to gain and maintain a superior tactical advantage maximizes officer and public safety and may minimize the necessity for using deadly force.
    - e. Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop or prevent a threat to the officer or other innocent persons.
- I. Employees will NOT fire warning shots.
- J. Employees do not receive training in the application of the carotid neck restraint or other types of neck restraints. Therefore, these techniques are prohibited except when the employee believes s/he is involved in a deadly force situation and deadly force is justified.

#### **IV. REPORTING AND INVESTIGATIONS – SERIOUS INJURY OR DEATH**

The investigation of an employee's use of deadly force requires that complete information be obtained in a timely manner. A thorough investigation into the events surrounding an incident is of critical importance to the involved employee, the Peoria Police Department and the public. The Peoria Police Department also recognizes the impact these traumatic incidents have on its employees and acknowledges the need to be sensitive when conducting the required investigation. Recognizing these dual responsibilities, the following procedures serve to meet both goals.

- A. Use of Deadly Force – The ranking on-scene supervisor will ensure the following Peoria Police Department members are immediately notified:
  1. Watch Commander or Duty Commander
  2. Public Information Officer (PIO)
  3. Professional Standards Unit (PSU) Supervisor
  4. Operations Division Deputy Chief
  5. Support Services Division Deputy Chief
  6. Chief of Police
- B. Employees who discharge any firearm will make a verbal/oral report to an on-duty supervisor as soon as possible and submit a report as soon as practical. (Firearms training, target practice, and lawful hunting are exempt.)
- C. Investigations will be conducted in all deadly force incidents and all situations where a weapon has been discharged either intentionally or unintentionally. An investigation may be assigned in the case of unintentional or accidental discharges as directed by the Chief of Police or designee. When assigned, a complete and thorough investigation will guarantee impartiality; maintain public confidence, fairness, and protection of the employee. In addition, the following guidelines must be followed.
  1. Involved Employee – At any time an employee is involved in the use of deadly force, the employee must immediately advise the Communications Bureau of the nature and location of the incident. Where applicable and when safe to do so, the employee must determine the physical condition of any injured persons, render first aid, and request necessary medical assistance.
  2. Weapon Integrity – Employees are responsible for maintaining the integrity of the weapon for possible examinations, and will release the weapon to the investigator of the incident when instructed to do so.
  3. On-Duty Supervisor:
    - a. The on-duty supervisor will assess the shooting incident and make a preliminary determination whether the incident should be investigated by the Criminal Investigations Bureau (CIB) and/or an Administrative Investigation, or if the incident should be investigated by the employee's supervisor.
    - b. The on-duty supervisor will ensure that all employees involved in the incident shall remain at the scene until instructed to leave or the employee is injured and must leave to obtain necessary medical attention. The on-duty supervisor will ensure that another supervisor or Critical Incident Stress Management (CISM) team member accompanies the involved employee at all times.
  4. CIB Supervisor Responsibility – A designated CIB supervisor will assume command and responsibility for the criminal investigation when the use of deadly force results in the death or injury of another person.
  5. In the event an involved employee becomes injured, the on-duty supervisor will remove the employee's entire duty gear and secure it until it can be surrendered to the investigator of the incident. The chain of custody must not be compromised.

6. When an employee's duty gear and weapon are seized in conjunction with an administrative or criminal investigation, the Staff Services Bureau Lieutenant will be summoned to replace the duty gear and service weapon, if appropriate. In the event the Staff Services Bureau Lieutenant is unavailable, the Peoria Police Department Rangemaster or a Chief's designee will be summoned.
7. Employee's Duty to Report – Employees shall make a verbal report to their supervisor immediately. Employees directly involved in a deadly force incident ARE NOT required to complete a Use of Force Response Option Form. Such report shall be completed and submitted by the CIB Supervisor in charge of the investigation.
8. Peoria Police Department Review – Peoria Police Department management staff, through the chain of command, will review all investigations with a final disposition issued by the Chief of Police indicating training and/or policy needs along with any necessary corrective action.

D. Deadly Force Review Board (DFRB).

1. The DFRB is an advisory Board created by the Chief of Police to assist in making decisions regarding an employee's use of force. The Chief of Police is not bound by the recommendations submitted by the DFRB; however, the Chief of Police shall utilize these recommendations as an informational tool in determining the course of action.
2. The Chief of Police will convene a Deadly Force Review Board (DFRB) in all instances where an employee's use of force results in serious injury or death of another. The DFRB shall consist of the following five (5) employees as appointed.
  - a. A committee chair, selected by the Chief of Police. The committee chair may be a department Deputy Chief, Commander, or Lieutenant.
  - b. Depending upon the type of force used, the Chief of Police shall appoint the Peoria Police Department's Senior Rangemaster or another Firearms Instructor; or the Peoria Police Department's Senior Defensive Tactics Instructor, or another Defensive Tactics Instructor.
  - c. A Subject Matter Expert (SME) sworn officer from another law enforcement agency.
  - d. A civilian citizen of the City of Peoria selected by the Chief of Police.
  - e. A Peoria Police Department employee selected by the Chief of Police.
3. The purpose of the DFRB shall be to review the fact and circumstances surrounding an employee's use of deadly force and to provide to the Chief of Police an additional independent administrative review of the incident. The DFRB shall make recommendations to the Chief of Police in the following areas:
  - a. Whether or not the employee acted within policy guidelines established by the Peoria Police Department.
  - b. Identification of any training needs.
  - c. Need for policy clarification and/or change.
  - d. Need for additional investigation.
  - e. To provide any additional information the board believes needs further review and/or consideration by the Chief of Police.
4. DFRB Procedures.
  - a. The DFRB shall convene within thirty (30) days after the completion of the Administrative and Criminal Investigations and shall review all of the applicable information and evidence available regarding the incident.
  - b. All involved employees will be advised about the time, date, and location of DFRB meetings and must be available to the committee.

- c. The DFRB will evaluate, in an explicit and fact-finding manner, each aspect of the employee's use of deadly force. As part of the fact-finding process, the DFRB review will include:
  - (1) A review of the Criminal Investigation.
  - (2) A review of the Administrative Investigation.
  - (3) A briefing from the Criminal Investigator(s), along with an opportunity for the DFRB members to ask the investigator(s) questions.
  - (4) A briefing from the Administrative Investigator(s), along with an opportunity for the DFRB members to ask the investigator(s) questions.
  - (5) Other pertinent information, which may be made available to the DFRB.
  - (6) Hearing of direct testimony, if necessary, in the opinion of the DFRB members, of employee(s) and/or witnesses.
- d. The DFRB shall submit a written report to the Chief of Police for consideration within five (5) days after the DFRB completes its review.
- e. The DFRB will develop findings and make recommendations to the Chief of Police in the following areas:
  - (1) Whether the shooting was within policy, out of policy, or accidental.
  - (2) Policy considerations.
  - (3) Tactical considerations.
  - (4) Training considerations.
  - (5) Quality of supervision.
  - (6) The quality of the investigative processes.

## **V. EMPLOYEE ASSISTANCE (22.2.3)**

The Peoria Police Department recognizes that the physical and emotional well being of its employees and their families are of the utmost importance and is a primary concern following any deadly force incident.

### **A. Assistance at the Scene.**

- 1. Employees directly involved in a deadly force incident will be permitted and encouraged to contact their spouse, significant other, or other family member as soon as practical.
  - a. If the employee has been injured and feels that it will be helpful, a designated employee who knows the involved employee and/or the involved employee's family/significant other personally shall contact the employee's family/significant other immediately and in person.
  - b. It is imperative that every effort be made to notify the family/significant other prior to the appearance of the press or media.
- 2. Employees who have been directly involved in a serious use of force incident may be removed from the scene if necessary by a supervisor as soon as practical. The involved employee shall not be assigned duties in the investigation.
- 3. The Critical Incident Stress Management (CISM) team is available to provide peer and psychological support for Peoria Police Department employees involved in highly stressful situations encountered in the course of their duties.
- 4. The Chief of Police shall designate a representative of command staff to initiate personal contact with the involved employee, a family member, and/or a significant other to provide support and assistance as soon as possible. Further

assistance for the family/significant other of an employee who either dies or is seriously injured in the line of duty may include the following:

- a. Assisting the family/significant other at the hospital.
- b. Supporting the family/significant other at the funeral and burial.
- c. Helping the family/significant other with legal and benefits matters.
- d. Counseling the family/significant other regarding finances and other possible problems.
- e. Supporting the family/significant other during criminal proceedings (if any).
- f. Maintaining long-term contact with the family/significant other and keeping informed of needs.

B. Reassignment: Any employee who seriously injures or causes death to a person and who is capable of working may be reassigned to their home for a minimum of two (2) days following the incident. The employee shall be assigned to an administrative position pending staff review of the incident.

C. Counseling:

1. Any employee directly involved in a use of deadly force incident resulting in the death or serious physical injury to another person shall be referred by the Chief of Police, or a Deputy Chief, to the Peoria Police Department's professional counselor for a psychological stress debriefing.
  - a. This debriefing should be scheduled as soon as possible following the incident (normally 2-3 days).
  - b. Additional counseling may be made available to the employee as needed.
  - c. Any exception to the psychological debriefing requirement shall require approval from the Chief of Police.
  - d. The Chief of Police shall review the results of the psychological stress debriefing prior to the employee's return to work.
2. Any employee who is a witness to a deadly force incident and feels they are negatively affected as a result of their involvement may request an appointment with the Peoria Police Department's professional counselor. Assistance is also available through counseling programs offered through the Human Resources Department.
3. Any employee directly or indirectly involved in a deadly force incident is encouraged to take advantage of the counseling services also made available through the Peoria Police Department's Chaplain, Peoria Police Department's Psychologist, and/or employees of the Critical Incident Stress Management Team.
4. It shall be the policy of the Peoria Police Department that employees who receive consultation or counseling will be assured of full confidentiality consistent with law.
  - a. No individual, group, organization, department, City employee, or official shall have access to any information regarding an employee's participation in any counseling program, except as noted below.
  - b. The right to confidentiality will be waived if the psychologist has reason to believe that an employee poses an immediate danger to self or others. In the event of such an occurrence, the Chief of Police will be notified and action taken to protect those concerned.

**Peoria Police Department**  
**Policy 1.03A Use of Deadly Force**  
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