



# Peoria Police Department Policy and Procedure Manual

## Policy 1.03 Use of Force – General Policy and Reporting



### I. POLICY

- A. The Peoria Police Department authorizes its employees to use force in a police action when, and to the extent, it is objectively reasonable.
- B. It is the policy of the Peoria Police Department that its employees will use that force or threat of force that is objectively reasonable to effect a lawful arrest, lawful detention, or in preventing or assisting in preventing a crime, or assisting in preventing escape after arrest or detention, and/or to stop the violent behavior of an individual. Use of excessive force in any situation is prohibited.
- C. While it is the ultimate objective of every employee to minimize injury to themselves and/or another, nothing in this policy requires an employee to actually sustain physical injury before applying force.
- D. An employee's use of force will be evaluated from the perspective of a reasonable employee on the scene. The inquiry into every use of force incident will be based upon the employee's training and experience, and the employee's reasonable belief that the amount of force used was necessary considering the circumstances confronting the employee at the time and not through the 20/20 vision of hindsight.
- E. The Peoria Police Department recognizes that this policy is a guideline. It is understood that no set of policies or procedures can effectively cover every possible scenario an employee may encounter. The Peoria Police Department also recognizes that the judgment and discretion of the individual employee involved govern much of the decision-making utilized in use of force incidents. However, to the extent the employee use of force deviates from these guidelines, the employee 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 employee. Any deviations from these guidelines for reasons that are not sound or articulable may subject the employee involved to disciplinary action by the Peoria Police Department.
- F. The Peoria Police Department recognizes that State and Federal law provide direction for the use of force. The policy of the Peoria Police Department is purposefully more restrictive and specific than current State or Federal law. It should be understood that compliance with State and/or Federal law does not imply conformance with this policy.

### II. DEFINITIONS

- A. Accessible – A firearm or less-lethal tool is on-scene, but not immediately available (e.g., the tool is secured in a patrol car), however, can be made available if time and the situation permits.
- B. Available – The firearm or less-lethal tool is on hand and ready for immediate use.
- C. Covering Fire – Intentional discharge of a firearm directed at a “specific target” threat or “threat area” (cognizant of background), utilized to stop or prevent deadly behavior caused by the suspect(s) when entering an exposed area to gain a tactical advantage, or entering an exposed area to effect a rescue/recovery, by making the suspect(s) seek cover. Police response tactics must not place citizens at greater risk than the actions of the suspect.
- D. Deadly Force – That force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.
- E. Deployment – To station or place, in accordance with a plan, a firearm or less-lethal tool for immediate application or discharge.

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- F. Employee – For purposes of the application of the use of force and Peoria Police Department policies, employee means all sworn police officers and police services officers.
- G. Excessive Force – That force used during a police action which is greater than that which is objectively reasonable to obtain lawful objectives under the circumstances presented for each situation.
- H. Force – Force shall be defined as 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, to include defensive weapons or a combination thereof. Anytime force is used, the employee should apply a use of force option that is reasonable for the situation.
- I. Obtainable – A firearm or less-lethal tool is within the Peoria Police Department’s inventory, but not on-scene and not immediately accessible or available.
- J. Police Action – Any circumstance, on- or off-duty, during which an employee exercises or attempts to exercise official authority.
- K. Reasonable Belief – The facts and/or circumstances the employee knows, perceives, or should know, at the time that the decision to use force is made and are such as to cause an ordinary and prudent employee 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 employee at the time force was used, rather than with the 20/20 vision of hindsight.
- L. Response Options – Control techniques, less-lethal weapons, and firearms available to Peoria police employees to counter and/or control a resistive subject.
- M. 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.
- N. Warning Shots – The intentional discharge of a firearm to warn or stop a perpetrator in order to control a situation.

### **III. PHILOSOPHY**

- A. The Peoria Police Department recognizes that the value of human life is immeasurable in our society. This policy recognizes that the employee’s responsibility for protecting life must also include his/her own. The Peoria Police Department recognizes and respects the value of life and dignity without prejudice.
- B. The use of force by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. The Peoria Police Department recognizes and authorizes its employees to use appropriate force; however, there is an expectation that employees will use only that force that is objectively reasonable to resolve a situation. Employees must understand and appreciate the limitations on the authority granted to them – particularly with respect to overcoming resistance.
- C. The use of excessive force will result in appropriate corrective action and/or discipline and may create personal liability for the involved employee as well as civil and/or criminal penalties. It is expected that all employees will intervene to stop unreasonable.

### **IV. LEGAL DISCLAIMER**

This policy statement is for Peoria Police Department and City of Peoria use only and does not apply in any criminal or civil proceeding. The Peoria Police Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

### **V. PROCEDURES**

- A. The policies of the Peoria Police Department regarding the use of physical force, less-lethal weapons and equipment, deadly force, and discharging firearms will be set forth in this policy, other related policies, and Arizona Revised Statutes (ARS). Each employee 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. Only Peoria Police Department issued or approved weapons, equipment, and chemical agents will be authorized.

- B. Employees may use force only when they reasonably believe it is necessary to:
1. Prevent or terminate the commission or attempted commission of an offense.
  2. Lawfully take a person into custody, make an arrest, or prevent an escape.
  3. Prevent the commission of suicide or self-inflicted serious physical injury.
  4. Defend self or a third party from what is reasonably believed to be the use or imminent use of physical force.
  5. Accomplish some official purpose that is authorized by law, by judicial decree, or performed within the scope of the employee's official power, duty, or function.
- C. The use of force by an employee can be viewed as an option selected in response to a subject's actions and behavior. The option selected is determined by the relationship between a subject's actions and the employee's response. It must be understood that as the selected option moves from lesser to greater force, the risk of injury to the subject and/or employee also increases. Based on an officer's training and experience, if a lesser force option will not likely lead to control of the subject, then a reasonable and greater force may be used. Suspect resistance levels are:
1. Psychological Intimidation
  2. Verbal Non-compliance
  3. Passive Resistance
  4. Defensive Resistance
  5. Active Aggression
  6. Aggravated Active Aggression
- D. Employees who are not readily identifiable as police employees, whether on- or off-duty, shall identify themselves as police employees, unless identification would jeopardize the safety of the employee or others.
- E. The Peoria Police Department trains its employees on an array of force response options. Depending on assignment, some employees may receive specialized training in response options that others have not. The response options are based on the concept that as the resistive subject increases their degree of resistance or threat to the employee, the employee may use any reasonable and necessary response options to overcome that resistance. Conversely, it is expected that the employee will decrease the use of force response option as compliance is attained. Response options include:
1. Presence
  2. Verbal Direction
  3. Soft Empty Hand Control Techniques
    - a. Wrist Locks
    - b. Joint Locks
    - c. Pressure Points
    - d. Restraining Devices
  4. Chemical Weapons
  5. Taser

6. Intermediate Control Techniques
    - a. Hard Empty Hand Control
    - b. Impact Weapons
    - c. Stun Bag Shotgun
    - d. Canine Application
  7. Deadly Force
- F. 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.
- G. 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.
- H. The use of warning shots is NOT authorized.

## **VI. REPORTING**

- A. The Peoria Police Department will incorporate a Use of Force Response Option Form to document all reportable incidents involving the use of force by Peoria Police Department employees as defined in section E. The Use of Force Response Option Form will be submitted to a supervisor no later than the end of the employee's duty day and forwarded through the chain of command. The Use of Force Response Option Form, along with the Incident Report attached, will be forwarded to the Chief of Police through the chain of command, to the Training Lieutenant, and then to the Accreditation Sergeant. (1.3.6) (1.3.7)
- B. Each individual employee shall provide justification on the narrative portion of the Incident Report or Supplement. The narrative will annotate who, what, where, when, how, and why.(1.3.7)
1. When completing the Incident Report (IR), the employee will mark the appropriate box (located in the lower right corner) for use of force and whether or not a form was completed and attached. (1.3.7)
  2. It is the responsibility of the reviewing supervisor to ensure that the employee has satisfactorily explained the subject's actions, the type of force deployed, and the manner in which it was applied. (1.3.7)
  3. Only one Use of Force Response Option Form will be completed for each incident, regardless of the number of employees involved or the type(s) of force used. It will be the responsibility of the assigned/case officer to ensure that the names of each involved employee and force option utilized has been documented.
- C. Use of Force Response Option Form File. The Staff Services Bureau shall maintain the original form, and the Training Lieutenant will address any training issues as they arise.
- D. Annual Analysis of the Use of Force Response Option. The Accreditation Sergeant shall prepare an annual analysis for the Chief of Police on all Use of Force reporting. (1.3.13)
- E. Use of Force Types. Types of incidents (there may be others as designated by a supervisor) which must be recorded on a Use of Force Response Option Form include, unless performed within a training environment, such as at the shooting range: (1.3.6.a & b & c & d)
1. Employee's use of force resulting in an injury/alleged injury to another.
  2. Employee's use of force resulting in the death of another.
  3. Employee's use of chemical weapon.

4. Employee's use of the expandable baton.
5. Employee's use of an Intermediate Control Technique.
  - a. Employee's use of stun bag shotgun.
  - b. Utilization of police service dog resulting in person being bit.
  - c. Impact Weapons
  - d. Hard Empty Hand
6. Employee's intentional discharge of a firearm.
7. Employee's unintentional discharge of a firearm.
8. Employee's use of a Taser.
9. Deployment of the Urban Patrol Rifle.

**Peoria Police Department**  
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