

Avondale Police Department		
Issued: 02-25-2015	General Order Use of Force	15.300
Revised/Reviewed: 6/25/18; 08/06/20	Dale Nannenga, Chief of Police	Page 1 of 23

15.301 Policy

- A. It is the policy of the Avondale Police Department that Officers must understand their authority and the limits placed upon their authority. This is especially true when it comes to the use of force by a police officer. (See Attachment A)
- B. Officers may only use force that is “objectively reasonable;” this means force that reasonably appears appropriate based upon the facts and circumstances as perceived by a reasonable officer on the scene. In other words, the threat or impending use of force reasonably appears imminent (based on articulable facts) and inaction poses an unreasonable risk. The officer using force must be able to articulate why the force used was “objectively reasonable” under the circumstances.
- C. Officers should determine the amount of force to be used based upon the law, sound judgment, their training and experience and with respect for the sanctity of human life. The use of force is not a subjective determination left to the complete discretion of the involved officer. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.
- D. It is neither the policy of the Department, nor the intent of this policy, that officers unnecessarily or unreasonably endanger themselves or others. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. The type and amount of force used must be within the range of "objectively reasonable" options. When a subject is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.
- E. Under no circumstances will the force used be greater than what is “objectively reasonable” to achieve lawful objectives and to conduct lawful public safety activities. Officers will be held accountable for their action, as well as inaction, when using force in the execution of their duties.
- F. Officers have a duty to intervene when unreasonable/unlawful force is applied by another Department employee. The duty to intervene applies when an officer has a reasonable opportunity to prevent the use of excessive force.
- G. Officers have a duty to immediately report any member of the Department who they believe, or have information that, the department employee used unreasonable/unlawful force.

- H. Officers are expected to ensure appropriate medical aid is rendered in all incidents involving the use of force when it is safe to do so.
- I. It is not possible for any written policy statement concerning an officer's use of force to cover all of the fact scenarios that may occur during the performance of an officer's duties. While there is no way to specify the exact amount or type of force that is reasonable to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

15.302 Definitions

- A. **Active Aggression** - Behavior that is a physical assault on the officer or another, where the subject prepares to strike, strikes, or uses other physical techniques in a manner that may result in injury to the officer.
- B. **Active Resistance** - Physical actions, other than solely running prior to physical contact, that attempt to prevent the officer's control, but make no direct attempt to assault the officer.
- C. **Aggravated Active Aggression** - Behavior that is a physical assault on the officer or another, where the subject prepares to strike, strikes, or uses other physical techniques in a manner that creates a substantial risk of causing serious physical injury or death.
- D. **Deadly Physical Force** - Force which creates a substantial risk of causing death or serious physical injury.
- E. **De-escalation Techniques** - De-escalation tactics, tools and techniques are actions, equipment and words used by officers, when safe and without compromising law enforcement priorities, that seek to stabilize the situation and minimize the immediate threat and the likelihood of the need to use force, additional force, or an increased amount of force during an incident and may increase the likelihood of voluntary compliance.
- F. **Firearm** - Any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of explosive, except that it does not include a firearm in permanently inoperable condition.
- G. **Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.
- H. **Less-lethal Weapon** - Any weapon that is not designed for lethal use.
- I. **Non-deadly Force** - Any tactic that when applied properly, has a minimal risk of causing serious injury or death.
- J. **Objective Reasonableness** - This standard was clearly established in the U.S. Supreme Court case [*Graham v. Connor*](#), where the court explained, the test of reasonableness

under the Fourth Amendment is not capable of precise definition or mechanical application, however, 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/she 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 tense, uncertain, and rapidly evolving, about the force option that is necessary in a particular situation.

- K. **Officer** - Any sworn peace officer or armed detention officer employed by the Avondale Police Department.
- L. **Passive Resistance** - Physical actions that do not directly prevent the officer's attempt at control.
- M. **Physical Force** - Force used upon or directed toward the body of another person(s) to include confinement but does not include deadly physical force.
- N. **Reasonable Belief** - When facts and circumstances would lead a reasonable and prudent officer to act or think in a similar way under the circumstances.
- O. **Serious Physical Injury** - Physical injury which creates a reasonable risk of death, or which causes serious and permanent physical disfigurement, serious impairment of health or loss and protracted impairment of the functions of any bodily organ or limb.
- P. **Verbal Direction** - Communication directed toward controlling the actions of a subject, including direction, persuasion, negotiation, or commands.

15.303 Use of Force

- A. The force option employed will be objectively reasonable and based on the totality of the circumstances. Circumstances that may govern the **objective** reasonableness of using a particular force option include, but are not limited to:
 - 1. The severity of the crime.
 - 2. Whether the suspect poses an immediate threat to the safety of the officer(s) or others.
 - 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- B. Officers involved in a use of force have the responsibility of providing the facts and circumstances they believe justify the **objectively reasonable** use of force by completing the necessary departmental report, Use of Force Report, and other justification as required by the department.

- C. When reasonable, only those techniques taught by AZPOST certified and Department proficiency skills instructors will be used. When the use of techniques taught by department instructors is not practical under the circumstances, the officer may resort to any reasonable method(s) to overcome the attack or in deadly force situations. When an officer uses a tool, tactic or technique not taught by AZPOST certified and Department proficiency skills instructors, the officer will specifically articulate why these techniques were not practical, if not in a deadly force situation.
- D. Any restraint control-hold or pressure applied to the neck area is not authorized unless deadly force is justified, regardless of any prior training or certifications.
- E. Medical Treatment – Officers are responsible for requesting medical treatment for suspects against whom force was used, as detailed below. Injuries to any person (including officers) involved in the use of force incident shall be documented in the department report and in the Use of Force Report.
 - 1. Anytime there is an injury or an alleged injury as a result of force used by Department personnel, employees shall do the following:
 - a. Examine any person(s) appearing or claiming to be injured as soon as practical, render first aid and request paramedics for all injuries resulting from the use of force.
 - b. Immediately notify the on-duty supervisor, who shall ensure that the on-duty Lieutenant or Duty Commander is notified.
 - c. Photograph the suspect to include his/her front and back as well as close-ups of the alleged injury locations.

15.304 Duty to Intercede

- A. Any officer who observes another officer using force when they know or should know that force is unreasonable shall, when in a position to do so, intercede to prevent the use of unreasonable force.
- B. All police employees shall immediately verbally report use of, or suspected use of, unreasonable force to a supervisor.
- C. The supervisor shall immediately ensure that the on-duty Lieutenant or Duty Commander is notified.
 - 1. A written review of the use of force shall be conducted by the appropriate Lieutenant, Internal Affairs, or other supervisor as directed by the Chief of Police.

15.305 De-Escalation

- A. An officer, whenever possible and without jeopardizing their safety or the safety of others, will use de-escalation techniques and other alternatives of force consistent with his or her training.
- B. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer should allow an individual time and opportunity to submit to verbal commands before force is used.
- C. Examples of de-escalation techniques include:
 - 1. Placing barriers between an uncooperative subject and an officer.
 - 2. Containing a threat.
 - 3. Moving from a position that exposes officers to potential threats to a safer position.
 - 4. Decreasing the exposure to potential threat by using:
 - a. Distance
 - b. Cover
 - c. Concealment
 - 5. Communication from a safe position intended to gain the subject's compliance, using:
 - a. Verbal compassion and persuasion
 - b. Advisements
 - c. Warnings
 - 6. Avoidance of physical confrontation, when objectively reasonable given the immediacy of the threat (for example, to protect someone, or stop dangerous behavior).
 - 7. Using verbal techniques, to calm an agitated subject and promote rational decision making.
 - 8. Calling extra resources or officers to assist:
 - a. Crisis Intervention Team officers
 - b. Officers equipped with less-lethal tools
 - 9. Any other tools, tactics and techniques that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

15.306 Types of Resistance

- A. Psychological Intimidation – Often referred to as “body language”, it influences an officer’s decision on how to approach a subject or what force option to use if the subject starts to resist a detention or arrest. This includes non-verbal cues indicating the subject’s attitude, appearance, and physical readiness, which may include, but are not limited to:
 - 1. Clenched fists
 - 2. Widening foot stance
 - 3. Facial expressions, which may warn an officer of the subject’s emotional state
- B. Verbal Non-Compliance – Verbal responses indicating the subject’s unwillingness to comply with direction; may include verbal threats made by the subject.
 - 1. A person has a constitutionally protected right to express verbal protest to an officer. As a general rule, speech directed at an officer is protected by the First Amendment. However, “fighting words”, including threatening and intimidating, are generally not protected speech. A person commits threatening or intimidating if the person threatens or intimidates by word or conduct as defined in [A.R.S. § 13-1202](#).
- C. Passive Resistance – The subject never makes any attempt to defeat the physical actions of the officer. Passive resistance is usually in the form of a relaxed or “dead weight” posture intended to make the officer lift, push, or pull the subject to establish control.
- D. Active Resistance – The subject attempts to push or pull away in a manner that does not allow the officer to establish control. However, the subject never attempts to assault the officer. Solely running does not constitute active resistance.
- E. Active Aggression – Includes physical actions of assault. The subject prepares to strike, does strike, or uses other physical actions in a manner that may result in injury to the officer or another.
- F. Aggravated Active Aggression – The subject physically assaults the officer or another in a manner that creates a substantial risk of causing serious physical injury or death.

15.307 Force Response Options

- A. The response option used is determined by the totality of the circumstances.
 - 1. Officer Presence – The officer is clearly identified as an officer and his/her authority is established by presence in uniform, or by verbally identifying him/herself, and when possible, clearly displaying a badge or identification.
 - 1. The presence of a certified police canine at a scene falls under this parameter.
 - 2. Verbal Direction – Communication directed toward controlling the actions of a subject, including direction or command.

3. Soft Empty Hand Control – Techniques cover a number of subject control methods and have a minimal chance of injury. Generally, these techniques are used to control passive or active resistance. Soft control techniques may include, but are not limited to:
 - a. Control holds involving pain compliance.
 - 1) Wrist Locks
 - 2) Joint Locks
 - 3) Pressure Points
 - b. Restraining Devices
 - 1) Restraint devices are intended to prevent a person from:
 - a) Leaving the scene of an investigative detention (if use justified based on danger or likely to flee) or lawful arrest.
 - b) Initiating or escalating violence against the officer, another person and/or themselves.
 - c) Destroying evidence or property.
 - 2) Officers shall restrain individuals as necessary and appropriately in accordance with the Fourth Amendment. As soon as practical, a restrained person shall be placed in an upright position. The only exception is for transportation by a medical transport. For specific direction on application, and types, of approved restraining devices officers need to refer to [OO31.226, Search and Handcuffing of Prisoners.](#)

15.308 OC, Chemical Agents, Taser, Bola Wrap

- A. Oleoresin Capsicum (OC) Spray – The use of department authorized and issued OC spray shall be in compliance with AZ POST training requirements and must be taught by certified instructors. OC spray shall not contain alcohol or any other flammable ingredients. Approved OC spray is a product containing 1.33% Capsaicinoid, and 10% Oleoresin Capsicum.
 1. Authorized OC spray may be used in the following situations, and others, where objectively reasonable and justified:
 - a. To prevent the possibility of injury to an officer or another person.
 - b. To subdue a person who is (not limited to these options):
 - 1) Threatening or attempting physical harm to an officer, himself or another
 - 2) Resisting an arrest

- 3) Rioting
 - 4) Interfering with an arrest
 - c. To ward off threatening dogs or other animals.
2. Directions for Use
 - a. Employees using the authorized O.C. will use it in compliance with their training. Whenever practical a one-second burst will be directed into the face of the suspect. Effective range is normally between 2 and 12 feet.
 - 1) An additional one-second burst may be used if the first does not appear to be effective.
 - 2) After 2 bursts of O.C. have been used without the desired effect, employees will consider transition to another appropriate force option.
 - b. All attempts will be made not to use within 2 feet of suspect; as soft tissue damage could occur.
 - c. Once the O.C. has taken effect, the suspect should, when possible, be immediately handcuffed and moved to a well-ventilated area; medical help will be requested.
 - d. Employees will not unnecessarily display or handle any Oleoresin Capsicum.
 - e. Employees will not leave pressurized O.C. canisters of any type within a vehicle for long periods, due to the extreme heat that can be reached.
 3. Post-Use Care
 - a. Water can be used to flush the eyes without rubbing.
 - b. The fire department will be called to the scene.
 - c. Generally, suspects should recover in 45 minutes; however, intense sensation of skin burning may persist for 30 – 90 minutes after exposure.
 - d. Salve or ointments shall not be applied to affected areas by officers.
 - e. Suspects sprayed with O.C. will not be left unattended. Certain extenuating circumstances may preclude an officer's ability to do this (i.e., affected subjects flee a scene and/or are unidentified, not in custody, or no longer in police contact).
 - f. Employees will continue to provide post-use care to the suspect until the suspect has recovered from the effect of the spray.
 - g. Employees will not lay suspects on their stomach after O.C. exposure.
 - h. If a suspect refuses any post-use care or treatment, or their demeanor does not allow, officers will document the refusal in their departmental report, use of

force/pursuit report in the Blue Team database, and make every attempt to record the refusal with an approved recording device. Officers will still request medical assistance from Fire allowing the suspect to refuse medical treatment once Fire is on scene.

- i. Detention personnel will be notified of the O.C. use, and documentation made on booking paperwork.
4. Oleoresin Capsicum Spray Mark-9 Canister
 - a. Supervisors, trained officers in specialty units, and officers at the direction of a supervisor are authorized to deploy the Mark-9 canister when reasonable to do so.
 - b. Employees using the Mark 9 canister OC spray will direct a one-second burst into the face of the suspect from a minimum distance of 15 feet. The effective range is normally 20-25 feet.
 - c. Employees using the Mark-9 canister OC spray in a riot control situation should direct the spray face level, from a minimum distance of 15 feet, into the crowd, until the desired effect is achieved.
 - d. Employees will not unnecessarily display or handle any OC spray Mark-9 canister, and the canisters shall be utilized only in accordance with training.
 - B. Chemical Agents – Department authorized chemical agents will be used in compliance with training. Any chemical agent other than Oleoresin Capsicum as described above shall be utilized by Tactical Operations Unit, or other specially trained, personnel.
 - C. Taser – Department authorized and issued Tasers may be deployed in compliance with [GO 16.200 Taser Conducted Electrical Weapons \(CEW\)](#).
 - D. [Bola Wrap – Issued Bola Wrap devices may be deployed in compliance with GO 16.300 BolaWrap 100™ Remote Restraint Device.](#)

15.309 Intermediate Control Techniques

- A. Intermediate control techniques include hard empty hand techniques, police canines, impact weapons, and less lethal munitions. Use of these techniques may result in injury. These provide a method of controlling subjects when deadly force is not justified and when other response options are not sufficient as determined by the totality of the circumstances.
- B. Hard Empty Hand Techniques
 1. Hard empty hand techniques include but are not limited to:
 - a. Strikes and Kicks
 - 1) Closed fist strikes

- 2) Hammer fist strikes
- 3) Palm-heel strikes
- 4) Kicks
- 5) Knee strikes
- 6) Elbow strike

b. “Take-Downs” or the forceful direction of a subject to the ground.

2. Guidelines for Use

- a. Hard empty hand techniques may be used when facing the active aggression or aggravated active aggression level of resistance.
- b. Although these techniques may be used in some situations when facing active resistance, when practical officers will first attempt verbal persuasion and soft empty hand techniques.
- c. Hard control techniques should not be intentionally used on the suspect’s head, neck, kidneys, groin, joints, spine, or sternum. While there may be situations that will justify a strike to these areas, the officer must be able to specifically articulate the facts and circumstances that supported the strikes to those areas.

C. Impact Weapons

1. Expandable batons are authorized for use.
2. Officers may carry an authorized impact weapon after the completion of an approved training/certification course instructed by an AZPOST defensive tactics instructor.
3. Impact weapon use shall be in compliance with the approved training.
 - a. Impact weapon strikes may be used when facing resistance of active aggression or aggravated active aggression.
 - b. Passive resistance or resistance such as a prisoner’s refusal to enter a police vehicle or holding room, to let go of a railing, etc., is not sufficient in itself to justify the use of impact weapon strikes.
 - c. When the use of the impact weapon is warranted, officers will primarily attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury.
 - d. When the primary target area is not available or practical, secondary target areas as taught in training may be used (i.e., elbow joint, back of hand, knee joints, Achilles tendon, inside of wrist, instep, shin, lower abdomen).

- e. Officers will not purposely strike or jab suspects with an impact weapon on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation.
 4. Flashlights are not designed as impact weapons; however, in exigent circumstances when an authorized impact weapon is not available, flashlights may be used as impact weapons. Any use of a flashlight in this manner shall be in compliance with the requirements of the authorized impact weapons as specified above.
 5. An on-duty patrol supervisor will be advised when an impact weapon is used and will respond to the scene and the use of force report form in the Blue Team database shall be completed by the end of the officer's shift.
 6. Detention personnel will be advised, and the force response option utilized shall be noted on the booking paperwork.
- D. Canines - The use and deployment of department canines will be in compliance with [OO31.243 Patrol Procedures – Police Canine Program.](#)
- E. 40mm Direct Impact Launcher and Munitions (40 mm)
1. Usage: The use or deployment of 40mm Direct Impact Launcher and Munitions, referred to in this policy as a “40mm,” is an escalating use of force when expandable batons are no longer an option. The police service dog may be deployed in conjunction with the 40mm as a “bag and bite” option.
 2. Training: Each department officer assigned to deploy the 40mm system will qualify on an annual basis. Training on the deployment of the 40mm is to be conducted by an instructor who has completed a department approved instructor certification course. The courses will be reviewed and approved by the Firearms Range master. If excused from the qualification or training, officers will have 30 days for make-up. If the officer does not attend the make-up after 30 days, they will be removed from the program.
 3. Ammunition: Only approved factory munitions may be deployed. Each officer assigned will be issued the appropriate less lethal munition to carry when deployed.
 - a. The 40mm Launchers and munitions will be maintained by the Avondale Police Department armory. Only a department approved armorer will perform any maintenance or cleaning of the 40mm Launchers.
 4. Storage: 40mm Launchers will be stored in the properly identified case and, stored UNLOADED. The officer authorized to deploy the weapon will complete an individual inspection of each round prior to loading the weapon to ensure that the launcher is being loaded with only [factory approved,](#) less lethal munitions. The weapons and ammunition will not be stored in a vehicle at the end of shift.

5. In situations where the 40mm is handed to another authorized officer for deployment, the new handler will unload the weapon, re-inspect the rounds, and then re-load prior to deployment.
6. 40mm Launchers will be carried: All 40mm launchers, while on duty will be carried in the ready mode with the safety on and an impact round in the chamber. LOADED chamber- Safety On.
7. Officers should anticipate firing follow-up shots if the prior shot missed or was not effective and should have a designated arrest team prepared for the arrest, if possible.
8. Notifications: Any time a 40mm is deployed and on a person, the on-duty supervisor will be notified as soon as possible and the Use of Force Report form in the Blue Team database shall be completed by the end of the officer's shift.
 - a. Basic tactics for deployment of a 40mm Direct Impact Launcher
 - 1) An officer deploying a 40mm should have another officer present ready to use lethal force, if necessary.
 - a) Each department officer assigned to deploy the 40mm system will qualify and train on an annual basis. Training on the deployment of the 40mm is to be conducted by an instructor who has completed a department approved instructor certification course. The courses will be reviewed and approved by the Firearms Sergeant. If excused from the qualification or training, officers will have 30 days for make-up. If the officer does not attend the make-up after 30 days, they will be removed from the program.
 - 2) When an officer deploys 40mm at the scene of a call, they will immediately notify on-scene units by radio, so all participants are aware of the availability of the weapon and that it has been deployed.
 - 3) Prior to any firing of a 40mm, all participants will be advised by radio that the 40mm is to be deployed.
 - a) This is done to avoid contagious live fire by other on-scene officers.
 - b) This should be done out of the audible range of the suspect, if possible.
 - 4) Whenever possible, deploy this weapon from a position of cover.
 - 5) Communicate all movements with other officers present to include designating an arrest team whose weapons will be holstered on physical contact with the suspect.
 - 6) 40mm officers should anticipate firing follow-up shots if the initial shot(s) missed or was not effective.

- 7) Multiple 40mm shooters may be deployed for simultaneous impacts on the target, if necessary and appropriate.
- b. Handling suspects after impact:
- 1) Suspects will not be approached until it can be done safely in accordance with any other high-risk arrest.
 - 2) An officer will not make contact with suspects while a 40mm is in the officer's hands.
 - 3) All suspects will be immediately handcuffed.
 - 4) Emergency medical personnel will be called to examine all subjects impacted by 40mm projectiles.
 - 5) If the subject is transported to a medical facility for examination, a medical release shall be obtained unless exigent circumstances exist before booked into jail or other appropriate facilities, i.e., a psychiatric ward.

15.310 Pointing Firearms at a Person/s

- A. Pointing a firearm at a person is a use of force, therefore officers shall not point a firearm at a person unless it is objectively reasonable to believe that it is necessary to protect against a potential threat.
- B. Unholstering or displaying a firearm, including at a low-ready position without pointing it at a person, does not constitute pointing a firearm at a person/s.
- C. Firearms shall be secured or holstered as soon as possible after the potential threat has ended.
- D. Pointing a firearm at a person shall be documented as a use of force encounter.

15.311 Use of Deadly Force

- A. Officers may use deadly force when Federal and State law allow.
- B. Federal standard
 1. When objectively reasonable to protect the officer or a third person from another's use or threatened imminent use of deadly force, or to arrest or prevent the escape of a suspect "*where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others.*" Tennessee v. Garner, 471 U.S. 1, (1985).
- C. State standard - A.R.S. 13-410.C states:

The use of deadly force by a peace officer against another is justified pursuant to section 13-409 only when the peace officer reasonably believes that it is necessary:

- 1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.*
- 2. To effect an arrest or prevent the escape from custody of a person whom the peace officer reasonably believes:*
 - a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.*
 - b) Is attempting to escape by use of a deadly weapon.*
 - c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.*
 - d) Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.*

D. When the circumstances justifying the use of deadly force no longer exist, deadly force will immediately be discontinued.

1. Officers still may use reasonable force to maintain control and to protect themselves and others from danger.

E. Use of Firearms – In addition to the guidelines listed above, employees acting under their legal authority will discharge authorized firearms in connection with police activities only, and in accordance with the following policies, whether on or off duty.

1. Officers shall not unnecessarily draw or display any firearm, or carelessly handle a firearm.
2. Warning shots **shall not** be fired.
3. Firearms shall not be utilized in any circumstance in which a substantial and unjustifiable risk of injury or death to bystanders exists.
4. When the shooting of a suspect appears imminent, employees shall, if practical, issue a verbal warning.
5. The killing of an animal is justified in self-defense, or to prevent substantial harm to the officer or third party.

6. With the approval of a supervisor, a firearm may be used to kill an injured animal as an act of mercy when humanity requires relief from further suffering.

F. Vehicles

1. The use of police vehicles against a person shall be considered deadly physical force.
2. The reasonableness of a use of force in any particular instance is a fact-driven inquiry, based upon the totality of the circumstances and the reasonableness of the officers' conduct in light of those circumstances.
3. Officers shall not fire from a moving vehicle unless deadly force is being used against the officer or a third person, and the use of deadly force does not create a substantial and unjustifiable risk of serious physical injury or death that outweighs the benefit of its use.
4. Firing at a moving vehicle requires an officer to be able to demonstrate that doing so is objectively reasonable – that it is necessary to protect the officer or a third person from another's imminent use or threatened use of deadly force. That depends entirely upon the circumstances facing the officer in each situation.
 - a. The use of deadly force shall not create a danger to the public that outweighs the benefits of its use.
 - b. Shooting at vehicles is generally ineffective. Stopping the actions of a driver, who is in control of a vehicle, does not guarantee the vehicle will stop or no longer be a threat.
 - c. Weapons will not be fired solely to disable a moving vehicle.
5. Officers will not deliberately place themselves in the path of a moving vehicle or one capable of immediate movement.
 - a. This is generally considered tactically unsound unless executed as part of a tactical plan that is intended to enhance safety.
 - b. This is not intended to prevent officers from moving in front of or around vehicles during the execution of routine traffic duties, such as directing traffic.
6. Officers are reminded of the serious risks involved in reaching in or leaning into a running vehicle with an occupied driver's seat. Exigent circumstances must exist before an officer may reach or lean into a running vehicle with an occupied driver's seat.

- G. Other Options – Use of Firearms is not the only means of employing deadly force. It may become necessary for officers to protect themselves or others with means other than a firearm.

1. Any neck restraint involving the deprivation of blood/air to the head, the use of edged weapons, or any other techniques that are not authorized unless the justification for the use of deadly force is present.

H. Notifications

1. In the event an officer discharges his/her firearm in the line of duty (including unintentional discharges), he/she shall immediately notify an on-duty patrol supervisor. That supervisor shall ensure a Patrol Lieutenant, or the Duty Commander is immediately advised and a Departmental Report (DR) is completed, documenting the incident as soon as practical. The incident will be reviewed by the department's internal investigation sergeant. He/she will then enter the use of force in the Blue Team database.
2. Firearms training and lawful target practice are exempt from the reporting requirement.
3. Officers shall utilize only Department-authorized firearms both on and off duty for the purposes of taking action as a peace officer. Firearms training, lawful target practice, and lawful hunting are exempt from this paragraph.
4. Officer involved shooting investigations shall follow Department Policy [GO15.500 Officer Involved Shootings – Deadly Force](#).

15.312 Use of Force Reporting

- A. Incident documentation shall be completed **before the end of shift** in both the department report (DR) and the use of force report in the Blue Team database. In some circumstances, a Lieutenant or Duty Commander may authorize an exception to completing this prior to the end of the shift (i.e., officer injury).
 1. The Use of Force report in the Blue Team database shall be completed by the primary officer using the force. Each involved officer that uses force shall complete a separate Use of Force report in the Blue Team database.
 - a. Officers who use deadly force will not complete the Use of Force form. The officer's supervisor will complete the form; however, no narrative will be written. **A Use of Force form by the officer is required in all other situations.**
 - b. A Use of Force report is not required when there is no injury or alleged injury and the force used is a soft empty hand technique or a restraining device used to simply gain control of a subject who is not aggressively resisting. Examples include, but are not limited to:
 - 1) Physical Touching/Gripping
 - 2) Frisking or Searching

- 3) Handcuffing
- c. A Use of Force report is required, regardless of injury or alleged injury, when an officer:
 - 1) Uses Deadly Force – This includes any unauthorized technique an officer deems necessary, as addressed in [Section 15.303](#) of this order.
 - 2) Points his/her firearm at a subject, or points it in the general direction of a subject while giving commands and in a situation, such that the subject would believe the threat of deadly force was directed toward them (i.e., pointing the weapon at a vehicle and its occupants during a high risk stop, pointing a firearm at a subject located during a building search, etc.)
 - 3) Uses Intermediate Control Techniques, Chemical Agents, or Taser – regardless of injury.
 - 4) Tactical Operations Unit – When the Tactical Operation’s Unit (TOU) is requested, each individual team member will complete a Use of Force form in the Blue Team database whenever they use force.
 - a) The Tactical Team Leader will do a separate Use of Force form for the deployment of the tactical team
 - 5) Uses a Police Service Dog to bite a subject.
 - 6) When directed by a supervisor.
2. Documentation Content – Information pertaining to the use of force should include but not be limited to (as is outlined in the AZPOST Defensive Tactics Manual):
 - a. General details to include but not be limited to:
 - 1) Purpose of the contact (i.e., call for service, type of call, consensual contact, arrest, investigative detention, escape, suicide attempt, etc.)
 - 2) Number of officers involved
 - 3) Uniform versus plainclothes
 - 4) Marked or unmarked units
 - 5) Number of subjects involved
 - 6) Officer Observations
 - b. Environmental Factors
 - 1) Day or night
 - 2) Lighting conditions
 - 3) Sunny or rainy

- 4) Temperature – Cold verses hot
 - c. Subject actions and behavior
 - 1) Verbal response
 - 2) Body language
 - 3) Physical actions - cooperative, description of resistance, assault officer or others, deadly assault
 - d. The response option/defensive tactic technique that was used – what was done and how?
 - 1) Was it effective? What was the result?
 - 2) Was force increased or decreased and at what points?
 - 3) What was the suspect’s reaction?
 - 4) What was the suspect’s level of resistance? Duration of resistance?
 - 5) If not effective, why was it not effective and what else was tried or done?
 - e. If first aid/medical treatment was needed/given.
 - 1) How/who caused the injury?
 - a) Where and when were the injuries sustained?
 - 2) Previous suspect injuries not related to the response option/defensive tactic used.
 - 3) Injury treatment
 - a) Type – First aid, response of fire, hospital treatment, etc.
 - b) By whom – Officer, firefighter, doctor, etc.
 - c) Where – At scene, jail, hospital, etc.
 - f. Photograph any injury or alleged (lack of) injury. Along with the photographs, injuries will be documented and dealt with pursuant to [Section 15.303](#) in this General Order.
- B. Injury – Document injuries to any person (including officers) involved in the use of force incident.
1. Anytime there is an injury or an alleged injury as a result of force used by Department personnel, employees shall do the following:
 - a. Examine any person(s) appearing or claiming to be injured as soon as practical, render first aid and request paramedics for all injuries resulting from the use of force.

- b. Immediately notify the on-duty patrol supervisor.

15.313 Use of Force Review

- A. For a reportable use of force incident, the officer will complete a:
 1. Department report
 2. Use of Force report using IA Pro's Blue Team database
- B. The department report and Use of Force report in the Blue Team database shall be completed prior to the officer's end of shift the day the use of force was used. In some circumstances, a Lieutenant or Duty Commander may authorize an exception to completing this prior to the end of the shift (i.e., officer injury).
 1. Upon completion of a Departmental Report and the Use of Force report in the Blue Team database, a first-line supervisor shall immediately review the report in the Blue Team database and, if approved, submit through the chain of command for final approval by the respective Bureau Lieutenant.
 - a. When multiple uses of force occur within one incident, potentially including officers in separate chains of command, review will be done in the following manner:
 - 1) All uses of force written on a particular call for service will be directed to the case/scene sergeant responsible for review of reports on the case. (e.g. on large incident scenes such as sexual assaults, homicides, aggravated assaults the reports should be forwarded to one sergeant for central review whenever practical; Use of Force reports on incidents such as more than one officer tasing, more than one officer using O.C. or strikes, etc., shall be routed in the same manner).
 - 2) The sergeant shall then forward all uses of force in one incident to the Lieutenant in the chain of command of the officer responsible for the primary use of force.
 - b. If the Use of Force report is not approved, or any collateral concerns related to the events surrounding the use of force are identified, the first-line supervisor shall note the concerns in the comment section of the report in Blue Team database and then forward the report to the Bureau Lieutenant.
 2. Upon receipt, the Lieutenant shall review the report and approve the Use of Force report in the Blue Team database if he/she concurs with the force used. The report shall be submitted to the IA Sergeant as soon as practical.

3. If a concern or problem was identified during the incident review, the Lieutenant will complete a review containing at a minimum the following information:
 - a. Whether the use of force was within Department policy.
 - b. Any tactical considerations and training recommendations.
 - c. If the officer(s) involved had the appropriate training.
 - d. Whether the training was properly documented.
 - e. Whether Policy or General Orders need to be modified.
 - f. The overall quality of supervision the officer received.
 - g. Follow-through on training and/or corrective action recommendations.
 4. If the reviewing Lieutenant on multiple officer cases (defined under section 1.a.1 above) identifies a potential concern with the force used by an officer assigned to another bureau, he/she will forward the use of force documentation and their listed concerns to the Bureau Lieutenant of that officer for review and action pursuant to Section 3 above.
- C. The Use of Force report in the Blue Team database is an internal document and a copy shall be forwarded to Internal Affairs to archive and upload to IA Pro.
- D. All uses of force are subject to administrative review.

15.314 Proficiency

- A. Initial Training - Officers will be trained in the use of defensive tactics, and response options including non-deadly and deadly force, during initial officer training.
- B. Policy – Officers are responsible to know and understand Department policy pertaining to use of deadly and less-lethal force.
 1. Certified Department proficiency instructors (Defensive Tactics, Firearms, Taser, etc.) shall annually conduct a policy review with all affected personnel.
- C. Proficiency training does not have to meet the requirements of the initial certification course but must cover critical areas of all force options utilized by department personnel and current related general orders. The training must be given by certified instructors of defensive tactics, Taser, chemical agents, less-lethal weapons, and firearms.
 1. Officers must demonstrate proficiency through training at least every year for defensive tactics.
 2. Officers shall demonstrate firearms proficiency with all firearms (including less-lethal 40mm and department issued patrol rifle) he/she is authorized to carry at least once a year.

- D. Documentation – The instructor(s) shall document whether an officer is proficient or needs remedial training in any area, as well as the fact that current policy regarding use of force has been reviewed.
1. If remedial training is required, the officer’s duty status shall be reviewed.
Dependent upon the circumstances, the officer may not be allowed to carry any less lethal weapons or firearms until remedial training is successfully completed.
 2. Officers may be temporarily reassigned and may be placed on paid or unpaid administrative leave until remedial training has been successfully completed.
 3. The defensive tactics or firearms instructor shall document the method of remedial training.
 4. The defensive tactics and firearms instructors shall forward all documentation to the Professional Services Bureau (PSB) to be placed in the officer’s training file.

ATTACHMENT A

1.8.1 Constitutional authority for use of force in law enforcement

The United States Supreme Court has made it clear that law enforcement is entitled to use some degree of force in the enforcement of laws: “the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.” *Graham v. Connor*, 490 U.S. 386 (1989).

The degree of force that may be used is that which is “objectively reasonable.” Objectively means assessing the facts or totality of circumstances in a fair, neutral, or impartial manner. Reasonable means there is a logical, rational, or sensible explanation or basis.

In *Graham v. Connor*, the U.S. Supreme Court explained that:

*“the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, 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.** [emphasis added]*

* * *

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

In *Brower v. County of Inyo*, 489 U.S. 593 (1989), the U.S. Supreme Court defined a seizure under the Fourth Amendment as a governmental termination of freedom of movement through means intentionally applied and clarified that a use of force may constitute a seizure under the Fourth Amendment.

In *Tennessee v. Garner*, 471 U.S. 1 (1985), the U.S. Supreme Court set the framework for analysis of the use of deadly force by law enforcement. A police officer may use deadly force “where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others,” or to apprehend a suspect if “the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others.” The court further stated deadly force may be used when “it is necessary to prevent escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.”

The 9th Circuit Court of Appeals has clarified that “objectively reasonable” does not mean the least amount of force that would possibly resolve the situation. In *Bryan v. MacPherson*, 630 F.3d 805,

(2010) the Court stated “While police officers need not employ the least intrusive degree of force possible during an arrest, they must at least consider less intrusive methods, and the presence of feasible alternatives is a relevant consideration in an excessive force analysis.” Further, In *Forrester v. City of San Diego*, 25 F.3d 804 (1994) the Court stated “Whether officers hypothetically could have used less painful, less injurious, or more effective force in executing an arrest is simply not the issue.”

Source: Eric B. Edwards and Bill V. Amato; Edwards & Amato, P.C. “*Arizona Law Enforcement Policy Manual*”. September 2019