

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines, direction, and procedures on police use of force. This policy is to help ensure that officers use only that amount of force that appears objectively reasonable to effectively bring an incident under control while protecting the life and physical safety of the officer and others. This policy does not specify the exact amount or type of objectively reasonable force to be applied in all situations. Every member of this department is expected to use this policy to help make professional, impartial and reasonable use of force decisions.

300.2 DEFINITIONS

Reasonable Force - Under federal law (Graham v. Connor and Tennessee v. Garner), the right to make an arrest and enforce laws carries with it the right to use objectively reasonable force. In determining whether force used by an officer is objectively reasonable, all of the facts and circumstances which the officer was aware of and confronted with are considered, including:

- A. The information available to the officer at the time of the incident
- B. The acts of the subject
- C. Whether the subject reasonably appeared to be a threat to the officer or to other persons
- D. The severity of the crime of which the individual was suspected

Physical Force - Application of physical techniques, tactics, or weapons against another person.

Deadly Force - Force reasonably anticipated to create a substantial likelihood of causing death.

300.3 POLICY

The use of force by law enforcement is of critical concern, both to the public and the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions that are fast changing and require immediate and sometimes split-second decision making. Officers are warranted and may use objectively reasonable force in carrying out their duties in accordance with law and this policy. Officers shall use only that amount of force that is objectively reasonable to effectively bring an incident under control while protecting property or while protecting the life and/or physical safety of the officer and others. Officers shall cease using force against a person when it is objectively and reasonably clear the person no longer presents an active threat to property, or the life or safety of an officer or another person.

- A. To better assure that weapons of different types are not confused and possibly misapplied, officers shall only, for purpose of deployment, physically handle one weapon (lethal, non-lethal, etc.) at a time. What is meant by purpose of deployment is the handling of a weapon for use, threatened use, or readying for use against another person.

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- B. Officers shall only carry (holster) a Taser and/or JPX pepper spray gun on their non-dominant side (the opposite side of their body that their primary duty pistol is carried (holstered)).

300.4 ESCALATION AND DE-ESCALATION OF FORCE

- A. Various degrees or amounts of force are commonly recognized and practiced by law enforcement. Sometimes called force options, they can range from the lowest level to the highest level and are generally grouped in order of probability of causing pain, injury, or death to the subject. As documented in established case law, officers must sometimes make split second decisions on force escalation and de-escalation. Officers also make these decisions based on the totality of known or suspected circumstances along with their personal skill sets and other risk factors at the time the use of force is applied. In part, this is why one officer may choose one force option while a different officer may choose a different force option to address the same or similar situation. As an example, a baton swung at a subject's shin is more likely to cause a more significant and longer lasting injury than O.C. sprayed to a subject's eyes; however, both applications could be justified dependent upon circumstances. It is paramount that officers use good judgment in applying force.
 - 1. Low level: uniformed presence, verbal commands, demeanor, firm grip or gesture, physical control, control hold, and deployment of a K-9 or other weapon for visual or audible display.
 - 2. Medium level: pain compliance technique, Compliance Gloves, E-Band Restrictors, guided or forced take down, chemical agents, electronic control device (Taser), personal body weapons (PBWs, listed in 300.9 and 300.11), control or impact devices, and deployment of a K-9 for apprehension of a subject. Officers are to work diligently to avoid striking the head, neck, spine, or groin of a person with a baton or other handheld or launched impact weapon. Baton or other handheld or launched impact weapon strikes purposely directed at the head, neck, or spine would be equivalent to using lethal force. When necessary, baton or other handheld or launched impact weapon strikes may be directed toward muscle groups (e.g., thigh, upper or lower torso), or bony parts of the body (e.g., hands, arms, elbows, legs, knees, and rib cage).
 - 3. High level: Carotid restraint and lethal force. A properly deployed carotid restraint used by a properly trained officer, as defined in SPD Lexipol 345, is not lethal force, but is designed to momentarily render a physically violent and aggressively assaultive person unconscious to aid in handcuffing and controlling them. However, a carotid restraint falls within the high level use of force as some suspects can violently resist a carotid restraint, possibly causing serious injury to themselves or others. Using a firearm to purposely shoot at a person is deadly force, but it is not the only means of employing deadly force. Other weapons or items, if used in a particular way or under certain circumstances could be considered deadly force.
- B. Officers are not required to progress through force options one level or option at a time. Assessment of the specifics of each situation may indicate to the officer that a particular level of force may be ineffective or inappropriate and another level of

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force would be more effective and/or appropriate. Officers shall actively assess the effectiveness of their use of force, to include the repetition of a force option, to help determine which option(s) will reasonably de-escalate the incident and bring it under control in an objectively reasonable manner.

- C. When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion). When reasonably possible, officers should assertively seek and deploy verbal, visual and physical efforts to de-escalate violent or potentially violent situations as well as police use of force.

300.5 DUTY TO INTERCEDE AND REPORT

- A. Any officer present and observing, witnessing, or who becomes aware of another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of the unreasonable force.
- B. An officer who observes, witnesses, or later learns of, another employee's unreported use of excessive force shall, as soon as practicable, report the observations or information to a supervisor or superior officer.
 - 1. Upon notification, the supervisor or superior officer shall make a basic initial inquiry, author a memorandum with all pertinent information, cause the memorandum to be placed into the IAPro/Blue team system, and report their findings, as soon as practicable, to the next level of command for review.

300.6 USE OF FORCE

- A. Police Officers may use objectively reasonable force in the performance of their duties consistent with this policy, other applicable SPD policies, applicable case law and ARS 13-409.
- B. An officer is justified in threatening or using objectively reasonable physical force against another if in making or assisting in making an arrest or detention or in preventing or assisting in preventing the escape after arrest or detention of that person, such person uses or threatens to use physical force and all of the following exist.
 - 1. A reasonable person would believe that such force is immediately necessary to affect the arrest or detention or prevent escape.
 - 2. Such person makes known the purpose of the arrest or detention or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained.
 - 3. A reasonable person would believe the arrest or detention to be lawful.

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300.7 FACTORS USED TO DETERMINE OBJECTIVELY REASONABLE FORCE

- A. When determining whether to apply force and evaluating whether an officer has used objectively reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:
 - 1. Immediacy or imminency and severity of the threat to officers or others. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
 - 2. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- B. The effects of suspected drug, medication, or alcohol use.
- C. The individual's mental state or capacity.
- D. The individual's ability to understand and comply with officer commands.
- E. Proximity of or ability to reasonably get to weapons or dangerous improvised devices.
- F. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- G. The availability of other reasonable and feasible options and their possible effectiveness.
- H. Seriousness of the suspected offense or reason for contact with the individual.
- I. Training and experience of the officer and/or subject.
- J. Potential for injury to officers, suspects, and others.
- K. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer or other person.
- L. The risk and reasonably foreseeable consequences of escape.
- M. The apparent need for immediate control of the individual or a prompt resolution of the situation.
- N. Whether the conduct of the individual being confronted no longer reasonably appears to pose an immediate or imminent threat to the officer or others.
- O. Prior contacts with the individual or awareness of any propensity for violence.
- P. Any other exigent circumstances.
 - 1. Example: Individuals who exhibit one or more of the following: extreme agitation, violent irrational behavior, profuse sweating, extraordinary strength beyond their physical characteristics, and/or may be impervious to pain, (sometimes referred to as "Excited Delirium") or who require a protracted physical encounter with an officer(s) to be brought under control, may be at an increased risk of sudden death. Officers are reminded that persons experiencing "Excited Delirium" or similar states, sometimes take more time to understand commands and may see officers as threats. When it is reasonably possible, using a calm voice and approach to people exhibiting these types

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of behavior or states, can be beneficial. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect such a medical emergency should promptly request medical assistance as soon as practicable and have medical personnel stage in advance whenever reasonably possible. See the medical response section of this policy for guidelines.

300.8 USE OF FORCE TO SEIZE EVIDENCE

- A. In general, officers may use objectively reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.
 - 1. In the instance when force is used to prevent a subject from swallowing evidence, officers will not intentionally use any technique that restricts blood flow to the head or restricts respiration (breathing).

300.9 USE OF LESS THAN LETHAL/NON-LETHAL FORCE

- A. For purposes of this policy, "less than lethal" force is non-lethal force that is designed to temporarily incapacitate, immobilize, or stun a person, through physical force to include physical pain or discomfort. Less than lethal force may be used to prevent a person from physically threatening or assaulting an officer or another person or to take them into physical custody when other force options are not available or practicable. Listed below are less than lethal force options that may be used by SPD members who have received department approved training and have certification of proficiency in such options.
 - 1. Pain compliance holds or techniques.
 - 2. Compliance Glove and/or E-Band Restrictor
 - 3. Force or guided takedowns.
 - 4. Chemical agents (pepper spray from canisters, CS tear gas or smoke via hand thrown grenades, etc.).
 - 5. SPD hobble restraint.
 - 6. Personal Body Weapons (PBWs)-Strikes via hands, elbows, knees, feet, etc.
 - 7. Impact Weapons (batons, saps, Pepper Ball launcher, 40mm foam/synthetic baton launcher, etc.).
 - (a) Patrol officers may carry a department approved or issued baton and/or a department issued sap; however, officers shall carry at least one of these impact weapons while working a patrol or uniformed assignment.
 - 8. Conducted Energy Weapon (Taser).
 - 9. Launched chemical agents (Pepper Ball launcher, JPX pepper spray gun , CS tear gas/smoke grenades).

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- (a) Patrol officers working a solo assignment and who have been issued a JPX pepper spray gun, shall assure their JPX pepper spray gun is readily accessible in any vehicle they are using for patrol.
- 10. Launched impact weapon (foam or synthetic or other SPD approved launched batons or impact devices).
- 11. Canine for apprehension.
- 12. Carotid Restraint.
- B. While less than lethal force options are designed to have less than lethal results, and not cause significant injuries, they can cause loss of life or devastating injuries under certain and sometimes uncontrollable circumstances. Only officers who have successfully completed department approved training and/or certification of proficiency in the application of the above listed less than lethal force options may utilize such options. Training and recertification of proficiency in these less than lethal force options are required at least once every year.

300.10 USE OF DEADLY FORCE

- A. Police Officers may use deadly force in the performance of their duties consistent with SPD policy, applicable case law (e.g. Graham v. Connor and Tennessee v. Garner) and ARS13-410:
 - 1. An officer may use deadly force to protect themselves or others from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.
 - 2. An officer may use deadly force to stop the escape of a fleeing felony suspect when the officer has reasonable cause to believe that the person 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.
 - 3. An officer may use deadly force if the officer has reasonable cause to believe that there is an imminent risk of serious bodily injury or death to another person if the suspect is not immediately apprehended.
 - 4. When reasonably feasible, a verbal warning shall precede the use of deadly force.

300.11 REPORTING USE OF FORCE AND NOTIFICATION TO SUPERVISORS

- A. All officers using force shall cause such use of force to be promptly, fully and accurately documented in a, Alpha police report.
- B. Additionally, officers in the performance of any police action shall promptly report to a sergeant or higher ranking member the below listed types of force (1 through 14). Such notification to a sergeant or higher ranking member shall be completed prior to any booking or release of a suspect, arrestee, detainee, or involved party of any type and the force shall also be promptly, fully and accurately recorded in an Alpha police report:

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1. Physical contact or action by an officer, whether done by design or accident, when the suspect, arrestee, detainee, or involved party of any type is injured, alleges injury or when the person has an apparent physical injury (visible or not) caused by the actions of an officer or other member (civilian employee, VIP, ride-a-long, etc.).
 2. Pain compliance holds or techniques.
 3. Compliance Glove and/or E-Band Restrictor
 4. Force or guided takedowns.
 5. Chemical agents (pepper spray from canisters, CS tear gas or smoke via hand thrown grenades, etc).
 6. SPD hobble restraint.
 7. Personal Body Weapons (PBWs)-Strikes via hands, elbows, knees, feet, etc.
 8. Impact Weapons (batons, saps, Pepper Ball Launcher, 40mm foam/synthetic baton launcher, etc.).
 9. Conducted Energy Weapon (Taser).
 10. Launched chemical agents (Pepper Ball launcher, JPX pepper spray gun, CS tear gas/smoke grenades).
 11. Launched impact weapon (foam or synthetic or other SPD approved launched batons or impact devices).
 12. Canine deployed for apprehension.
 13. Carotid Restraint.
 14. Firearm or other form of deadly force.
- C. Photographs of any injury (visible or not) or alleged injured area, as well as overall photographs of the person, shall be taken and placed into the SPD digital evidence management system. If an officer cannot take photographs, the reason shall be documented in their police report.
- D. Use of force documented in a police report defined by this policy as medium or high shall be entered into the IA Pro/Blue Team tracking system by the sergeant approving such report and forwarded to the Administrative Sergeant or a lieutenant for secondary review. The initial reviewing sergeant, and later the Administrative Sergeant or a lieutenant shall both (meaning the initial reviewing supervisor and either the Administrative Sergeant or a lieutenant) review all medium and high level uses of force and evaluate the incident for adherence to policy. The initial reviewing sergeant and the Administrative Sergeant or a lieutenant shall both write and forward separate memorandums to a commander advising of any use of force outside of policy in a timely manner. The Administrative Sergeant or lieutenant shall place a copy of both memorandums into IA Pro/Blue Team Use of Force tracking system.
- E. The Administrative Sergeant shall produce an annual use of force report that documents the number of times each reportable use of force (1 through 14 of this section 300.11) was applied during a calendar year and present such report to the

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Chief of Police by January 15th of each new calendar year. This annual use of force report will identify (list) whether or not the different uses of force were within or outside of SPD policy.

- F. The SPD is required to submit a yearly report through the Law Enforcement Enterprise Portal (LEEP)/Criminal Justice Information System (CJIS) regarding Use of Force (UOF) incidents connected to:
 - 1. Death of person
 - 2. Serious physical injury of a person
 - 3. A public safety officer discharging a firearm at or in the direction of a person
 - (a) This UOF information is forwarded to the Federal Bureau of Investigation (FBI).
- G. The SPD currently collects and stores information on UOF incidents to a greater level than required for the LEEP/CJIS annual report in the IA Pro/Blue Team system. The Administrative Sergeant is responsible for retrieving information on all qualifying LEEP/CJIS UOF incidents. The Administrative Sergeant shall use the IA Pro/Blue Team system to gather the LEEP/CJIS annual report statistics for FBI.
- H. The Administrative Sergeant shall forward the qualifying UOF data by the 15th of January each year to the SPD Crime Analyst and Records Supervisor. The Crime Analyst shall assure reporting data required by ARS or other law is submitted to LEEP/CJIS by the 31st of January of each year along with a memorandum to the Chief of Police and the Executive Assistant to the Chief of Police advising the submittals have been completed. If the SPD Analyst is not able complete this task, the SPD Records Supervisor shall promptly complete the submittals and forward a memorandum to the Chief of Police and the Executive Assistant to the Chief of Police advising the submittals have been completed.

300.12 USE OF FORCE DOCUMENTATION SPECIAL CIRCUMSTANCES

- A. In cases such as an officer involved shooting, a significant use of force or injury, or when an officer is a victim of a significant assault, a member of command staff shall be notified immediately.
 - 1. The command staff member may direct another employee(s) to conduct the criminal investigation associated with the use of force incident. The goal of this process is to separate a victim officer from the investigation segment of the incident and accurately gather information and document the incident. In these cases, victim officers will not write a report as directed in 300.11, documenting the use of force. The use of force will be documented via other assigned personnel.
 - 2. The Chief of Police, or designee, is the only SPD member allowed to turn a criminal or administrative investigation over to an allied law enforcement agency or group (e.g., Pima Regional Critical Incident Team (PRCIT)).

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300.13 MEDICAL CONSIDERATION

- A. Separate from or associated with police use of force or a police action, officers when in a position to do so, shall render First Aid and call for medical assistance for persons in need of such assistance.
- B. Officers shall promptly inquire, or cause another SPD member to promptly inquire about injuries or complaints of pain in all situations where a use of force requiring documentation (300.11 subsections 1 through 14) has been applied against a person. The inquiry should consist of direct questions to the person, on which force has been used, to help determine if they have been injured or are in pain associated with the application of a use of force or other police action. Prior to booking or release of a suspect, arrestee, detainee, or involved party of any type, officers shall ensure medical attention is provided, or minimally offered, as soon as practicable, when a person has sustained an injury, alleges an injury or has been rendered unconscious from a use of force or other police action.
- C. An officer shall promptly render First Aid whenever it is needed and they are able to do so. An officer shall continuously monitor a person who has been injured, alleges injury or has been rendered unconscious from a use of force or other police action until professional medical aid is able to assist and take custody of the person. Medical attention of injured parties shall be conducted by a doctor, nurse, emergency medical technician, or equally or greater skilled medical professional. Officers shall document the title, name and organization of the medical professional (hospital, jail, EMS official, etc.) in their police report. An officer shall promptly notify any person, law enforcement agency, juvenile facility, medical or other facility, which takes custody of an injured party, of any injury, complaint of pain, or medical needs and shall note this in their police report.

300.14 POLICY ISSUANCE OR REVIEW

03/27/2024 - Lt. Michael Falquez, SP115

04/01/2024 - Reviewed by Chief John Noland, SP002

09/03/2024 - Reviewed by Chief John Noland, SP002

04/10/2025 - Reviewed by Chief John Noland, SP002